

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Alterations & Additions to

'North Harbour Marina' at Gourlay Avenue, Balgowlah

Prepared for:

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JOB NO. 23396
September 2024

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Acknowledgement of Country

We respect and honour Aboriginal and Torres Strait Islander Elders past, present and emerging. We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples. We would like to recognise their ongoing connection to land, water and community.

This report has been prepared and reviewed in accordance with our quality control system. The report is a preliminary draft unless it is signed below.

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Job No: 23396

Document Issue	Date	Details
D	08 February 2024	DA Lodgement

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Date: 04 September 2024

For and on behalf of

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Abbreviation	Abbreviation Meaning
ADG	Apartment Design Guide
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AS	Australian Standard
ASS	Acid Sulfate Soils
BCA	Building Code of Australia
CBD	Central Business District
CC	Construction Certificate
CIV	Capital Investment Value
CMP	Construction Management Plan/Conservation Management Plan
Council	the Council
CPTED	Crime Prevention Through Environmental Design
CRZ	Critical Root Zone
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA Act	Environmental Planning and Assessment Act 1979
EPA Reg	Environmental Planning and Assessment Regulations 2021
EUR	Existing Use Rights
FFL	Finished Floor Level
FSR	Floor Space Ratio
GFA	Gross Floor Area
GCC	Greater Cities Commission (formerly GSC : Greater Sydney Commission)
HCA	Heritage Conservation Area
HIA/HIS	Heritage Impact Assessment/Heritage Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
MHWM	Mean High Water Mark
NCC	National Construction Code
NSW	New South Wales
NSWLEC	NSW Land and Environment Court
OC	Occupation Certificate
OSD	On-Site Detention
PCA	Principal Certifying Authority
PoM	Plan of Management
POS	Private Open Space
PP	Planning Proposal
REF	Review of Environmental Factors
RFB	Residential Flat Building
RL	Reduced Level
RMS	Roads and Maritime Services (see TfNSW)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SP	Strata Plan
SWMP	Stormwater Management Plan
TfNSW	Transport for New South Wales
TPZ	Tree Protection Zone
VENM	Virgin Excavated Natural Material
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design
ZFDTG	Zero Fort Denison Tide Gauge (0.925 below AHD)

1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for Addenbrooke Pty Ltd by George Karavanas Planning Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning.

This SEE is to accompany a Development Application (DA) to Northern Beaches Council for the alterations and additions to the existing North Harbour Marina (formerly Davis Marina).

Designed by Vision Group Architects and International Marina Consultants, the proposal comprises the removal of ten (10) commercial swing moorings, relocation of four (4) private swing moorings, the provision of nine (9) additional berths across the eastern and western arms, and the removal of two (2) existing slipways replaced with seventy-two (72) dinghy storage racks and an associated decking area. The proposal is also for the facilitation of a new kiosk as an on-premises venue within the existing Marina Building with a small extension to the existing deck.

The proposal seeks to provide improved berthing facilities for customers with the provision of additional berthing options of varying sizes, as the demand for the facility increases. The proposed works do not involve any changes to the existing Marina Building on the site, with the exception of internal amendments to accommodate the provision of a kiosk and two new windows at the northern elevation of the building. The associated deck extension will allow for the operation of this kiosk and will accommodate outdoor seating for customers of both the Marina and kiosk. It is also proposed to clean up the existing passive watercraft storage on the foreshore surrounding the Marina with the provision of dinghy storage racks on the existing slipway piles.

As the proposed works are located below the Mean High Water Mark (MHWM), under the definition of a Marina, consent is sought from Northern Beaches Council.

In our opinion, the proposed development satisfies the relevant zone objectives in the State Environmental Planning Policy (SEPP) Biodiversity and Conservation 2021 and the controls of Sydney Harbour Foreshores and Waterways Area Development Control Plan (DCP) 2005. The proposal complies with the key controls being foreshore access, built form, commercial marinas, mooring piles and the boatshed development standards of the DCP. The proposal also complies with objectives in the SEPP Biodiversity and Conservation 2021 and the relevant controls of Manly Development Control Plan (DCP) 2013.

This document is divided into six sections. Section 2 contains a site analysis; Section 3 provides details of the proposal; Sections 4 and 5 contains the detailed assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPA Act); and Section 6 concludes the report.

This report is accompanied by an Aquatic Ecology Impact Assessment, BCA Report, Operational & Environmental Management Plan, Cost Estimate Letter, Hydrographic Survey, and Traffic & Parking Statement.

2.0 SITE ANALYSIS

This section contains a description of the following: The Locality; Site Description; Existing Built Form and Landscaping; and Existing Character and Context.

2.1 The Locality

The subject site is located approximately 8.5km northeast of the Sydney CBD, 1km from Manly Vale Local Centre and is located within the Northern Beaches Local Government Area (LGA) (see **Figure 1**).



Source: SIX Maps


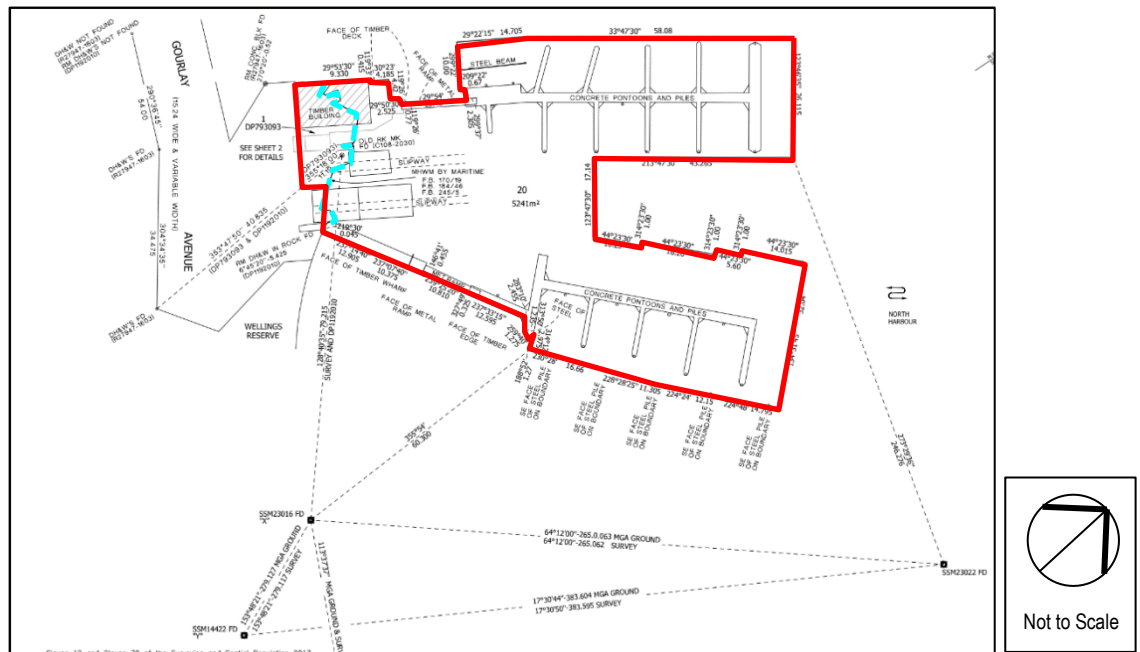
 Subject Site

Figure 1: Location Plan

2.2 Site Description

The subject site is located on the northern side of Gourlay Avenue on the foreshore of the Jilling Cove within North Harbour and is known as North Harbour Marina (formerly Davis Marina), described as Lot 10 in DP 192010 and Lot 1 in DP793093.

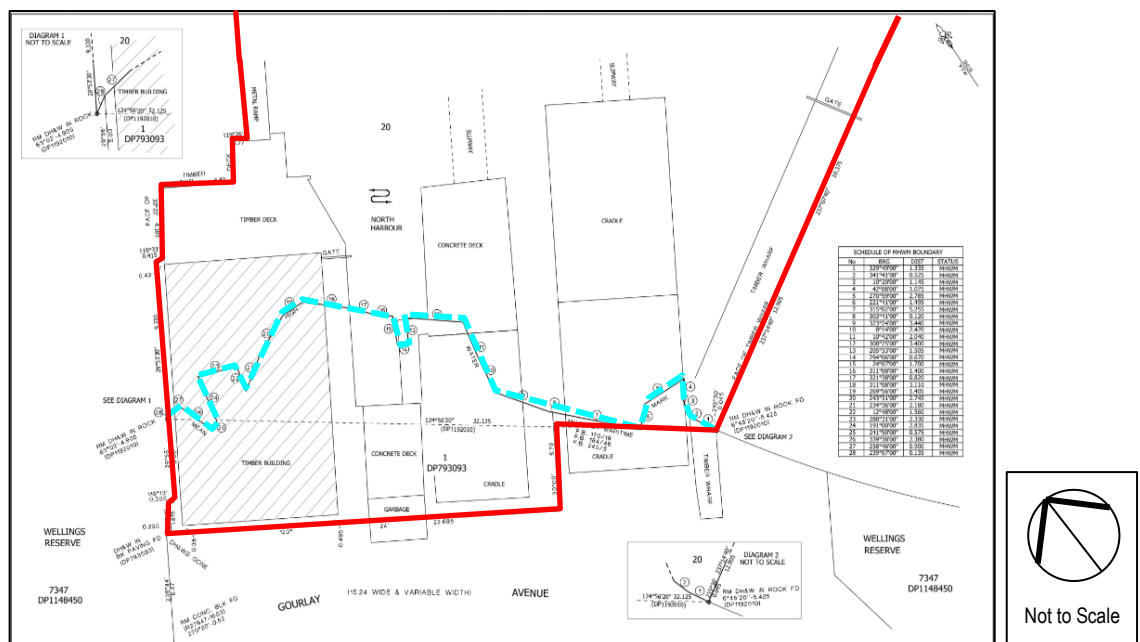
The site is an irregular parcel of land, with development situated both above and below the MHWM. The site has a total area of 5241m² (see Figures 2 & 3).



Source: Andrew P. Mason

Figure 2: Survey Plan of the Subject Site

Subject Site
 MHWM



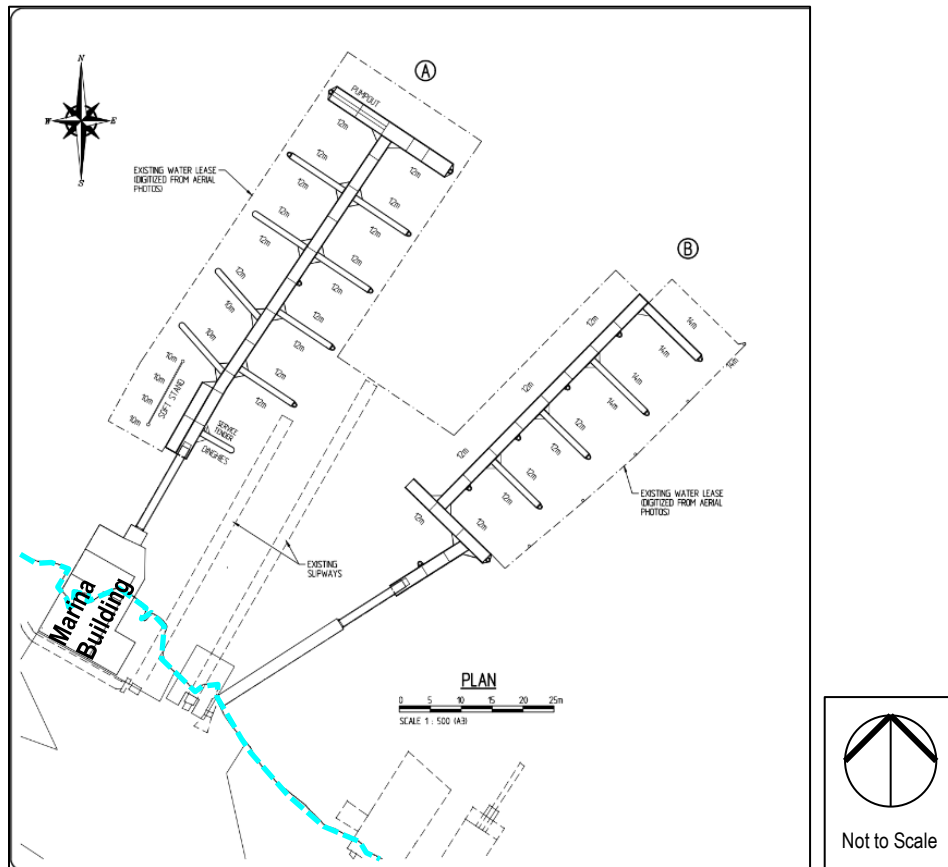
Source: Andrew P. Mason

Figure 3: Detailed Survey Plan Showing Marina Building and Slipway Structures

Subject Site
 MHWM

2.3 Existing Built Form and Landscaping

The site is occupied by a single storey timber Marina Building (situated below MHW) with a pitched tiled roof and an adjoining timber wharf (see **Figure 4** and **Photographs 1 & 2**). The building accommodates onshore amenities including a small kitchen, office spaces, water and power to service the commercial swing moorings and berths, shipwright/workshop services, a tender service (to transport customers to their moored craft) and passive craft storage. A toilet and shower block is separate from the main Marina Building, situated above the MHW on land leased from Northern Beaches Council.



Source: International Marina Consultants

Figure 4: Existing Site Plan

— MHW



Photograph 1: The building, as viewed from Gourlay Avenue



Photograph 2: The building, as viewed from the rear

The subject site also contains two arms as well as fifty one (51) commercial swing moorings (see **Photograph 3**). The western arm (Arm A) comprises soft stand and floating berths totalling to twenty two (22) of varying lengths. The eastern arm (Arm B) comprises only floating berths totalling to thirteen (13) of varying lengths. Additionally, to the east, there are two slipways with cradles. All structures are supported by piles or are floating.



Source: Addenbrooke Pty Ltd

Photograph 3: The western and eastern arms, as viewed from the air

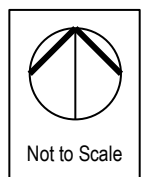
2.4 Existing Character and Context

Due to the site's location on the foreshore, the immediate surrounding area consists of public bushland, beach and waterways. Development within the context of the site consists of elevated low-density residential dwellings, small commercial marinas, other water-based activity development (including sailing clubs and sea scouts), and coastal walking routes (see **Figure 5**).



Source: Six Maps

Figure 5: Aerial Image of Surrounding Development



Development to the North

To the north of the subject site is the waters of Jilling Cove, public bushland and a number of elevated low-density residential developments across the foreshore (see **Photograph 4**). Also, to the north, across the cove is 'Manly Boatshed', a two-storey timber boatshed with wharf, pontoon, passive craft storage, kiosk, slipways and first floor dwelling (see **Photograph 5**). This marina recently underwent alterations and additions of a similar nature, comprising a new pontoon and kiosk, approved under DA No.514/2020 in December 2020.



Photograph 4: Jilling Cove, as viewed from the end of Arm A



Photograph 5: The Manly Boatshed, as viewed from the rear

Development to the East

To the east is the 'North Harbour Sailing Club', a single storey timber building with a pitched tiled roof and secondary two storey storage structure (see **Photograph 6**). Also to the east is Wellings Reserve and access to Forty Baskets Beach via the North Harbour Coastal Walk (currently under construction) (see **Photograph 7**).



Photograph 6: The North Harbour Sailing Club, as viewed from Gourlay Avenue



Photograph 7: The North Harbour Coastal walk, as viewed from Gourlay Avenue

Development to the South

To the south is Welling's Reserve, a large public bushland area that connects the Balgowlah residential area to the foreshore (see **Photograph 8**). Also to the south is a small parking area along Gourlay Avenue, which provides parking for the beach, Marina, Sailing Club and coastal walk (see **Photograph 9**).



Photograph 8: Welling's Reserve, as viewed from the Gourlay Avenue



Photograph 9: Public parking, as viewed from Gourlay Avenue

Development to the West

Immediately to the west is the foreshore of Jilling Cove (see **Photograph 10**). Further to the west are a number of two storey residential buildings with pitched roofs along Gourlay Avenue (see **Photograph 11**).



Photograph 10: The foreshore of Jilling Cove, as viewed from the subject site



Photograph 11: No. 8 Gourlay Avenue, as viewed from Gourlay Avenue

2.5 Site Constraints

2.6.1 Bushfire Prone Land

The subject site is listed as a Bushfire Prone Land, Vegetation Buffer, as it is within distance to Vegetation Category 1 (see Figure 6).

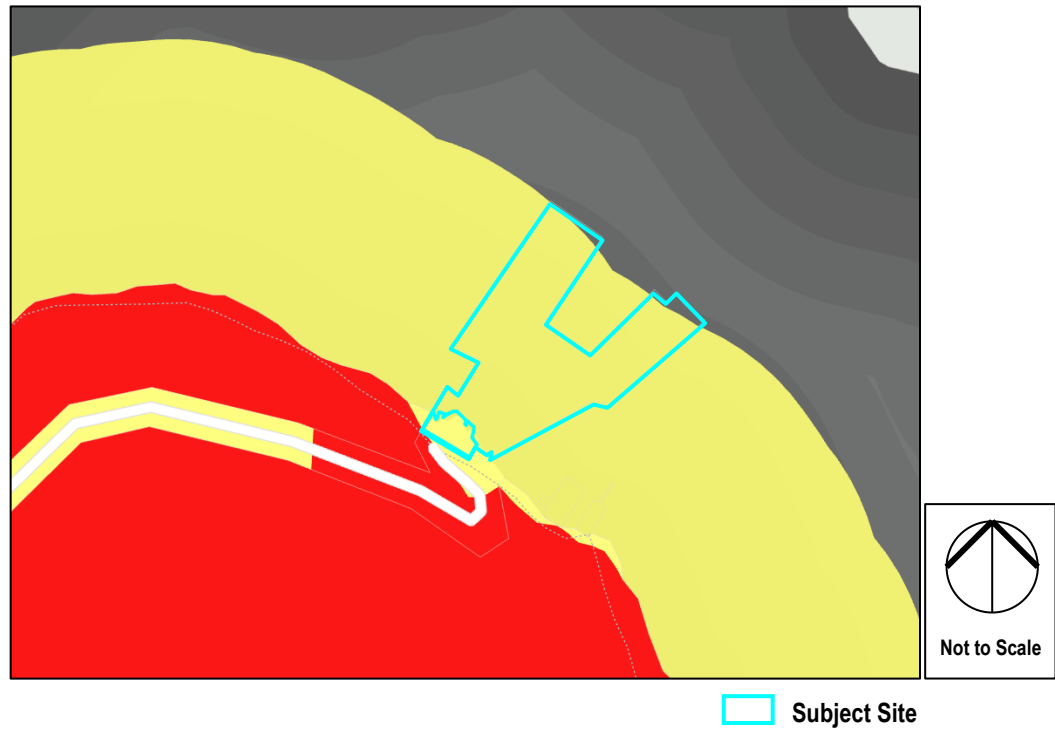


Figure 6: Northern Beaches Council - Bushfire Prone Land Map



3.0 THE PROPOSAL

This section will describe the following: The Background to the Proposal; Built Form and Land Use; Access and Parking; and Operation.

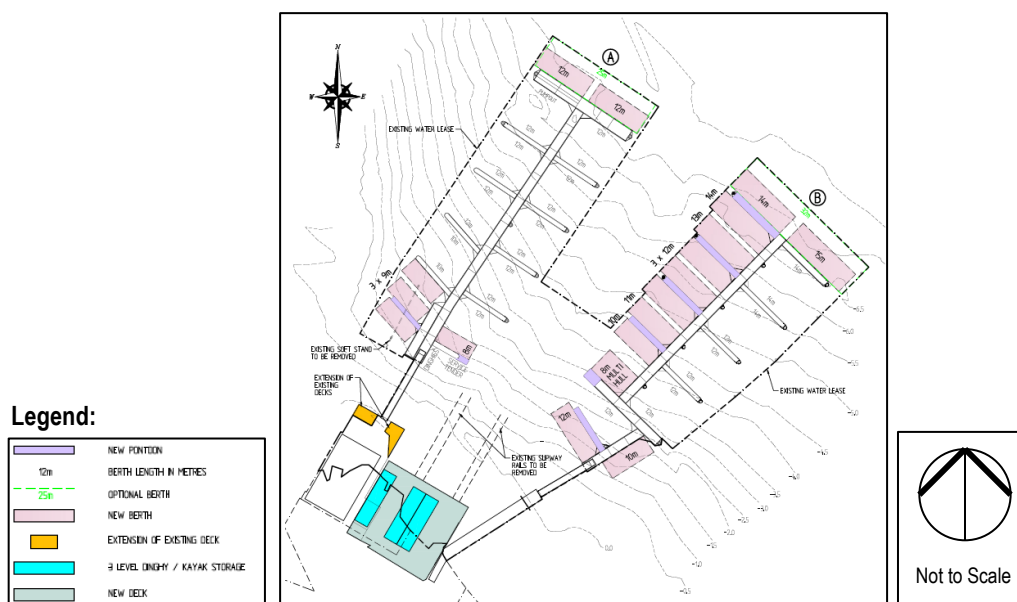
3.1 Background to the Proposal

On **15 December 2023**, a formal permission to lodge (PTL) letter was provided to Transport for NSW (TfNSW) to request permission to lodge an application relating to alterations and additions of the North Harbour Marina. This application is currently under consideration by TfNSW.

On **25 March 2008**, a Development Application (DA 86/2008) was submitted with Manly Council (now amalgamated under Northern Beaches Council) for alterations and additions including the upgrade of Marina facilities at Gourlay Avenue (known as Davis Marina at the time of submission). On **18 June 2009**, the application was approved by the Manly Independent Assessment Panel, subject to conditions.

3.2 Built Form and Land Use

It is proposed to undertake alterations and additions to the existing Marina including its associated facilities and services. This consists of removing ten (10) commercial swing moorings, relocating four private (4) swing moorings, the provision of nine (9) additional berths across the eastern and western arms, the removal of the existing two (2) slipways and replaced with seventy-two (72) dinghy racks with associated decking, and the facilitation of a new kiosk (as an on-premises venue) with the associated deck extension to the existing Marina Building (see **Figure 7**). All proposed works are situated below the MHWL.



Source: International Marina Consultants

Figure 7: Overview of Proposed Site Works

The proposed alterations and additions are to facilitate the growing nature of the Marina and its patron basis while improving its overall amenity. This is also achieved through the provision of a new kiosk which will service patrons as well as the general public, being those passing through along the Coastal Walk.

A floor by floor description is provided on the following pages. Further details of the proposed development are contained in the architectural drawings, separately submitted.

Berths

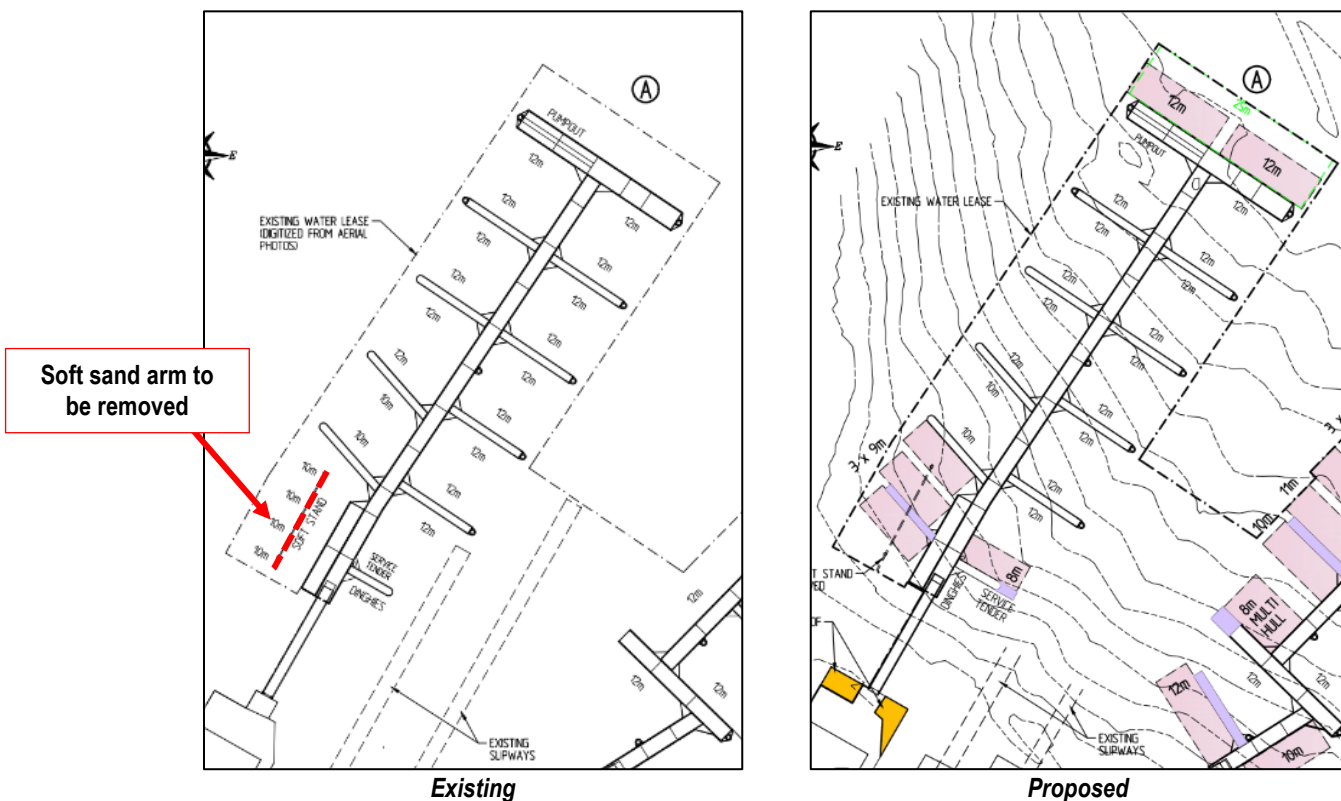
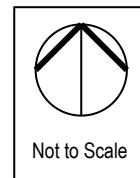
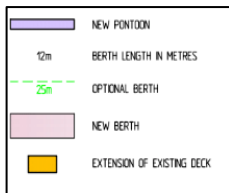
The Marina currently comprises two floating arms which accommodate a combined total of thirty five (35) floating and soft sand berths of varying sizes.

Western Arm (see Figure 8):

The western arm (Arm A) currently consists of twenty two (22) berths ranging from 10m to 12m in length. It is proposed to remove the soft stand arm which held four berths closest to the building, to accommodate the provision of a new floating finger pontoon with two berths of 9m. The removal of the soft stand arm will also allow for an additional 9m berth to an existing finger pontoon. It is also proposed to extend the existing service tender finger pontoon to accommodate one 8m berth as well as the service tender. A floating 25m T-head berth is also proposed at the end of the existing arm which can take two smaller vessels (12m each) or one larger (25m) vessel depending on occupancy and future demand. The pumpout and casual berth will be relocated to a more protected berth, south of the T-Head. Alterations and additions to this arm involves the installation of two new finger pontoons only and no new piles. This is further shown in **Table 1** below:

TABLE 1: WESTERN ARM BERTH SCHEDULE		
Berth Size	Existing	Proposed
Soft Stand (10m)	4	0
8m	0	1
9m	0	3
10m	2	2
11m	0	0
12m	15	16
Pump out	1	1
Total:	22	23

Legend:



Source: International Marina Consultants
Figure 8: Proposed Western (Arm A) Berth Plan

Eastern Arm (see Figure 9):

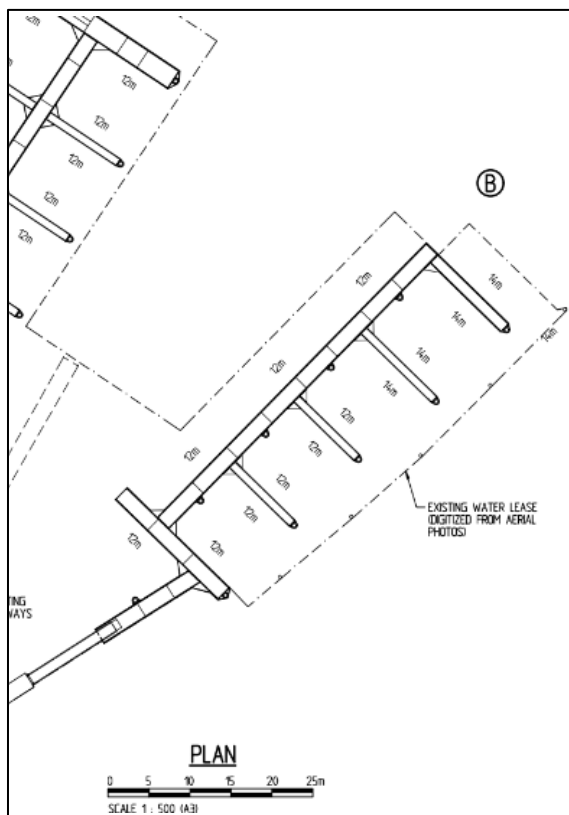
The eastern arm (Arm B) currently consists of thirteen (13) berths ranging from 12m to 14m in length. It is proposed to add an additional 5 floating arms and extend one existing arm to accommodate an additional eight (8) berths. A floating 32m T-head berth is also proposed at the end of the existing arm which will either take with two smaller vessels (14m & 15m) or one larger (32m) vessel depending on occupancy and future demand. Alterations and additions to this arm involves the installation of three (3) new piles, and 6 finger pontoons as required. This is further shown in **Table 2** below:

Berth Size	Existing	Proposed
8m	0	1
9m	0	0
10m	0	2
11m	0	1
12m	9	10
13m	0	1
14m	4	5
15m	0	1
Total:	13	21

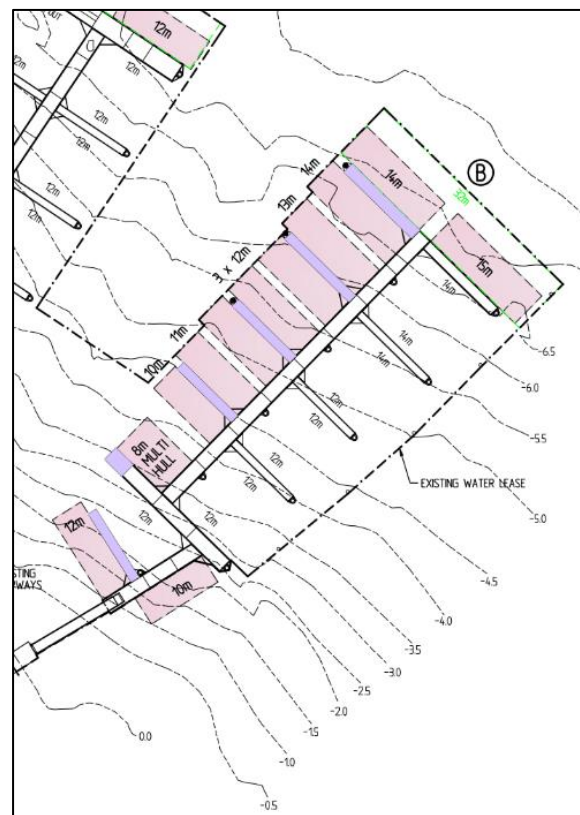
Legend:

- NEW PONTOON
- 12m BERTH LENGTH IN METRES
- 25m OPTIONAL BERTH
- NEW BERTH
- EXTENSION OF EXISTING DECK

Not to Scale



Existing



Proposed

Source: International Marina Consultants

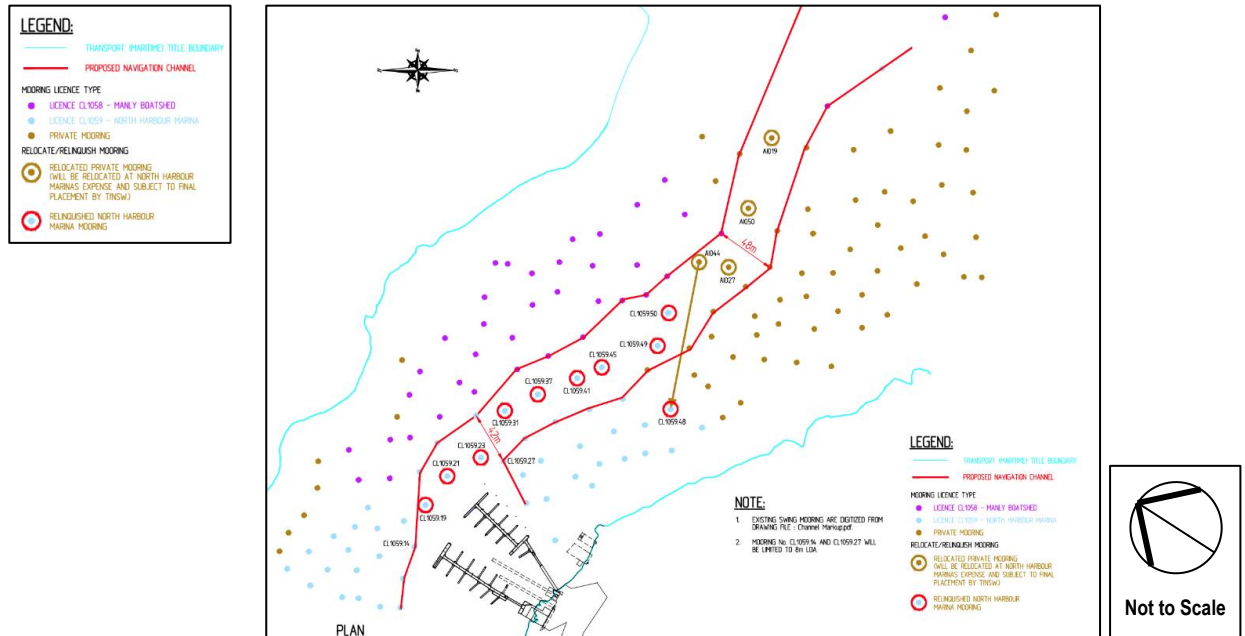
Figure 9: Proposed Eastern (Arm B) Berth Plan

Overall, the proposal will provide a total of forty four (44) berths across the Eastern and Western Arms, assuming each T-Head is occupied by two berths.

Swing Moorings (see Figure 10)

The Marina comprises a total of fifty one (51) commercial swing moorings offshore from the Marina which surround the two Marina arms within the Jilling Cove.

It is proposed to remove ten commercial (10) swing moorings and relocate four private (4) swing mooring. This will create a wider navigation channel for boats navigating in Jilling Cove.



Source: International Marina Consultants

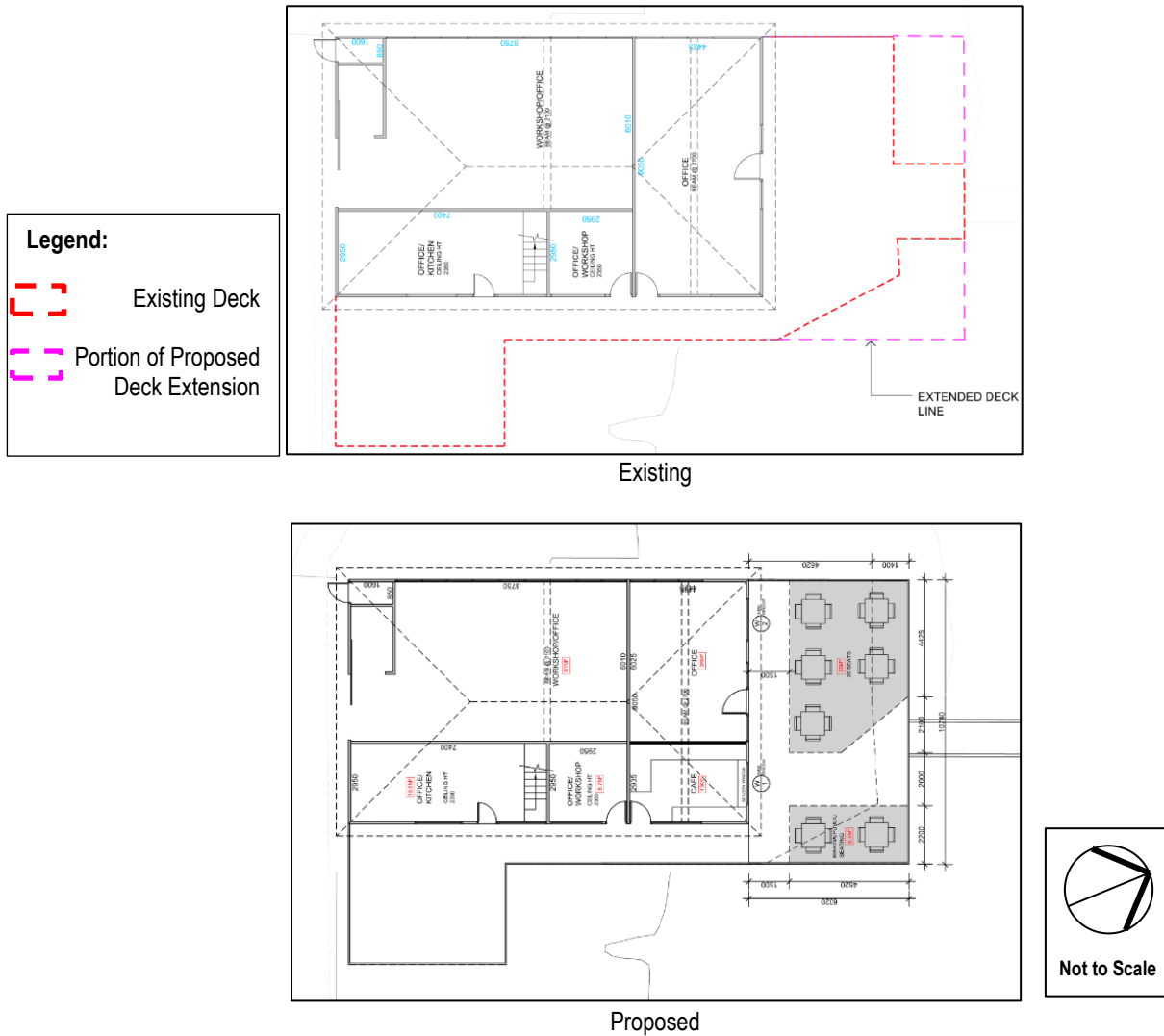
Figure 10: Proposed Commercial Swing Mooring

Marina Building

The Marina Building currently comprises a kitchen, various office areas and workshop spaces. It is proposed to extend the deck to the rear of the building with internal amendments to accommodate the provision of a new kiosk. Further details of these alterations and additions is provided below.

Deck Extension

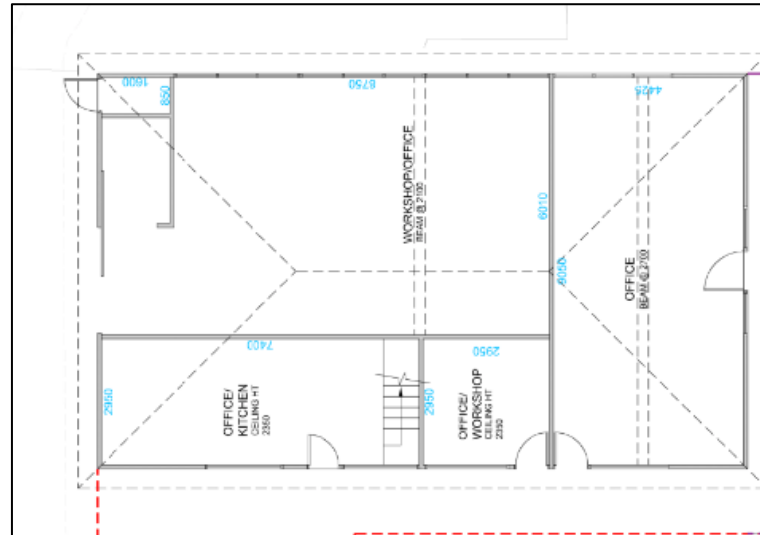
Alterations and additions to the Marina Building consist of extending and ‘squaring off’ the external decking area to the rear of the building to accommodate external kiosk seating (see **Figure 11**). This includes the installation of four (4) new piles, bearers and joists as required.



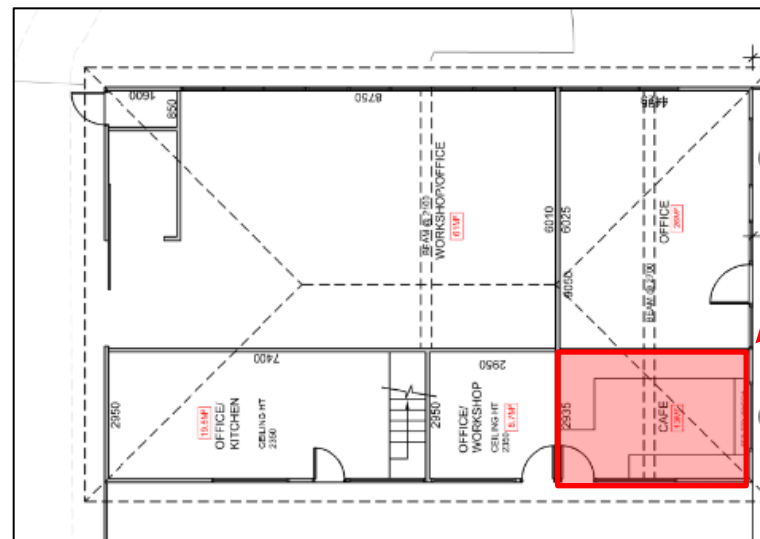
Source: Vision Group Architects
Figure 11: Building Deck Plan

Kiosk

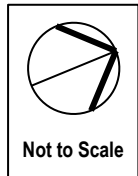
It is also proposed to divide the large rear office space to support the proposed 'hole in the wall' kiosk within the building (see **Figure 12**). This includes the provision of two new windows to the northern elevation and associated internal wall reconfiguration. The kiosk will only serve light refreshments (food and beverage) to cater predominantly for customers of the Marina, but to also be available to the general public such as users of the Coastal Walk that passes by the site. It should be noted that the proposed kiosk will be ancillary to the existing Marina use.



Existing



Proposed location of new kiosk



Proposed

Source: Vision Group Architects

Figure 12: Building Floor Plan

Dinghy Storage (see Figure 13)

Additionally, it is proposed to remove the existing two (2) slipways on site to accommodate the provision of dinghy storage racks which can hold up to seventy-two (72) dinghies and/or passive watercraft, as well as an associated decking area. This will be provided on existing piles and will service the dinghies currently stored on the foreshore near the Marina, tidying up the foreshore and representing a better planning outcome for the site.

It should be emphasised that the proposed racking will be mainly occupied by local dinghy owners in the Jilling Cove and other passive watercraft such as kayaks or paddle boards at market rates.



Source: Vision Group Architects
Figure 13: Dinghy Storage Plan

3.3 Access and Parking

The site has pedestrian access from the end of Gourlay Avenue, via a paved road and walking pathway (Sydney Harbour National Parks Coastal Walk) to the main entrance of the Marina. Vehicle access is via Gourlay Avenue, which also provides 22 parking spaces above the Marina, as well as 5 informal spaces at the end of Gourlay Avenue. The proposal in fact results in a reduction to the parking demand.

Pedestrian access to the floating pontoons and their respective berths is via the two individual locked wharf gates. Access to the individual commercial swing moorings is via the Marina's tender service, dinghies or by private means.

For further details regarding access and parking are contained in the Traffic Report and additional Assessment Letter, both prepared by Christopher Hallam (separately submitted).

3.4 Operation

The proposed development will retain the hours of operation as existing, with the exception of the kiosk as a new ancillary facility. The overall kiosk hours extend from 6am to 9pm, however there will be no use of the outdoor seating area after sunset, and doors and windows to the kiosk will be closed after sunset in order to mitigate any potential noise impacts.

The hours of operation for all facilities and services are outlined in **Table 3** below:

TABLE 3: OPERATION HOURS AND DETAILS	
Facility/ Service	Operational Details
Existing, to remain	
Building/Marina (including tender services)	Monday to Friday 9am – 4pm Saturday to Sunday (and public holidays) 9am - 5pm <ul style="list-style-type: none"> Access by patrons to berth craft storage and swing moorings is not restricted to these hours
Workshop and Shipwright Activities	Monday to Friday 9am – 5pm Saturday to Sunday (and public holidays) 9am - 5pm <ul style="list-style-type: none"> Doors and windows to workshop will be closed during any noise-generating works
Proposed	
Kiosk (Ancillary to Marina)	Monday to Sunday 6am – 9pm (and public holidays) <ul style="list-style-type: none"> Doors and windows to kiosk and any seating area will be closed <ul style="list-style-type: none"> Prior to 6am (Monday to Sunday and public holidays); After sunset (Monday to Sunday and public holidays) Outdoor seating will only be used 6am to sunset Monday to Sunday and public holidays No more than 20 patrons shall be permitted within the kiosk seating area (outdoor only)
Dinghy Storage	Monday to Sunday sunrise - sunset (and public holidays) <ul style="list-style-type: none"> Passive use by locals on their own accord

For further details regarding the operation of services, facilities and activities on site, refer to Marina's Plan of Management.

4.0 PLANNING CONTROLS

Pursuant to Section 4.15 of the EPA Act, this section assesses compliance with the planning instruments applicable to the site in accordance with the relevant matters for consideration. The relevant planning instruments include:

- Environmental Planning and Assessment Act (EP&A Act) 1979;
- Environmental Planning and Assessment Regulation (EP&A Regulation) 2021;
- State Environmental Planning Policy (SEPP) – (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021; and
- Sydney Harbour Foreshores Development Control Plan (DCP) 2005.
- Manly Local Environmental Plan (LEP) 2013; and
- Manly Development Control Plan (DCP) 2013.

4.1 Overview of Zoning and Consent Authority

4.1.1 Zoning

The site is located within the Foreshore and Waterways Area and has development situated above and below the MHWL, subject to mixed zoning. Development above the MHWL is zoned RE1 Public Recreation under the Manly Local Environmental Plan (MLEP) 2013, which commenced operation on 19 April 2013. Development situated below the MHWL is zoned Area 2 – Environment Protection under the SEPP Biodiversity and Conservation 2021, which commenced operation on 1 March 2022. The proposed alterations and additions to the existing Marina are prohibited in the zone under the MLEP 2013, however permissible with consent as land identified under the Sydney Harbour Special Purposes (Marinas and Boat Building and Repair Facilities) Map Sheet SPM_002 accompanying the SEPP Biodiversity and Conservation 2021.

Further details pertaining to the zoning of the site and the relevant controls and provisions underneath, is discussed below.

4.1.2 Consent Authority

Pursuant to Section 6.25(2) of SEPP Biodiversity and Conservation 2021, the consent authority for development within the Foreshores and Waterways Area, is carried out below the MHWL, and for the purposes of Marinas and kiosks, is the Minister administering the EP&A Act 1979.

Therefore, Northern Beaches Council is the consent authority for this application as the Minister pursuant to the EP&A Act 1979.

4.2 Designated Development

Section 4.10 of the EP&A Act relates to designated development and states, inter alia:

“Designated development is development that is declared to be designated development by an environmental planning instrument or the regulations.”

Section 7 of the EP&A Regulation 2021 states that development described in Schedule 3, Part 2 is declared to be designated development. The North Harbour Marina aligns with the requirements of designated development under Clause 32 associated with Marinas and related land and water shoreline facilities, being a Marina that is:

- with an intended capacity of 30 or more vessels of any length,
- located within 100 metres of a wetland or aquatic reserve,
- of a ratio of car park spaces to vessels of less than 0.5:1, and
- for the purposes of a boat repair or maintenance facility with an intended capacity of 1 or more vessels with a length of 25 metres or more, or 5 or more vessels of any length at any one time

The proposed Marina will have a total capacity of 44 berthed vessels (and 41 swing moorings) of lengths varying from 8m to 15m and is located within 100 meters of a wetland (as identified within Sheet 16 of the Sydney Harbour Foreshores and Waterways Area DCP). The site does also not provide any additional car parking in this application.

The Regulation specifies however, at Clause 48 of Schedule 3, Part 3, a number of factors are to be taken into consideration by a consent authority in forming its opinion as to whether alterations and additions are designated development. Assessment of the proposed development against these criteria is detailed below:

- (1) *Development involving alterations or additions to development, whether existing or approved, is not designated development if, in the consent authority's opinion, the alterations or additions do not significantly increase the environmental impacts of the existing or approved development.*
- (2) *In forming its opinion, a consent authority must consider the following—*
 - (a) *the impact of the existing development, including the following—*
 - (i) *previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice,*
 - (ii) *rehabilitation or restoration of any disturbed land,*
 - (iii) *the number and nature of all past changes and their cumulative effects,*
 - (b) *the likely impact of the proposed alterations or additions, including the following—*
 - (i) *the scale, character or nature of the proposal in relation to the development,*
 - (ii) *the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is, or will be, carried out and the surrounding locality,*
 - (iii) *the degree to which the potential environmental impacts can be predicted with adequate certainty,*
 - (iv) *the capacity of the receiving environment to accommodate changes in environmental impacts,*
 - (c) *proposals to mitigate the environmental impacts and manage residual risk,*
 - (d) *proposals to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.*

Response 2(a):

The Marina has a proven history of responsible environmental management, being established in 1946 and under the ownership and management of the single owners until mid-2023, with no environmental management issues arising. New ownership will continue to ensure no environmental management issues arise.

The Marina operates in accordance with leases from TfNSW, Northern Beaches Council and Crown Lands.

The existing development does not result in any disturbed land that would require rehabilitation or restoration. The existing structures are located above the water on piles, and therefore generally has negligible impact on land.

The existing Marina Building on site has not been substantially changed since establishment in 1946. Historic building application approvals (1993 - 2008) exist. The only recent development application has been alterations and additions approved under DA 86/2008, to upgrade the Marina with more

contemporary facilities. These were undertaken with reference to recommendations from a Marine Ecology Impact Assessment.

Response 2(b):

The proposed alterations and additions to the existing Marina only result in minor increases to the decking and pontoon footprints. The provision of an extended deck and additional pontoons significantly improve the facilities in a manner which is non-intrusive and that have a bulk and scale which is in keeping with the surrounding water-dependant uses. In any case, ten (10) moorings are proposed to be relinquished which improve the overall safety of navigation within Jilling Cove. Overall, the proposal does not significantly alter the existing scale, character or nature of the site.

The proposal will have negligible impact on existing vegetation, being located on piles above the water. Other potential environmental impacts will be minor. An Aquatic Ecology Impact Assessment is submitted with this application which concludes that there will be no significant impact from the proposed development and that the provision of additional piles for the berthing will in fact likely lead to a beneficial impact of increased fish habitat. There would also be less navigational hazards arising from the proposal compared to the present usage and layout of the facility with the relinquishment of a number of moorings.

In terms of scenic character, the proposal provides for an improved visual aesthetic that is in keeping with the character of the area and provides a much improved modernised development that meets the demands of the growing facility. The proposed alterations and additions also largely sit within the existing footprint and visual shadow of the existing Marina. The proposed dinghy storage will also tidy up the foreshore surrounding the Marina and create a better scenic character for the site.

In terms of noise, as the site will continue to predominantly operate as a Marina, it is unlikely that there would be significant additional noise generation associated with the proposal after the construction phase. The kiosk will only be used for light refreshments, with noise only limited to the operational hours between 6am and 9pm. It should also be noted that the site is located at a distance from neighbouring residential dwellings and therefore is unlikely to pose any additional noise impacts to these residents.

The potential impacts can be reasonably predicted based on the current operation of the Marina, and the additional consultant studies that have been undertaken in support of the application.

The capacity of the receiving environment to accommodate changes is considered as part of the specialist consultant studies that have been undertaken to support this application, specifically the Aquatic Ecology Impact Assessment.

Response 2(c):

The proposal will mitigate any potential environmental impacts from the proposal by ensuring to follow recommendations from accompanying consultants. This is further exemplified in Section 5.0 of this report as well as the Aquatic Ecology Impact Assessment, Geotechnical Slope Stability Risk Assessment and Construction Environment Management Plan (CEMP).

Response 2(d):

Measures include the preparation of a CEMP to manage construction activities, and an Operational Environmental Plan of Management to manage ongoing operations of the Marina.

Therefore, these characteristics demonstrate that the proposed alterations and additions will not result in a significant increase in the environmental impacts of the total development by comparison to the existing development, deeming the proposal to not fall under designated development.

4.3 Integrated Development

The proposed development is classified as 'Integrated Development' under Section 4.46 of the EP&A Act pursuant to Section 91(2) of the Water Management Act 2000, which requires approval for any 'specified controlled activity at a specified location in, on or under waterfront land'. A controlled activity is broad and includes the carrying out of work, erection of a building, removal and/or deposition of material, and the carrying out of any other activity that affects the quantity or flow of water in a water source.

Approval(s) under the Fisheries Management Act 1994 are not required for the proposed development. In terms of the requirement for a permit under Section 205 for harm to marine vegetation, the Aquatic Ecology Impact Assessment prepared by Marine Pollution Research Pty Ltd (submitted with the application) identifies that a permit is not required as the project would result in an increase in available seagrass and macroalgae habitat.

4.4 State Environmental Planning Policy (SEPP) – (Biodiversity and Conservation) 2021

SEPP (Biodiversity and Conservation) 2021 was gazetted on 1 March 2022 and applies to the site. The provisions relating to Regulated Catchments and Foreshores and Waterways Area are further discussed below.

4.4.1 Development in Regulated Catchments

The provisions of Part 6.2 of SEPP (Biodiversity and Conservation) 2021 apply to the subject site, which is identified as being within a regulated catchment (Sydney Harbour Catchment area). In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider matters relating to water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management.

The proposed scope of works within the Sydney Harbour Catchment Area relate to the provision of additional berths to both the eastern and western arms, the relinquishment of several swing moorings, and the facilitation of a new kiosk and associated deck extension to the existing Marina Building. The proposal has been designed, to ensure that the proposed works do not result in adverse impacts on the Sydney Harbour Catchment. The proposed works have been designed, sited and will be managed to minimise any adverse effects on the following:

- Waterways, natural waterbodies, water table, ground water and environmental impacts on the Sydney Harbour Catchment;
- Terrestrial, aquatic or migratory animals or vegetation, aquatic reserves and wetlands;
- Erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody;
- Water quality of a natural waterbody if flooding were to occur;
- Natural recession of floodwaters into wetlands or other riverine ecosystems;
- Recreational land uses or public access to and around foreshores; and
- The Sydney Harbour Catchment area overall.

In considering Clause 6.9 under Part 6.2, the proposal will support recreational access to the foreshore, which will enable recreational land uses in the regulated catchment. It is noted that the proposed additional berthing platforms and extended deck will continue to provide access to waters classified as Zone 2 – Environment Protection. The proposal will not affect public access along the foreshore.

Similarly, as the site is located within 100m of a natural waterbody in a regulated catchment, Clause 6.11 requires the consent authority to consider the following:

- (a) *the land uses proposed for land abutting the natural waterbody are water-dependent uses, and*
- (b) *conflicts between land uses are minimised.*

With regard to subclause (a), the land relating to the proposal will continue to operate as a Marina and as a water-dependent use. Accordingly, the proposal is considered to satisfy the relevant subclause (b) by maintaining the existing interface between the existing Marina and the Sydney Harbour Foreshore, eliminating any possible conflict.

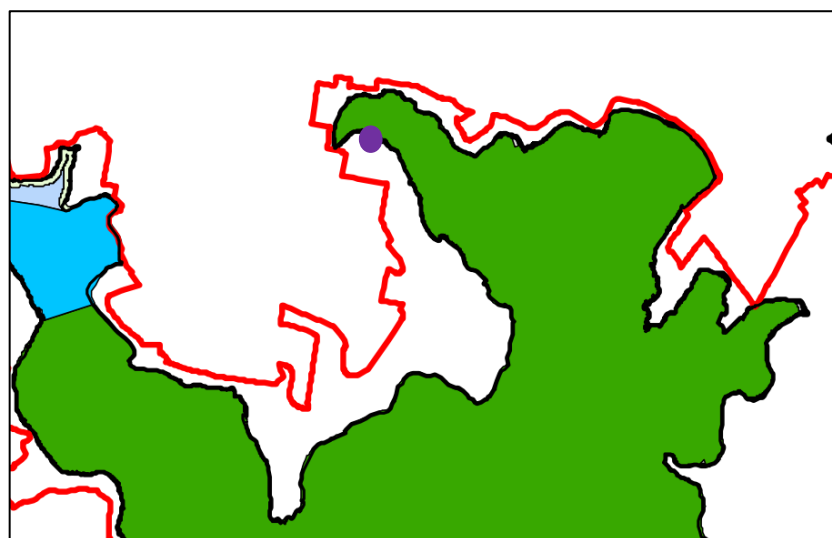
In considering Clause 6.18, the proposal does not impact upon the collection, storage, treatment and disposal of sewage and waste. In any case, these uses are situated above the subject site and away from the foreshore to minimise any possible impacts. Similarly, the proposal will ensure that the depth of water is maintained as existing to allow for safe and sustainable Marina use. This includes the continued provision of stable land and structures that adjoin the foreshore, including the Marina Building and Marina piles. Therefore, development is not proposed to have an adverse impact on the foreshore or the bed of a natural waterbody.

It should be noted that this proposal does not relate to the addition of any moorings, only to the removal of ten.

Overall, the proposal is also considered to satisfy the provisions of Part 6.2 by maintaining the existing Operational Management Plan and by implementing the sufficient environmental provisions. It satisfies the regulations regarding water storage facilities, as required in Clause 6.21 by maintaining the existing stormwater treatment.

4.4.2 Development in Foreshores and Waterways Area

The Foreshores and Waterways Area Map indicates that the subject site adjoins Zone 2 – Environment Protection, as part of Sydney Harbour (see **Figure 14**). The proposed additional berths to both the eastern and western arms, and deck extension to the existing Marina Building is permitted with consent within the zone as land identified under the Sydney Harbour Special Purposes (Marinas and Boat Building and Repair Facilities) Map Sheet SPM_002.



Source: SEPP Biodiversity 2021

● Approx Location of Site

Figure 14: Sydney Harbour Foreshores and Waterways Area Zoning Map

The proposal is consistent with the objectives of the zone, which are as follows:

- O1** *To protect the natural and cultural values of waters in the zone.*
- O2** *To prevent damage to, or the possibility of long term adverse impact on, the natural and cultural values of waters in the zone and adjoining foreshores.*
- O3** *To enhance and rehabilitate the natural and cultural values of waters in the zone and adjoining foreshores.*
- O4** *To provide for the long-term management of the natural and cultural values of waters in the zone and adjoining foreshores.*

Response: The proposed alterations and additions to the existing Marina will continue to protect the natural and cultural values of the Jilling Cove by sustaining its primary operation as a berthing facility with the addition of a kiosk. The Marina will continue to promote responsible use of the marine environment by allowing for safe navigation and general good marine practices.

Due to the limited extent of works proposed, the long-term impact on the natural and cultural values of the Jilling Cove is likely to remain unchanged as result of the proposal. Any damage will be avoided and minimised to the aquatic biota at and around the site, as stated in the Aquatic Ecological Assessment.

Enhancement to the site's natural value is provided through the provision of new piles which attract algae and associated encrusting assemblage habitat that benefits overall fish utilization. This will ensure to counteract any direct damage from pile placement or potential shade loss.

Management of the Marina will continue to operate in accordance with the Operational/Environmental Management Plan, separately submitted.

Therefore, the proposal is deemed consistent with the objectives of the zone.

Clause 6.28 requires the consent authority to consider whether development consent should be granted to development in Foreshores and Waterways Area as follows, inter alia:

(1) In deciding whether to grant development consent to development in the Foreshores and Waterways Area, the consent authority must consider the following—

- (a) whether the development is consistent with the following principles—*
 - (i) Sydney Harbour is a public resource, owned by the public, to be protected for the public good,*
 - (ii) the public good has precedence over the private good,*
 - (iii) the protection of the natural assets of Sydney Harbour has precedence over all other interests,*
- (b) whether the development will promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft,*
- (c) whether the development will have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area,*
- (d) whether the development promotes water-dependent land uses over other land uses,*
- (e) whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change,*
- (f) whether the development will protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation,*
- (g) whether the development protects or enhances terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation,*
- (h) whether the development will protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.*

With regard to Clause 6.28(1), the proposal will continue to provide public access to the foreshore without impacting upon public foreshore access. This will support the use of the foreshore by passive recreation craft. As indicated, the proposal will not result in adverse impacts on the foreshore and will promote water-dependent uses, as opposed to land-based uses. As mentioned in the Aquatic Ecological Assessment, the proposal can be undertaken with a low risk of long-term impact on aquatic habitats at the site provided the potential impacts of the construction works are mitigated by the use of best practice construction methods outlined in the report.

(2) Development consent must not be granted to development in the Foreshores and Waterways Area unless the consent authority is satisfied of the following—

- (a) having regard to both current and future demand, the character and functions of a working harbour will be retained on foreshore sites,*
- (b) if the development site adjoins land used for industrial or commercial maritime purposes—the development will be compatible with the use of the adjoining land,*
- (c) if the development is for or in relation to industrial or commercial maritime purposes—public access that does not interfere with the purposes will be provided and maintained to and along the foreshore,*
- (d) if the development site is on the foreshore—excessive traffic congestion will be minimised in the zoned waterway and along the foreshore,*
- (e) the unique visual qualities of the Foreshores and Waterways Area and its islands, foreshores and tributaries will be enhanced, protected or maintained, including views and vistas to and from—*
 - (i) the Foreshores and Waterways Area, and*
 - (ii) public places, landmarks and heritage items.*

With regard to Clause 6.28(2), the proposal is undertaken with regard to the increasing demand of the site and facility, ensuring to retain the foreshore presence, character and function of the site. The increase in berths will meet the demand for this type of boat storage and helps give berthing to customers on the Marina's berth waitlist, which currently sits at twenty three (23). It is also noted that five (5) existing swing mooring customers sit on the waitlist and would move straight across to berthing. The development will continue to remain compatible with the commercial maritime purpose of the site and the adjoining public bushland. Public access to the foreshore will be maintained as existing. The proposal is unlikely to create additional traffic congestion due to the provision of substantial public parking and relinquishment of ten swing moorings, as stated in the Traffic report, separately submitted. In fact, it is proposed to reduce the overall parking demand of the site with the removal of two slipways, as mentioned in the additional Traffic assessment.

In respect to views, the proposal provides for an improved visual aesthetic that is in keeping with the character of the area and provides for a contemporary development that meets the demands of the growing facility. The alterations and additions proposed also largely sit within the existing footprint and visual shadow of the existing Marina.

Clause 6.32 applies to land identified as a rocky foreshore or significant seagrass area. The subject site fronts a rocky foreshore area in accordance with the Sydney Harbour Rocky Foreshores and Significant Seagrasses Map. Clause 6.32 requires the consent authority to be satisfied that the development satisfies the following, *inter alia*:

(3) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied the development—

- (a) will preserve and enhance the health and integrity of seagrasses, areas containing seagrasses and ecological communities in rocky foreshore areas, and*
- (b) will maintain or increase the connectivity of seagrass vegetation and natural landforms, and*
- (c) will prevent, or will not contribute to, the fragmentation of aquatic ecology, and*
- (d) will not cause physical damage to aquatic ecology.*

The Aquatic Ecological Assessment concluded that the proposal has been sited to minimise potential impacts on identified shallow plus deep seagrass beds, and with no impact on any threatened species

within the locality.

Clause 6.34 relates to the site with the provision of additional floating boat platforms. The provisions of this clause relating to compatibility, public access and water depth have been addressed above. In relation to whether the construction of the berths will not result in any adverse impacts on seagrass, including impacts from propellers and overshadowing from the floating pontoons or vessels; the proposal will provide pontoons and piles of compliant heights above the seabed that minimise any adverse impacts on seagrass and particularly overshadowing. The floating pontoons are also to have a minimum seabed clearance of 600mm, without the need for dredging. The proposed pontoons platforms will comply and will be at a minimum of 600m from the seabed. This is further addressed in the Aquatic Ecological Assessment.

As the subject site is a Marina within Zone 2 – Environment Protection, Clause 6.38 applies to the proposal. The objectives of Clause 6.38 are as follows:

Objective: *to maintain the working harbour character and functions of certain existing marinas and boat building and repair facilities by retaining their sites for maritime purposes*

Response: The proposed alterations and additions continue to maintain the character and function of the existing Marina by only providing necessary improvements to the berths in order to accommodate for a growing Marina that meets the demands of a growing facility. Works will also enable the replenishment of walkers using the Coastal Walk as no nearby refreshment locations currently exist, as a notable element of the harbour.

Objective: *to ensure development carried out on the sites, including alterations of or extensions to the facilities, does not substantially increase the scale of the facilities or the intensity of their use*

Response: The proposed alterations and additions are limited in their bulk and scale. In fact, by relinquishing ten swing moorings, the overall area related to the site is decreased, also providing safe navigation improvements. The provision of a kiosk will only minorly increase the intensity of the site as a new use. However, when compared to the neighboring water-use developments and the 'Manly Boatshed' within the vicinity of the site, the subject site will continue to remain consistent with the surrounding scale of development.

Therefore, the proposed additional berths to both the eastern and western arms, the relinquishment of ten swing moorings, the new kiosk and associated deck extension to the existing Marina Building will ensure that the character of the harbour is maintained and that changes to the intensity of the use is only slightly increased within reason.

Clause 6.39 relates to development that is on land within 20m of a boundary between Zone 2 and another zone. As the development is being carried out on land within Zone 2 and a 20m radius to the neighbouring zone, the Clause applies to the proposal. As alterations and additions to the existing Marina is permissible with consent under the Sydney Harbour Special Purposes (Marinas and Boat Building and Repair Facilities) Map Sheet SPM_002 accompanying the SEPP, the proposal is therefore considered appropriate in this case.

Overall, the proposal is considered to satisfy the provisions under Part 6.3 by maintaining the existing Stormwater Management Plan and by proposing works under specific aquatic habitat provisions, as stated Aquatic Ecological Assessment.

4.5 State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 came into effect on 1 March 2022 and consolidated the previous Coastal Management, Remediation of Land and Hazardous and Offensive Development SEPPs as Parts 2, 3 and 4 within the new SEPP. The coastal management and remediation of land provisions are relevant in this instance.

The site is identified on the Coastal Use Area and Coastal Environment Area Map. However, Clauses 2.10 and 2.11 do not apply, as the site is on land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Part 6.

Clause 2.12 applies to development within the coastal zone, generally. Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. A Geotechnical Slope Stability Risk Assessment has been separately submitted and the recommendations of the assessment will be adopted.

The proposal is not considered likely to increase risk of coastal hazards on the subject site or other land.

4.5.2 Remediation of Land

Section 4.6(1) requires the consent authority to consider whether land is contaminated prior to the consent of development on that land.

The owners have advised that as the long term use of the site has been a Marina and is unlikely to be contaminated as no hazardous materials are located on site. On this basis, further investigation is not considered necessary.

4.6 Sydney Harbour Foreshores and Waterways Area Development Control Plan (DCP) 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan (DCP) 2005 became effective on 27 July 2007 and applies to the site and the proposed development. In accordance with the definition of a Marina and the subsequent alterations and additions under SEPP Biodiversity and Conservation 2021, the proposal is for additional berths to both the eastern and western arms, a new kiosk and associated deck extension to the existing Marina Building.

As the proposal is a form of water-based development, for alterations and additions below the MHWM, Chapters 2, 3 and 4 of the DCP apply to the proposed works. These are considered in **Table 4** below.

TABLE 4: PROJECT COMPLIANCE – SYDNEY FORESHORES AND WATERWAYS DCP 2005			
Provision	Requirement	Proposal	Complies
Chapter 2: Ecological Assessment			
General Aims	Ecological communities, particularly those which form wildlife habitats, are protected, and where feasible enhanced	Ecological communities in the locality of the Marina are protected	YES (see Aquatic Ecological Assessment)
Rear Setback (min)	Development is sited to retain native vegetation, wetlands and natural foreshores	Proposal does not result in a loss of seagrass habitat	

Wall Height (max)	Development is accompanied by revegetation and rehabilitation of degraded foreshores, where appropriate	There will be an increase in the overall marine algae and associated encrusting assemblage habitat that benefits overall fish utilisation	
Open Space (min)	Development does not impact adversely on water quality	Water quality is to remain unchanged	
The Statement of Intent & Performance Criteria – High Conservation Status (Table 2)	To conserve and enhance vegetation communities of high conservation significance	Mixed Rock Intertidal and Sand Seagrass Beds are conserved to the existing piles	YES
	To reduce the effects of weed invasion	Weed invasion reduced where possible	YES
	To minimise the risk of predation on native fauna species by domestic pets	No domestic pets are permitted within the Marina	YES
	To minimise impacts associated with soil erosion and water siltation	Soil erosion and water siltation minimised	YES
	To reduce impacts associated with pollution	The existing waste management plan is implemented Ensures any pollutants are prevented from entering the waterways or soil and turbidity avoided where possible	YES
Chapter 3: Landscape Assessment			
General Aims	Development minimises any significant impact on views and vistas from and to: <ul style="list-style-type: none"> Public Places, Landmarks, and Heritage Items 	Development does not impact upon the public foreshore, landmarks or heritage items	YES
Aural and Visual Privacy	Ensure development complements the scenic character of the area	Proposed deck extension and additional berths are in keeping with water-dependant character of the area As exemplified by the 'Manly Boatshed' across the waterway	YES
Solar Access (min)	Development protects the integrity of foreshores with rock outcrops, dramatic topography or distinctive visual features	Development protects the seagrass and natural features of the cove	YES
View Sharing	Development provides a high quality of built and landscape design	The proposal ensures a high quality design that showcases the built and natural elements of the site	YES
	Development contributes to the diverse character of the landscape	The proposal continues to provide for diverse range of aquatic flora and fauna	YES
The Statement of Intent & Performance Criteria – Landscape Character Type 8	Vegetation is integrated within land-based development to minimise the contrast between natural and built elements	Proposal is for water-based development	N/A
	Design and mitigation measures are provided to minimise noise and amenity impacts between incompatible land uses	Design and mitigation measures are implemented during the construction phase to minimise noise impacts Marina will only be operated between 9am to 5pm (as existing), and kiosk between 6am and 9pm with no deck access after sunset, limiting amenity impacts to these hours	YES

	The maritime uses on the Harbour are preserved. Pressure for these uses to relocate is minimised. New developments adjoining maritime uses are designed and sited to maintain compatibility with existing maritime uses	Marina use is preserved Proposed kiosk use is secondary and complementary to berthing facility to serve public and Marina customers	YES
	Remaining natural features that are significant along the foreshore are preserved and views of these features are maintained	Remaining Mixed Rock Intertidal and Sand and Seagrass Beds are maintained	YES
Chapter 4: Design Guidelines for Water-Based and Land/Water Interface Developments			
General Requirements	Public access to waterways and public land is maintained and enhanced	Public access to Jilling Cove is maintained	YES
	Congestion of the waterway and foreshore is minimised	Congestion is minimised by the relinquishing of seven moorings	YES
	Conflicts on the waterway and foreshore are avoided	No conflicts are present	YES
	The development warrants a foreshore location	Development is located on the foreshore	YES
	The development does not interfere with navigation, swimming or other recreational activities	The proposal does not result in interference with navigation, swimming or other water-dependant activities	YES
	The demand for the development has been established	The proposal is to support the demand of the growing customer basis of the Marina, especially for Marina berths, and to service the public passing through on the Coastal Walk	YES
	The structure does not obstruct or affect the natural flow of tides and currents	The introduction of additional piles to the Marina arms does not affect the flow of tides and currents	YES
	Development does not dominate its landscape setting	Development is set below the MHWL and set secondary to the surrounding landscape setting	YES
	The extent of development is kept to the absolute minimum necessary to provide access to the waterway	Development is only to accommodate the increasing demand of customer basis where necessary and to improve customer and public amenity	YES
	Shared usage of facilities is encouraged to minimise the number of structures and their cumulative impact on the environment of the Harbour and its tributaries	Facilities are shared amongst the customers of the Marina Parking is also shared between customers and the public	YES
Development is setback at least 2.5 metres from the division of the waterway as established by the NSW Maritime Authority and illustrated in Figure 4.	Equitable division of waterways is maintained as existing	YES	
Foreshore Access	Foreshore access is to be encouraged and promoted	Public access to and along the foreshore surrounding the Marina is secured Coastal walk pathway maintained Proposal provides additional facilities for users of the foreshore to enjoy	YES

Siting of Buildings & Structures	Where there is existing native vegetation, buildings should be set back from this vegetation to avoid disturbance to the vegetation	Development is situated below the MHW and substantially separated from the land vegetation, with disturbance is minimised	YES
	Buildings should address the waterway	Marina Building continues to address Jilling Cove, including kiosk	YES
	Buildings should not obstruct views and vistas from public places to the waterway	Due to the significantly lower location of the Marina Building in relation to the surrounding bushland, obstruction of views is unlikely	YES
	Buildings should not obstruct views of landmarks and features identified on the maps accompanying this DCP		
Built Form	Structures should generally be of the same scale and of a design sympathetic to their surroundings	Marina Building presents as secondary in form to the surrounding water dependant uses including the North Harbour Sailing Club	YES
	Break up facades and roof lines into smaller elements and to use pitched roofs	Articulation is maintained	YES
	All lights on structures shall be shielded seawards and positioned to avoid disturbance to neighbouring properties	All proposed lights are positioned to avoid disturbance to neighbouring properties	YES
	Use of reflective materials is minimised	No reflective materials proposed	YES
	Colours should be sympathetic with their surrounds and consistent with the colour criteria, where specified, for particular landscape character	Colours of the proposal will remain sympathetic and consistent with the existing development and surrounding water-based environment	YES
Signage	Sign dimension should be minimal and consistent with the commercial or community identity of the premises	The proposed changes only relate to the provision of new lettering to reflect the new tenancy of the site No changes are proposed to the to the existing number of signs, their dimension and location	YES
	Sign should not be brightly illuminated to avoid becoming navigational hazards. Lighting of signs should be directed downward, away from the water		
	Signs should preferably be placed on the facades of buildings, rather than on roofs or free standing		
	Signs that intrude on the skyline should be avoided		

<p>Marinas (Commercial & Private)</p>	<p><u>Location</u></p> <ul style="list-style-type: none"> • Marinas are to be located where they can be used by as many people as possible and are easily accessed from land and water; • Marinas are to be located where there is adequate water depth or where minimal dredging of soft material will achieve an adequate water depth; • Marinas are to be located away from areas subjected to exposed wave environments; • Marinas are preferably to be located away from wetlands or the wetlands protection area or where they or the vessels using them will physically damage or overshadow estuarine vegetation of high value • Marinas are not to reduce the number of publicly available single (swing) moorings, jeopardise safe navigation or adversely impact other water users including small craft; and • Waterside structures are to minimise impacts on public water activities. 	<p>The alterations and additions to the Marina are located in a suitable location whereby the public can access the new kiosk and customers can access their respective berth</p> <p>Adequate depth maintained where new berths are proposed</p> <p>Marina remains located outside wave environments</p> <p>Proximity to wetland remains as existing</p> <p>Proposal does not reduce any public swing moorings, does not adversely impact other watercraft and improves navigation</p> <p>Marina Building does not negatively impact upon public water activities</p>	<p>YES</p>
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<p>Marinas (Commercial & Private)</p>	<p><u>Design and Layout</u></p> <ul style="list-style-type: none"> • Buildings and other facilities are to be designed and sited so that natural or other attractive features are not obscured • Buildings are to be designed so that their dimensions are not excessive and can reasonably meet the functional requirements of the proposed uses • Marinas are to enhance public access to and along the shore and, where relevant, the inter tidal zone • Secure storage is to be provided in a controlled environment • The extent of development over water including waterside structures, berths, fairways and access channels is to be minimised and result in minimal alienation of the waterway • Marinas are to be in the form of a series of interlinked pontoons which shall be restrained and held in position by a minimum number of piles or mooring lines to anchor points in the seabed • Design of marina restraints shall take into account the flexibility and performance of the pontoon systems under environmental loads • The colours, appearance and form of any associated buildings shall be compatible with the surrounding environment • Shiny or reflective materials are not to be used • The depth and width of berths and fairways of commercial marinas shall accommodate either a yacht or motor vessel. Restricted berths are to be nominated only where this will lead to an optimal environmental outcome • Commercial marinas are to provide a point of access to boats for disabled people where possible • Marinas are to be designed to minimise the impact of vessels when in use on the environment including on air and water quality, marine habitat and bank stability; • Marina layouts are to be designed in accordance with the publications 	<p>The Marina Building and other associated structures are limited in scale and are in keeping with the site's context in the foreshore/ waterway setting.</p> <p>Materials and finishes are suitable for the marine context and use a neutral colour palette to match the existing development.</p> <p>Access to the foreshore is maintained and improved access to Jilling Cove is provided with the provision of additional berths.</p> <p>The proposal will also allow for the provision of a kiosk including improvements to the overall function of the facility, both for customers and the general public.</p> <p>The proposed development allows for the safe storage of recreational craft and promotes recreational use of the Cove and broader Harbour, including the proposed dinghy storage.</p> <p>The minimum number of piles to the Marina arms possible are used for the development.</p>	<p>YES</p>
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<p>Marinas (Commercial & Private)</p>	<p><u>Facilities and Services</u></p> <ul style="list-style-type: none"> Commercial marinas are to provide boating service facilities such as fuel, water, toilet facilities or sewage pump out where practicable and where such facilities are not yet locally available Commercial marinas are to provide a mix and choice of boat storage facilities based on established demand as well as a range of marine services to the boating public Commercial marinas are to provide benefits to both the general and boating public Vessels at the marina are not to be used as a permanent residence. A covenant shall be included on the lease to enforce this requirement 	<p>Commercial facilities including the provision of water and toilets are already situated on site and located above the MWHM</p> <p>Proposal provides for an improved variety of berthing sizes and choice of swing, platform and passive watercraft storage based on an increasing demand</p> <p>Marina will cater to both the public and private consumer basis, especially with the provision of a new kiosk</p> <p>No craft will be used as a permanent residence</p>	<p>YES</p>
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<p>Marinas (Commercial & Private)</p>	<p><u>Visual Impact</u></p> <ul style="list-style-type: none"> • The visual contrast (derived from an analysis of form, line, colour and texture) between the marina and the existing or planned future character of its setting is to be minimised • The visual impact of the marina on people in the visual catchment (derived from an analysis of the potential number of viewers, their location within the landscape, distance from the marina, and duration of view) is to be minimised • Any visual analysis shall consider the impact of the largest motor vessel(s) capable of being berthed at the marina • The largest vessels (motorised or otherwise) to be berthed at the marina are to be located as far from shore as possible • Waterside structures and berthed vessels associated with marinas are not to block views from foreshore public open space or views to foreshore public open space from the waterway • The bulk and scale of buildings and other structures on land is to be minimised through appropriate mitigation measures including landscaping, articulated walls, detailing of surfaces and by using smaller elements • The visual impact of car parking from the waterway is to be minimised • All signage is to be located on dry land below the roofline (or parapet) of buildings. Advertising signs are not to detract from the visual quality or amenity of the foreshores and waterways when viewed from the waterways 	<p>The proposed development is appropriate to its setting and provides alterations that complement the existing built form in terms of line, colour and texture</p> <p>The proposal provides for improved visual outcome including with the provision of the deck extension and kiosk</p> <p>When viewed from the harbour or from the foreshore there is no undue adverse impacts</p> <p>Largest vessels are situated at the ends of both arms</p> <p>Marina Building does not create additional bulk and scale. Extension of the decking does not create any adverse bulk, especially in consideration with the larger scale of surrounding development, and provides for the space that improves the functionality of the new kiosk</p> <p>Signage remains as existing, with tenancy wording changes only</p>	<p>YES</p>
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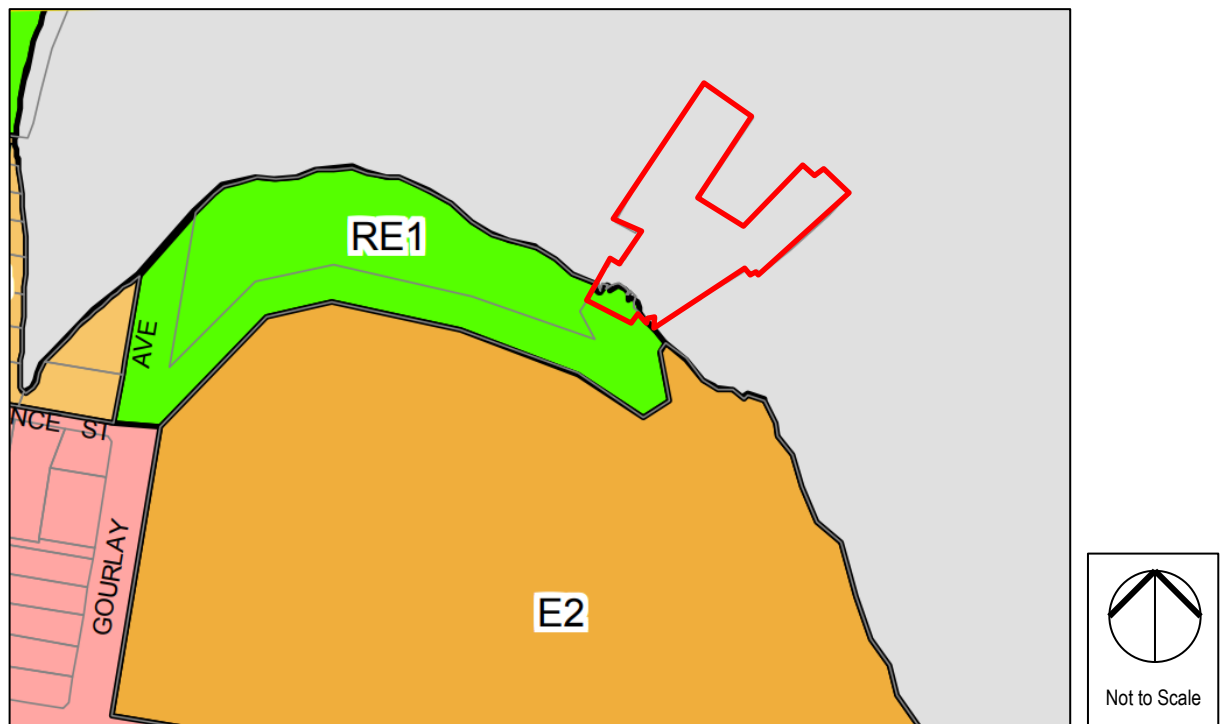
<p>Marinas (Commercial & Private)</p>	<p><u>Environmental Management</u> <i>Pollution and waste</i></p> <ul style="list-style-type: none"> • Potential pollutant sources from the site must be controlled and meet established performance standards • Appropriate controls are to be in place and managed to prevent any pollutants entering the environment • Marinas for nine or more vessels are to provide adequate and readily accessible facilities for the collection and disposal of wastes from vessels • Facilities for pumping out sewage holding tanks are to be provided onshore • Any waste that cannot be recycled is to be disposed of at an appropriate facility. <p><i>Traffic and Parking</i></p> <ul style="list-style-type: none"> • Land-based impacts including traffic volumes and parking demand meet established performance standards • Adequate car and trailer parking (based on the number and type of berths, associated activities and number of employees) is to be available onsite. Off-site parking is acceptable only where it will not reduce community amenity or generate adverse traffic impacts • The adverse impacts of traffic and parking generated by boat storage facilities in terms of congestion, safety, air quality and noise are to be minimised <p><i>Noise</i></p> <ul style="list-style-type: none"> • The adverse impacts of noise (considering hours of operation, existing background noise, expected departure/arrival times for vessels, noise level of marina patrons, noise level from repair and testing of vessels and motors) are to be minimised through appropriate design and management measures • Land-based impacts including noise emissions meet established performance standards <p><i>Lighting</i></p> <ul style="list-style-type: none"> • The adverse impacts of lighting on night navigation and neighbours are to be minimised through appropriate design and management measures 	<p><i>Pollution and waste</i></p> <p>As an existing Marina, pollution and waste will continue to be minimised and managed as per existing arrangements</p> <p>The proposal ensures that potential litter associated with the proposed kiosk is considered in the Construction Plan. Pollution associated with the construction phase will be minimised where possible</p> <p><i>Traffic and Parking</i></p> <p>The proposal does not result in a reduction to the parking demand.</p> <p>Kiosk is aimed towards pedestrian customer basis and is unlikely to cause additional traffic concerns</p> <p>Due to the provision of public parking along Gourlay Avenue, within the vicinity of the site, the proposal is unlikely to cause congestion, safety, air quality and noise impacts</p> <p>Further exemplified in the Traffic Report, separately submitted.</p> <p><i>Noise</i></p> <p>The proposal will not result in any significant noise impacts with the implementation of appropriate operational hours, signage, and under the general rules and regulations of the Marina</p> <p>The subject site is located at a distance from neighbouring residential development</p> <p><i>Lighting</i></p> <p>Bright lights and light pollution will be directed downwards and will ensure no adverse impacts on night navigation or impacts on neighbouring developments</p>	<p>YES</p>
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Marinas (Commercial & Private)	<p><i>Health and Safety</i></p> <ul style="list-style-type: none"> Marinas are to be a safe place to work and adequate environmental safety and emergency response plans are in place 	<p><i>Health and Safety</i></p> <p>The Marina will continue to operate as a safe facility to work and enjoy With an adequate emergency plan implemented</p>	YES
Mooring Piles and Mooring Pens	Piles are not to constitute a navigational hazard or obstruction	Piles to the Marina arms are situated in safe and suitable locations	YES
	Mooring and fender piles are to be single piles	Fender piles to the Marina arms are single	YES
	Piles of a material other than timber will be considered on merit	Piles to the Marina arms will be of the material to match the existing piles	YES
	Piles are to be cut off at 3.5 metres above ZFDTG (2.575 AHD)	Piles to the Marina arms will be below 3.5m (above ZFDTG)	YES
	The size of vessels berthed in association with residential development shall not exceed 18 metres in length	No berthing of vessels is associated with residential development	YES
	Vessels are not to be used as a permanent residence	No permanent residence vessels located on site	YES
	A mooring pen shall meet an established demand based on vessel ownership of a permanent resident living on the adjoining land	Despite the relinquishment of ten mooring pens, the proposal will continue to meet the increasing demand of the Marina, with the implementation of additional berths	YES
	No more than one vessel may be permanently berthed in front of a single residence.	Marina is not situated in front of residential dwellings	YES
Boatshed	<p>This section applies to boatsheds below MHWM and used for private purposes.</p> <p>Boatshed should avoid the water's edge becoming overdeveloped</p> <p>Minimise the visual impact from the waterway</p> <p>Boat sheds will only be permitted below MHWM where:</p> <ul style="list-style-type: none"> there are no feasible alternatives to site the boat shed above MHWM there are existing boat sheds below MHWM, and the provision of an additional boat shed will not result in an overdeveloped water's edge <p>Boat sheds should be one storey</p> <p>The building should be used in accordance with the definition of a Marina</p>	<p>The Marina Building is situated below the MHWM and is to be used for commercial purposes</p> <p>In any case, the internal alterations and additions and the deck extension will not create:</p> <ul style="list-style-type: none"> overdevelopment of the foreshore Visual impacts with the implementation of sympathetic additions Additional storeys above the existing single storey boatshed appearance <p>Marina Building will be wholly used for purposed as described under the definition of a Commercial Marina, including the provision of a kiosk ancillary to the facility</p>	<p>N/A</p> <p>In any event, YES</p>

The proposal satisfies the relevant objectives of the DCP, and complies with the provisions for surrounding landscape character – type 8; foreshore access, built form, commercial marinas, mooring piles and boatsheds; and these will be addressed more thoroughly in the following **Section 5.0**.

4.7 Manly Local Environmental Plan (LEP) 2013

The portion of the subject site is located above the MHWM and is zoned RE1 Public Recreation under the LEP, which commenced operation on 19 April 2013 (see **Figure 15**). The alterations and additions to the existing Marina and Marina Building, including the provision of an ancillary kiosk, is permissible with development consent.



Source: Manly LEP

Figure 15: LEP Zoning Plan

 Subject Site

4.7.1 Objectives

The LEP Land Use Table contains the objectives for the RE1 Public Recreation Zone. The relevant objectives and our responses are as follows:

Objective: To enable land to be used for public open space or recreational purposes.

Objective: To provide a range of recreational settings and activities and compatible land uses.

Response: The proposal continues to enable the land to be used for recreational purposes, being a commercial Marina with an ancillary kiosk. In fact, the proposal enhances access to the water for recreational purposes with the provision of additional berths.

Objective: To protect and enhance the natural environment for recreational purposes.

Response: The proposal provides appropriate measures within the CEMP to ensure that the natural environment is protected and enhanced.

Objective: To protect, manage and restore areas visually exposed to the waters of Middle Harbour, North Harbour, Burnt Bridge Creek and the Pacific Ocean.

Objective: To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.

Response: The proposal visually responds to its context within the North Harbour by providing a bulk and scale that is consistent with surrounding water-dependant uses. It does not alter the bulk and scale of the existing Marina Building and the proposed kiosk does not alter the external bulk and scale of the development, only relating to internal amendments. The external alterations and additions consist of a deck extension and additional berths to the

existing Marina which do not significantly increase the bulk and scale of the development when viewed from the harbour and with relation to the vegetation and topography.

Accordingly, in our opinion, the proposal satisfies the relevant objectives of the LEP.

4.7.2 LEP Compliance

Given the split zoning of the subject site, the proposed works to the existing development are situated within land zoned Area 2 – Environment Protection under the SEPP Biodiversity and Conservation 2021, with no works proposed to the land zoned RE1 Public Recreation. As such there are no applicable provisions relating to marinas, moorings or the like within the LEP. Additionally, the kiosk component of the development sits below the MHW and is zoned Area 2 – Environment Protection under the SEPP Biodiversity and Conservation 2021. Despite this, the proposed kiosk complies with the requirements of the LEP and the definition of a kiosk.

In any case, a summary of our assessment of the proposed development against the LEP is following (see Table 5).

TABLE 5: PROJECT COMPLIANCE – MANLY LEP 2013		
Site Area: 5241m ²		
LEP Provisions		Complies / Comments
Permissibility	RE1 Public Recreation	Proposal is permissible within the zone
Miscellaneous permissible uses	Kiosks	Proposal < GFA 55m ²
Development below mean high water mark	YES	Proposal has sought development consent for works below the MHW
Heritage Conservation	Landscape Heritage	Item I1 'Harbour foreshores' runs around the boundary of the Manly LGA adjacent to the harbour and through the subject site along the land/water interface Item I28 'Wellings Reserve' sits adjacent to the subject site The proposed alterations and additions to the existing Marina on the RE1 land are unlikely to have any adverse impacts on the identified heritage items as it is located on piles above the ground/water level or away from Wellings' reserve
Acid Sulfate Soils	Class 5	The proposal is unlikely to encounter Acid Sulfate Soils in this location.
Terrestrial biodiversity	YES	The proposed development does not have any direct impact on the land given that it is located on piles above the ground/water level The proposal does not include the removal of any trees and therefore does not propose any impact on the biodiversity values of the land
Landslide risk	YES	The portion of the site that is identified as landscape risk is suitable for the internal alterations and additions. This has been further detailed in the Geotechnical Slope Stability Risk Assessment separately submitted. The proposed development does not result in an increase in stormwater drainage

Foreshore scenic protection area	YES	<p>The proposal will provide an improved visual outcome for the site by providing contemporary facilities to the existing Marina</p> <p>The alterations and additions are relatively low scale in relation to the harbour and surrounding water-dependant uses</p> <p>The proposal does not impact upon surrounding views to and from the Jilling Cove</p> <p>The proposal is suitable for its context, is consistent with the existing and likely future character of the area and does not have any adverse visual impacts</p>
Limited development on foreshore area	YES	<p>The proposed development is suitable in the context of the site and will not result in adverse visual impacts. In fact the proposal represents an improved visual outcome for the site with contemporary facilities</p> <p>The proposal is consistent with the character of the area</p> <p>As identified throughout the SEE, the proposed development will not result in any environmental impacts and improves public access to the Harbour</p>
Essential services	YES	The proposal does not change the existing services on the site
Noise impacts – licensed premises	YES	<p>The proposed development is suitable in its context as additions to the existing Marina situated on the foreshore, away from residential accommodation</p> <p>The sale of liquor operates under the proposed kiosk use as an on-premises venue and will be ancillary to the existing Marina use</p> <p>Noise will be mitigated by the proposed hours of operation (6am-9pm), ensuring no outdoor seating is occupied after sunset</p> <p>Noise impacts will be minimal due to its location in relation to the surrounding residential neighbourhood</p> <p>Liquor sale and consumption will be regulated and controlled in accordance with the <i>Liquor Act 2007</i> and satisfies the objects of the Act</p>

The proposal satisfies the relevant objectives of the LEP, is permissible in the Zone and complies with the miscellaneous permissible uses, heritage, biodiversity, landslide, and foreshore area development provisions contained in the LEP.

4.8 Manly Development Control Plan (DCP) 2013

The DCP came into force on 19 April 2013 and applies to the site situated above the MHWL and zoned RE1 Public Recreation. Despite no works proposed to this portion of the site, controls that may apply to the alterations and additions and a summary of our assessment of the proposed development against these DCP controls is following (see **Table 6**).

TABLE 6: PROJECT COMPLIANCE - MANLY DCP 2013			
Provision	Requirement	Proposal	Complies
Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)	Careful design consideration should be given to minimise loss of sunlight, privacy, views, noise and vibration impacts and other nuisance (odour, fumes etc.) for neighbouring properties and the development property. This is especially relevant in higher density areas, development adjacent to smaller developments and development types that may potentially impact on neighbour's amenity such as licensed premises	<p>Given the proposals location away from neighbouring properties and separated by bushland, the proposal is unlikely to present any additional amenity impacts in terms of overshadowing, privacy and aural privacy concerns.</p> <p>This is specifically exemplified within the proposed 'on-premises' venue (kiosk), which is considerate of the noise standards and operates in accordance with existing Marina as an ancillary use</p> <p>In any event, the kiosk will not be operated outside the stated hours.</p>	YES
	Development should not detract from the scenic amenity of the area. In particular, the apparent bulk and design of a development should be considered and assessed from surrounding public and private viewpoints	<p>The proposed alterations and additions do not detract from the scenic amenity of the area.</p> <p>The proposal provides sympathetic additions that are in keeping with the bulk and scale of the surrounding public and private water dependant uses</p>	YES
	The use of material and finishes is to protect amenity for neighbours in terms of reflectivity. The reflectivity of roofs and glass used on external walls will be minimal in accordance with industry standards. See also Council's Administrative Guidelines regards DA lodgement requirements for materials and finishes	<p>Alterations and additions will be constructed with contemporary but compatible materials of a similar palette to the existing development and in accordance with the industry standards</p>	YES
Privacy and Security – Licensed Venues	In relation to the assessment process applicants are encouraged to lodge the DA and liquor license application simultaneously	Liquor license accompanies this application	YES

	<p>The activities carried out and related to the operation of the premises will meet the following requirements:</p> <p>i) The La10 noise level emitted from the licensed premises must not exceed the background of noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) by more than 5dB between 7am and 12 midnight at the boundary of any affected residence</p> <p>ii) The La10 noise level emitted from the licensed premises must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) between 12 midnight and 7am at the boundary of any affected residence</p> <p>iii) The noise level from the licensed premises must not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am or as otherwise required under conditions of development consent.</p> <p>iv) Balconies, verandahs, any roof top areas and any external access thereto must be closed to patrons between the hours of 10pm to 8am daily to minimise noise nuisance</p>	<p>The proposed kiosk will not emit a noise level that exceeds 31.5Hz - 8kHz by more than 5dB during its proposed hours of operation (6am-9pm)</p> <p>The proposed kiosk operation will be restricted to the stated hours of operation (6am-9pm) In any case, the proposed outdoor seating associated with the kiosk will strictly not be occupied past sunset</p> <p>When operating, the kiosk will only serve light refreshments and is intended as an ancillary use</p> <p>Background noise level will not exceed 31.5Hz - 8kHz by more than 5dB during its proposed hours of operation (6am-9pm)</p> <p>Due to the kiosk's location, ancillary use and hours of operation, noise will not be audible from neighbouring habitable rooms between midnight and 7am</p> <p>Rear deck will be closed between 9pm to 6am daily to minimise noise nuisance</p>	YES
Stormwater Management	In support of the purposes of LEP clause 6.4(3), all developments must comply with Northern Beaches Council's 'Water Management for Development Policy'	<p>Proposal complies with the requirements of the Water Management for Development Policy</p> <p>The existing stormwater management plan is retained</p>	YES
Waste Management	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan	A Waste Management Plan has been separately submitted.	YES

Foreshore Scenic Protection Area	<ul style="list-style-type: none"> • minimise the contrast between the built environment and the natural environment; • maintain the visual dominance of the natural environment; • maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat; • not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas; • locate rooflines below the tree canopy; • consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, tree lines and other natural features; and • use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality. 	<p>The proposal will minimise any possible contrast from the built environment and the natural environment by continuing to provide a low scale Marina Building and associated structures</p> <p>The proposal's built form and use of materials and finishes are appropriate to the natural rocky harbour foreshore</p> <p>The proposal does not impact upon land vegetation, tree canopies or the like</p> <p>Public and private views will to be impacted to and from the Harbour</p> <p>Reflective materials are minimised where possible.</p>	YES
	Setbacks in the Foreshore Scenic Protection Area should be maximised to enable open space to dominate buildings, especially when viewed to and the foreshores in Manly	Setback to the foreshore scenic protection area is retained as existing	YES

The proposal satisfies the relevant objectives of the DCP, and complies with the provisions relating to amenity, stormwater management, waste management and the foreshore scenic protection area.

5.0 PLANNING ASSESSMENT

This section will consider the following: The Assessment of the Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15 of the EPA Act.

5.1 Assessment of Natural Environmental Impacts

This section will assess the topographic and scenic impacts as well as the water and air quality impacts of the proposed development.

5.1.1 Topography & Scenic Impacts

The proposed development will provide an improved visual outcome for the site by providing contemporary but sympathetic facilities that protect and enhance the scenic qualities of Jilling Cove. The modified Marina Building is of a relatively low scale when viewed from the Harbour, and in relation to other surrounding water-dependant uses including the 'North Harbour Sailing Club' and 'Manly Boatshed' as well as against the backdrop of the surrounding bushland topography.

The proposed development does not impact on views to and from the Harbour or from neighbouring development due to its location and the limited extent of works. The changes to the layout will also sit within the existing site area and existing visual shadow. The proposed development is suitable for its context, is consistent with the existing and future character of the area. Overall, the proposal does not have any adverse visual impacts.

No dredging is proposed for the development. Works have been assessed and will be undertaken in accordance with the Aquatic Ecology Assessment, prepared by Marine Pollution Research Pty Ltd (separately submitted). Recommendations outlined in the report will be implemented during construction to ensure nominated Environmental Zones are protected and retained where possible.

5.1.2 Water & Air Quality Impacts

With implementation of the existing Stormwater Management Plan, the proposed development is unlikely to result in any adverse effects on the locality in terms of water and air quality. Stormwater and runoff will be managed in accordance with the Stormwater Engineer's recommendations and any Council conditions of consent.

Water quality impacts including turbidity, are estimated to be limited and do not increase the risk of damage to the indicated seagrass beds, as wave activity and low tides already create natural turbidity changes. Litter as a result of the proposed kiosk will be mitigated by strategically located waste bins. See the Aquatic Ecological Assessment, for further details relating to water and air quality impacts (separately submitted).

Air quality is likely to remain unchanged due to the limited scope of works.

5.2 Assessment of Built Environmental Impacts: Character and Context

This section will address the effects of the proposed development on the character and context of the area.

5.2.1 Impact on the Area's Character

The immediate surrounding area is characterised by other water-dependant facilities and uses including the North Harbour Sailing Club, the North Harbour Coastal Walk, and the Manly Boatshed which has been modified. The proposal will have a positive impact on the Jilling Cove, and North Harbour more broadly through the retention of the built form when viewed from Gourlay Avenue, the foreshore and waterways.

The proposed alterations and additions will be well integrated within the existing built form and foreshore, as demonstrated above in Section 4.6. As the proposal relates to the provision of additional berthing to both the eastern and western arms and an associated deck extension to the existing Marina Building, it will allow for the character to be maintained while providing amenities to meet the needs of the growing facility.

It is also proposed to incorporate a Marina kiosk within internal and external seating. This will be ancillary to the existing Marina use and will be in keeping with the existing and emerging character of the Cove, as exemplified by the recent approval of the 'Manly Boatshed' under DA 514/2020 for the extension of the existing deck, provision of a kiosk and additional piles. In fact, the proposed three dinghy storage structures will improve the appearance of the surrounding foreshore area of the Marina, by providing **72 passive watercraft storage racks**.

Overall, the proposal will continue to meet the existing and emerging character of the area, as a water-dependent use that meets the demands of the growing facility.

5.3 Assessment of Built Environmental Impacts: Privacy and Amenity

This section considers any aural and visual privacy effects resulting from the proposal and needs to be considered in conjunction with Section 4.6. It will specifically address aural and visual privacy.

5.3.1 Aural and Visual Privacy

The design and layout of the proposal will maintain aural and visual privacy for users and residents of neighbouring sites as well as for the customers of the subject site. The new deck and berthing facilities will be located away from sensitive receptors.

Given the continuing Marina use, it is unlikely that there would be significant additional noise generation associated with the proposal after the construction phase. The kiosk will only be used for light refreshments, with noise only limited to the operational hours between 6am and 9pm. Even as an 'on-premises' venue, the kiosk will comply with the standard noise criteria and will strictly operate in accordance with the mentioned hours of operation.

It should also be noted that the site is located at a distance from neighbouring residential dwellings and therefore is unlikely to pose any additional noise impacts to these residents.

Noise will be minimised during the construction phase and in accordance with the Construction Management Plan.

5.4 Assessment of the Site Suitability

This section will consider the proximity of the site to services and infrastructure; traffic, parking and access issues; and hazards.

5.4.1 Proximity to Services and Infrastructure

This site is well located in terms of public transport. The nearest bus stop is located 450m metres away on New Street East and services route Nos. 162 and 171X providing regular access to Manly Wharf, Seaforth and Wynyard. This connects to the wider Sydney train network and Sydney ferry network. The North Harbour Coastal Walk also passes through the site.

As the site is within an established area, electricity, telephone, water and sewerage are also readily available.

5.4.2 Traffic, Parking and Access

A separate report has been prepared by Christopher Hallam and concludes, inter alia:

1. *The proposal is to delete a total of 10 swing moorings and the addition of 9 marina berths. A minor deck extension to the marina building is also proposed, with a café operation to be added.*
2. *Manly Transport Development Control Plan does not have specific parking rates for marinas, and refers to State Government guidelines, which in turn are out of date, based on a 1993 guide*
3. *One traffic engineering consulting company, Christopher Hallam & Associates Pty Ltd have undertaken extensive research into the traffic and parking characteristics of marina developments. The attached research report (Annexure A) details this research, with Annexure B showing the agreement on parking rates in a 2022 Court Appeal. The research places special emphasis on the relative change in parking demands when swing moorings are replaced with wet marina berths. This form of marina updating has been popular because of the high demand for marina berths. The research found that swing moorings have a higher peak parking demand than wet berths of less than 20m.*
4. *It follows that the removal of ten swing moorings and the construction of 9marina berths will not substantially change the demand for parking.*
5. *The addition of a small café to service marina users and walkers on the Manly to The Spit track is expected to have only a limited impact.*
6. *With peak parking demands not increasing, there will be no increase in the traffic generation of the site, and hence the proposal will have minimal impact on external traffic condition.*

Therefore, the proposed alterations and additions are unlikely to change the demand for parking in the vicinity of the site. This Report should be read in conjunction with the additional assessment relating to the removal of slipways provided by Christopher Hallam, separately submitted.

5.4.3 Hazards

The site is not in an area recognised by Council as being subject to landslip or flooding. The subject site is identified as 'bushfire prone land' by NSW Rural Fire Service (RFS). A Bushfire Assessment has been prepared and separately submitted.

The findings of the report indicated that the bushfire risk to the subject site and the proposed development is low. Also, the building class and minor nature of the proposal limits the bushfire assessment requirement and protection measures. Therefore, there are no recommendations from the assessment and existing bushfire strategies remain appropriate. Importantly, the proposal satisfies the aim and objectives of *Planning for Bushfire Protection 2019*.

5.5 The Public Interest

This section will consider the social and economic effects of the proposal and the public interest.

5.5.1 Social and Economic Impact

The proposal will have social and economic benefits in the area with the construction of well-designed alterations and additions to the existing Marina. This will contribute to meeting the demand for water-dependant uses in the area, specifically the berthing of medium-sized vessels.

The proposed berths, deck and kiosk will be constructed from visually recessive materials to match the existing development which will reduce its visibility when viewed from both the foreshore and the waterway. The new deck, berths and kiosk will comply with current bushfire requirements, reduce water and energy consumption through efficient fixtures, fittings and insulation. This will reduce bushfire risk and water consumption in the area.

The proposal will provide employment during construction and in the provision of maintenance services, and through the provision of the kiosk once the Marina is functioning at its proposed capacity.

5.5.2 The Public Interest

The proposal has been designed with consideration of the adjoining residents' amenity and the streetscape. Importantly, the proposal meets the zone objectives of providing a Marina that aligns with the character of the area, as well as the desired future character. Additionally, the proposal achieves the Zone 2 – Environment Protection objectives for desired future character.

It will provide a contemporary, well-designed Marina and kiosk which are of a contextually appropriate scale and form for the area. The Marina Building has been designed to maintain neighbours' and local amenity and contribute positively to the streetscape and local character. The proposal is a quality development which is in the public interest.

6.0 CONCLUSION

The proposed alterations and additions at North Harbour Marina (formerly Davis Marina) has been assessed in accordance with Section 4.15 of the EPA Act and the relevant State planning instruments. The proposal is permissible in the Environmental Protection - Zone 2 under the SEPP Biodiversity and Conservation 2021 and in our opinion achieves the relevant objectives of the Zone.

This SEE demonstrates the proposal for the removal of ten (10) commercial swing moorings, relocating four (4) private swing moorings, the provision of an additional nine (9) berths to the existing arms, seventy-two (72) dinghy storage racks and the facilitation of a new kiosk and associated deck extension to the existing Marina Building. This will achieve the desired character of the locality and maintain the relationship with surrounding development. The proposal provides consistency in scale, form, proportions, setbacks and materials. This design approach ensures that the proposal will enhance the local streetscape character.

As the proposed works are located below the Mean High Water Mark (MHWM), under the definition of a Marina, consent is sought from Northern Beaches Council.

Compliance with the foreshore access, built form, commercial marinas, mooring piles and the boatshed controls within DCP ensures the new work envelope is unlikely to cause significant loss of privacy to nearby properties. The proposal is also unlikely to significantly affect outlook or views from surrounding properties and the public domain, given the nature of the proposed changes.

The SEE is accompanied by an Aquatic Ecology Assessment, Operational and Environmental Management Plan, and other consultant reports. These reports have informed our assessment, and the consultant reports confirm the proposal is suitable in the locality.