

Manly Council



Your Ref: MP08_0046
Our Ref: 7 April 2011 GHU.
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Mr Michael Woodland
The Director, Metropolitan & Regional Projects South
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Woodland,

Re: Proposed Development at d'Albora Marina, western side of Spit Road, the Spit Mosman.

I refer to your letter dated 8 March 2011. Manly Council raises the following concerns with regard to the proposed development:

The proposed development appears to be a designated development in accordance with schedule 3 of the Environmental Planning and Assessment Regulations 2000, and no Environmental Impact Statement in accordance with the regulations has been provided with the application. Given the significant increase in capacity of the Marina the proposal is not consistent with the part 2 of schedule 3 of the Environmental Planning and Assessment Regulations 2000. The use of part 3A to avoid these requirements is strongly objected to.

Traffic issues associated with the proposal on The Spit have not been adequately addressed by the applicant. Traffic impacts on The Spit affect the vast majority of residents on the northern beaches and the proposal should not proceed unless the traffic impacts are properly addressed and no increase in disruption to traffic to the northern beaches achieved.

It is noted that the proposal to increase the size of the marina mainly includes the addition of large craft that will increase the waiting times for all residents on the northern beaches when The Spit bridge is raised and create pressure for increased opening times in the future. Until the State Government provides a bridge that does not open and block all traffic to the northern beaches to allow boats to pass, there should be no increase in the number of berths in this location. On this basis it is considered that the proposal is not in the public interest.

The visual impacts of the proposal on public and private land within the Manly LGA should be considered in the assessment of this application. The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 nominates The Spit as a landmark and the Spit Bridge is listed as a heritage item under the Mosman LEP.

The proposal includes a significant increase in the size of the restaurant, from 100m² to 200m². As the Department is aware, restaurants over the harbour are classed as water-based restaurants and are prohibited within all water zones under the Sydney Harbour Catchment Sydney Regional Environment Plan 2005 (now deemed SEPP). The proposed increase in existing use rights has not been addressed within the proposal.

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The impacts of the doubling of the size of the restaurant, its relocation to the first floor and reorientation to face the residential properties located at Seaforth is also of concern to the council in terms of the noise impacts. It is noted that the attached acoustic report leaves questions unanswered and does not appear to adequately address the potential impacts on Manly residents associated with the restaurant. In particular the acoustic report fails to address the impact of the noise issuing from the internal areas of the restaurant (given that the glazing appears to be by-fold doors), in conjunction with the two external decked areas. It is also noted that the number of patrons is given as 30 within the report and 56 seats on the plans. Clarification of the total number of patrons should be provided at the earliest opportunity.

There is insufficient car parking available for the scale of development presently on the site. The proposal does not propose sufficient additional car parking in light of the significant increase in the size of the marina, the large increase in office space within the marina and the doubling in the size of the restaurant. Car parking located on public areas and adjacent open space should not be relied upon for commercial uses.

The Spit is a significant landmark in Middle Harbour. The increase in the size and scale of the buildings comprising the marina, the provision of office space and the expanded restaurant, extension of second storey will have a negative impact on views to and from the foreshore. Manly Council considers that the proposed development is an unacceptable over-development of the site given the prominent location on the north-western extremity of The Spit which is a significant natural feature projecting into the waters of Middle Harbour. Every effort should be made to minimize the impact of any urban development on The Spit and to retain the remaining natural features of a sand spit.

Any future development proposed for the Spit should also take into consideration the NSW Sea Level Rise Policy Statement (2009) and the likely impacts of the predicted sea level rise on existing and future development in environmentally sensitive areas such as The Spit.

Should you require any further information or assistance please contact Jennie Minifie, Manager of Strategic Land Use Planning on ph 9976 1590.

Yours faithfully,

Stephen Clements
per J. Minifie

Stephen Clements
Deputy General Manager
Land Use & Sustainability
Executive Manager
Environmental Services
Manly Council

Date: 8/4/11