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**From:** [REDACTED]  
**Sent:** 18/03/2025 11:58:59 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** TRIMMED: DA2024/1216 Submission  
**Attachments:** DA Complaint V2.pdf;

Details Withheld Please

Hello Council,

Please find attached my submission, please withhold my name, email etc from website upload.

Thank You

Dear Maxwell Duncan, Council, Maritime Authorities and EPA

I am writing to re-formally object to the Development Application DA2024/1216, proposed by North Harbour Marina (NHM).

# 1 Removal of Moorings & Unnecessary Channel

## 1.1 Unnecessary Channel Proposal

NHM indicates plans to remove commercial and private swing moorings. A dedicated channel is unnecessary for small pleasure craft; bays throughout Sydney, Australia, and globally operate without them. Small vessels safely navigate within bays and anchorages, moving directly to their designated moorings or locations, like Manly BoatShed, often manoeuvring between other boats to reach their destinations, as they have done for decades.

If NHM no longer wishes to support swing mooring services in line with its business model, these moorings should be returned to Maritime, which would help address the long waitlist for mooring spots. Small pleasure craft, kayaks, and dinghies have safely coexisted in this bay for decades.

## 1.2 Ethical Concerns Regarding Private Moorings

The proposal to remove private Maritime moorings raises ethical concerns. Maritime exists to support the local boating community, and removing these moorings for NHM's commercial benefit would undermine its mandate to serve the public interest. Relocating these moorings is likely to result in costs for boat owners and could force vessels to leave the bay altogether, which is contrary to the community's needs.

## 1.3 Feasibility of Mooring Relocation

The application states that private moorings will be relocated at NHM's expense, subject to final approval by TfNSW. However, this is not feasible, as the bay has a 15-year waiting list for moorings, and there is simply no available space for relocation. Moorings are allocated based on various factors, including shelter from strong winds. Moving moorings further out into the bay would expose vessels to harsher conditions, putting them at risk.

## 1.4 Conflict with Maritime's Policies

The proposal indicates the removal of 10 commercial and 4 private swing moorings, totalling 14. This conflicts with Maritime's management of the bay, which has long recognized the high demand for moorings. In fact, Maritime recently reduced the maximum size of vessels eligible for moorings from 12 meters to 10 meters in an effort to accommodate more boats. The removal of these moorings for the benefit of NHM would be both unethical and inconsistent with Maritime's policies.

## 2 Proposed Additional Mooring Spots on the South-West of Arm A

The "Berth Map" on page 2 of the "Plans – Marina" indicates the addition of three new 3x9 meter berthing spots on the southwest side of Arm A.

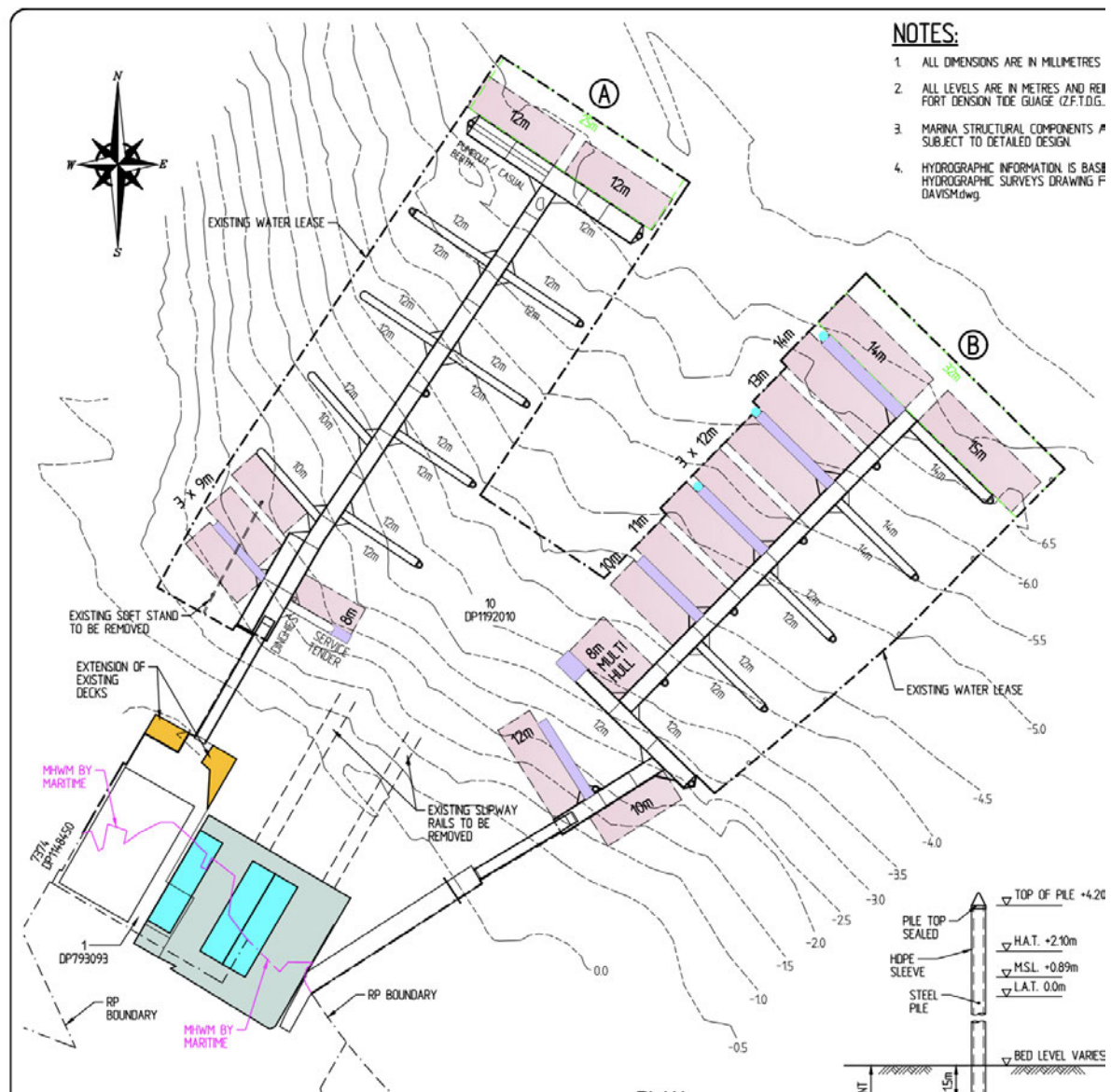
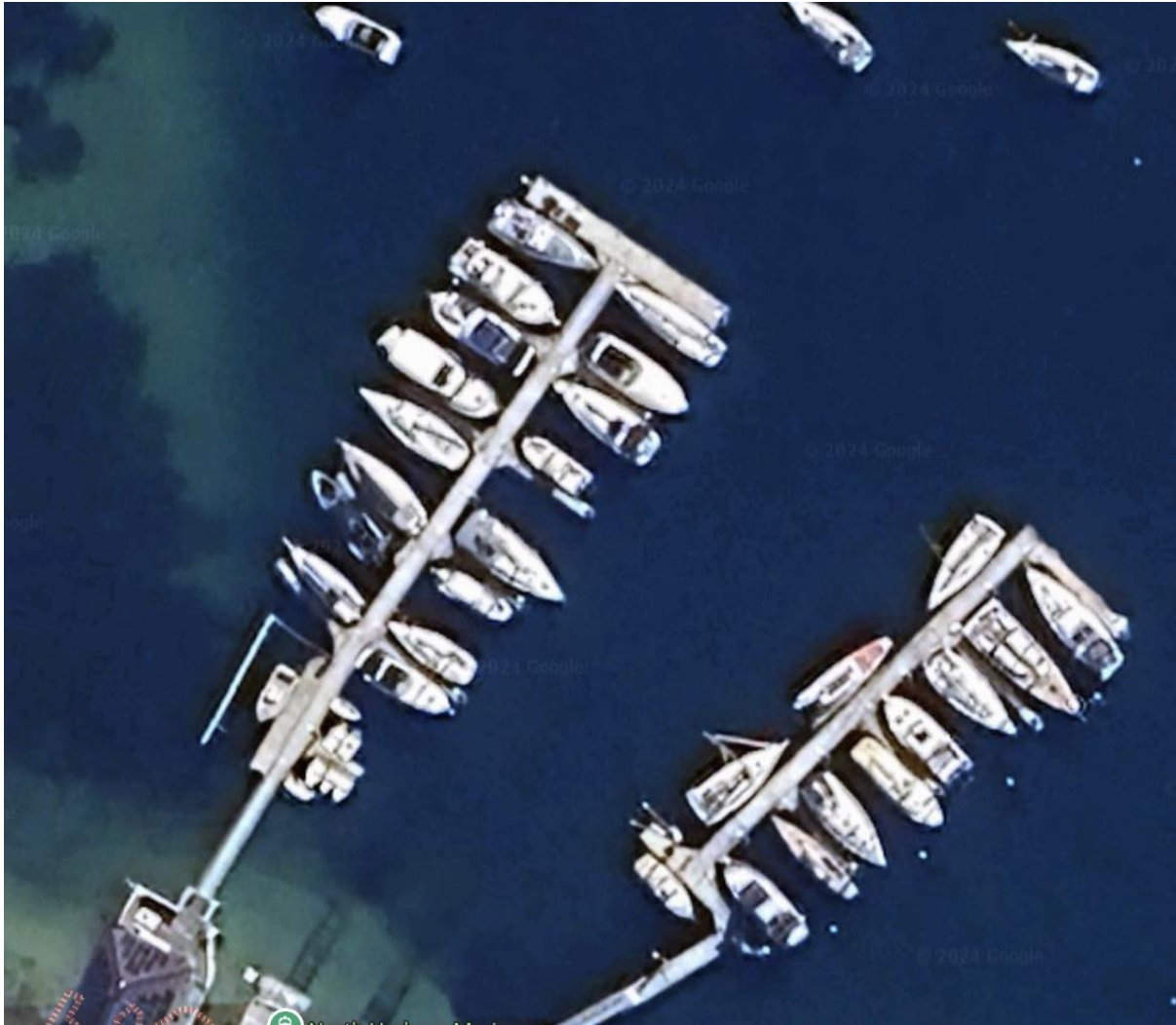


Figure 1 - Three proposed 3x9 meter berths



*Figure 2 - Seagrass directly in front of the proposed berths*

When Davis Marina was upgraded under DA 86/2008, an environmental assessment identified the presence of seagrass in this location, which continues to exist today, as confirmed by NHM's environmental assessment. The environmental restrictions from the previous assessment prohibited deep draft powered vessels from traversing over the seagrass due to the risk of dislodgement and damage. Davis Marina complied with these restrictions by implementing a soft stand (dry dock) system for non-powered yachts, thus protecting the seagrass (**Figure 3 - Shallow draft, non-propulsion yachts**).

The proposal for three new berths in this location would similarly risk disturbing the seagrass, leading to a significant environmental impact. Without appropriate safeguards, this aspect of the development cannot be supported.





*Figure 3 - Shallow draft, non-propulsion yachts*

A more environmentally viable alternative would be to allocate this area for additional dinghy storage. Dinghies and kayaks have very shallow drafts and would not pose a risk to the seagrass, as evident by the seagrass still standing, despite dinghies and kayak's launching from the beach adjacent for decades. Even with propulsion, the environmental impact from these smaller vessels would be negligible, due to their shallow draft and minimal output power.

### 3 Dinghy Storage and Access

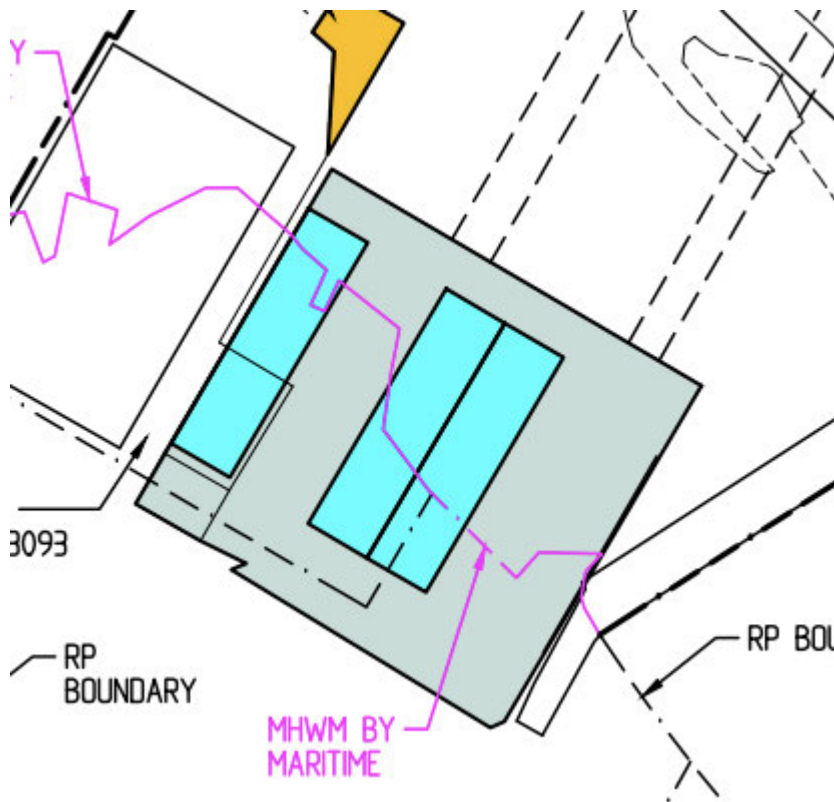
The plan proposes a new structure for dinghy and kayak storage, accommodating up to 72 dinghies across three levels. This presents a valuable opportunity for North Harbour Marina (NHM) to support the local boating community, particularly in light of the recent increase in dinghies along the foreshore—an issue that coincided with NHM's decision to terminate the tender service relied on by many boaters.

However, the current design lacks adequate provision for direct access to the foreshore. The storage facility appears to connect only to council paths, offering no direct or practical route for boaters with dinghies and kayaks to launch their vessels into the water. This leaves boaters with two problematic options:

1. **Stairs to the East:** While this option is the shorter route, it is not a safe or feasible passage for carrying dinghies and kayaks.
2. **Ramp to the West:** Although this provides a gentler slope, the ramp has a blunt lip that makes it difficult to drag dinghies up and down. Additionally, the distance required to travel using this ramp is significantly longer.

To better serve the needs of the boating community, I strongly recommend including a ramp in the design that provides direct access to the foreshore at the north-east end of the storage facility. This would allow boaters to safely and conveniently launch and retrieve their vessels. Kayaks and dinghies could then proceed into the bay beneath Arm B, as they have done for decades, or exit between Arms A and B during king tides.

Failure to include a dedicated ramp in the proposal would likely result in the burden of funding access improvements falling on the council and local residents, which could have been avoided with a more thoughtful design from the outset.



*Figure 4 - Dinghy and kayak storage lacking foreshore access*

## 4 Fairway Requirements

The Development Application (DA) proposes the expansion of Arm B, including the addition of new berths facing northwest. While NHM has the capacity to install new berths in this area, the proposed berth sizes are too large for the available space. There is insufficient room for vessels to safely turn and berth in the current configuration.

For most vessels, an absolute minimum turning space of 1.5 times the length (and preferably 1.75) of the boat is required to manoeuvre in tight quarters, especially when accounting for environmental factors such as wind and currents. The current proposal does not appear to accommodate this requirement, raising significant safety concerns.

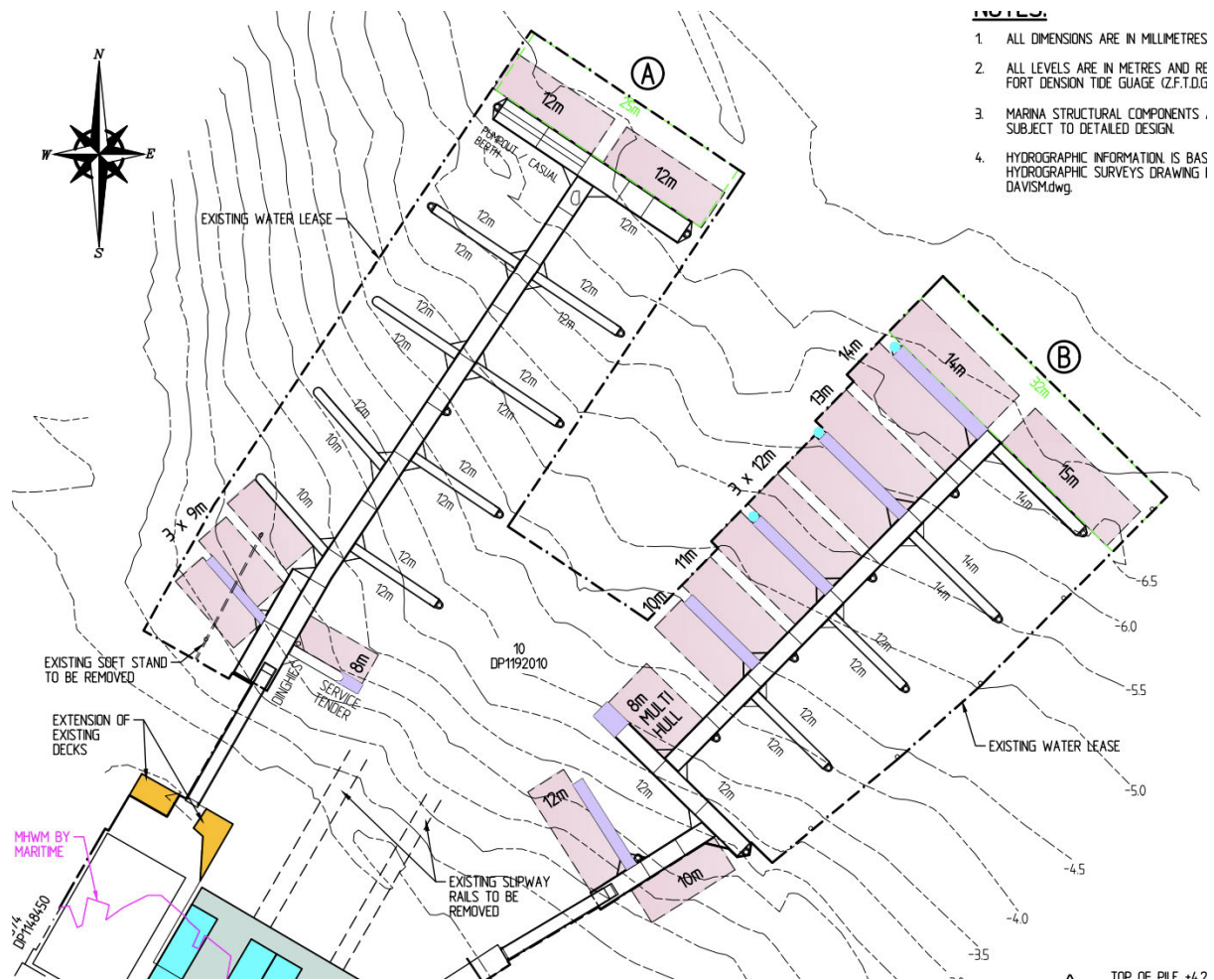


Figure 5 - Expansion of Berths on Arm B Facing north West

## 5 Proposed Scope of Work and Estimated Cost

I note that the DA application estimates a total cost of \$257,500 to complete the proposed works. However, I believe this figure significantly underestimates the scope and complexity of the project.

For comparison, in 2020, Manly Boatshed across the bay submitted DA2020/0514 to remove their single slipway and old wharf, as well as to install new piles, decking, kayak storage, a kiosk/café, and a new wharf. The estimated cost for that project was \$1.9 million per the DA.

In contrast, NHM's proposal involves removing dual slipways, modifying both Arms, extending the decking around the original office, and installing new piles, decking, a kiosk/café, and dinghy/kayak storage. Given the similarity in scope to the Manly Boatshed project, the proposed cost of \$257,500 appears to significantly underestimate the true size and expense of the works. This raises concerns that the actual cost and scope of the DA are not being accurately reported to Council, Maritime, or the local communities.

It would be in the best interest of NHM, Council, and Maritime to verify the full scope of work to ensure that all parties can commit to the project responsibly. A sudden cost blowout, particularly after significant upgrades have begun, could jeopardize essential community amenities—such as the dinghy and kayak storage—if they are deprioritized.

## 6 Kiosk/Café Operating Hours and Liquor License

According to Section 3.4 of the Statement of Environmental Effects (SEE), the operating hours for the proposed Kiosk/Café are from 6:00 AM to 9:00 PM, with outdoor seating available only until sunset. However, several aspects of this proposal raise questions about its intended use and operation.

First, the lack of provision for indoor seating suggests that the Kiosk would function as a takeaway shop after sunset. This raises the question of whether it could effectively operate as a bottle shop ("Bottle'o") after dark. The ambiguity surrounding this point makes it unclear whether the establishment will maintain its intended function as a simple Kiosk or whether it could evolve into a different type of venue.

Additionally, the SEE indicates that doors and windows will be closed after sunset. Given the small size of the Kiosk, it is unclear how it will continue to operate efficiently under these conditions. With staff and equipment inside, how will customers be served, and how will the Kiosk function after sunset without the provision of indoor seating?

There is concern that NHM may be using this Kiosk as a stepping stone for future expansion into a full café or restaurant. While I would support a café or restaurant at NHM, provided it does not negatively impact boats, the community, foreshore access, or the proposed dinghy storage, the current proposal lacks transparency. The application appears to be laying the groundwork for obtaining the necessary licenses to operate a full venue while presenting itself as a small Kiosk.

Additionally, NHM's claim that the Kiosk would provide food for boaters is questionable. NHM has made it difficult for non-NHM vessels to access the marina, and even their own swing mooring clients have limited access due to needing to pre-organise usage and work boats and tenders occupying the pickup and drop-off wharf. Furthermore, NHM, as a destination marina, has created policies that allow them to restrict access at their discretion, meaning that the benefits of the Kiosk may not extend to everyone in the bay due to these operational limitations and the removal of pickup and drop-off facilities.

## 7 Pickup/Drop-off Facilities

NHM has removed the pickup and drop-off services for vessels, their families, and crew. The current Development Application (DA) proposes to make this change permanent by converting the existing pickup/drop-off wharfs into berth spots. While NHM has suggested measures to reduce the number of dinghies on the foreshore, there is no plan to accommodate the essential service of picking up family members or crew.

I strongly oppose NHM's conversion of the T wharf into berth spots, as the license under which NHM operates from the Council and Maritime authorities is intended to serve the public and allow NHM to profit in return. Eliminating pickup and drop-off services does not support the boating community, which is fundamentally one of the core purposes of a marina.

With the introduction of a Kiosk, it's important to consider that many people pass through the bay every weekend for racing events, and families often go boating for the day during summer. The absence of pickup and drop-off facilities limits access to the Kiosk, thus depriving it of a valuable



income stream and undermining NHM's support for the boating community that has contributed to the marina's success since its inception.

I strongly recommend that the foreshore and boat access provisions be thoroughly reviewed in this DA. NHM should be required to reinstate pickup and drop-off locations for vessels, similar to the arrangement at Davis Marina, which operated under a paid scheme. It is a privilege to operate on Sydney Harbour and serve the community; every individual should have the right to access the Harbour, and NHM should be held accountable for maintaining this access in some form.

The Destination Marina program is not a suitable alternative, as NHM has imposed numerous restrictions on its use, including parking their vessels on the T wharf to prevent its actual use, even by their own clients without prior arrangement. Given these circumstances, it may be appropriate for Maritime authorities to reevaluate NHM's participation in the Destination Marina scheme.



*Figure 6 - NHM vessels on T-Wharf Saturday 14/09/2024*

## 8 Mean High Water Mark

The Development Application (DA) states that the proposed works are located below the Mean High Water Mark (MHWM). However, the plans also depict the construction of new dinghy storage that is situated above the MHWM, connected to the existing path and council land. Various elements of the proposal, including the Kiosk and dinghy storage, are in fact above the MHWM.

It is essential for the council to request an update to the DA to accurately reflect the scope of the proposed works. Additionally, relevant authorities should be informed, as the works do not

exclusively occur below the MHWM as claimed in the application. Ensuring transparency and compliance with regulations is crucial for maintaining the integrity of this development process.

## 9 Lack of Community Engagement and Hidden Agenda's

While NHM's proposal to increase dinghy storage for the community is commendable, it is clear there are serious questions about the validity of this initiative however. Is it dinghy storage, or a deck for a future planned restaurant the DA appears to be setting the ground work for. The lack of dinghy foreshore access and the removal of the paid tender service do not inspire confidence in NHM's genuine commitment to supporting the community. Furthermore, the numerous errors and concerns presented in the reports and plans by NHM further highlight the need for a more transparent approach.

Why are NHM still pushing for a channel to THEIR Marina? A possible reason is to still allow Super Yachts to visit the bay or attempt to slip the Super Yacht requirement in a future DA?

# Conclusion / Summary

## Summary of Concerns and Recommendations Regarding the Development Application

### 1. Items that cannot be Approved

- **Proposed Channel (Point 1):** The proposed channel for the Bay is not required for the Bay and it does not benefit the community as much as having more moorings in the bay.
- **Proposed Three New Berths (Point 2):** The addition of three new 3x9m berthing spots South West of Arm A must be rejected due to potential environmental impacts on the existing seagrass, which was a concern during the original Davis Marina DA 86/2008.

### 2. Items Requiring Modification

- **Dinghy Storage and Access (Point 3):** The proposal for Dinghy storage is a positive addition; however it needs to include a direct ramp to the foreshore for safe launching and retrieval.
- **Fairway Requirements (Point 4):** The proposed expansion of Arm B and the associated berth sizes on the West side must not be approved as they do not meet safety requirements for vessel manoeuvrability. Berth sizes must be adjusted to comply with fairway requirements to ensure safe navigation within the marina.
- **Scope of Work and Cost (Point 5):** The estimated cost of the proposed works must be revised to accurately reflect the project's scope and complexity.
- **Pickup/Drop Off (Point 7):** Provisions for pickup and drop-off locations for vessels must be reinstated to serve the boating community effectively.
- **MHWM and Landowners Notified (Point 8):** The DA should be updated to address inaccuracies concerning the Mean High Water Mark and land owners notified to ensure compliance with all relevant regulations.

### 3. Clarification Needed

- **Kiosk/Café (Point 6):** The proposal for a kiosk/café is a positive addition; however, it needs clarification on whether this is a final solution or a temporary measure. Details regarding operating hours, liquor licensing, and overall intentions should be made transparent to foster community trust.
- **Community Engagement and Honesty (Point 9):** The Dinghy storage has serious questions to what's its real purpose is and the channel requirement still being proposed also raises serious future concerns.