
Sent: 18/03/2025 1:19:10 PM

Subject: Attention Maxwell Duncan re DA2024/1216

Attachments: Further Submission to Northern Beaches Council regarding DA 2024 1216 final draft.1.docx;

Dear Maxwell,

Please see attached my further submission in relation to the re-Notification of DA2024/1216.

I look forward to receiving confirmation of your receipt to this email address.

Kind regards,

Kate Ilbery

Further Submission to Northern Beaches Council regarding DA 2024/1216

I confirm that I have read Appendix E (an undated letter from Ned O'Neill- Director- North Harbour Marina to "Resident") and note how few of the many legitimate and carefully composed objections submitted by me and many other local ratepayers and stakeholders to this development application have been acknowledged or addressed.

I maintain that this application, even if the conditions the applicant is prepared to accept are imposed by council, should be rejected for the following reasons:

The majority of the concerns that I raised in my previous submission remain unaddressed by the applicant's "amended" application or the conditions it says it "has agreed to accept".

The sole 2 conditions that are acceptable to the applicant do not address many valid and important issues:

These two acceptable conditions still do not satisfy the many concerns already submitted:

- Whilst being prepared to accept a size restriction to vessels berthing at the marina of less than 15m at this stage, the applicant maintains the application to construct the "navigation channel" (50m super yacht highway). I wish to highlight that this navigation channel is not needed for the current vessel usage of North Harbour. In addition, constructing the T at each end of each arm of the marina puts in place the infrastructure for a future minor application to simply amend and allow berthing of 2 super yachts as per the original application.
- Even with this current maximum boat size concession, approving this DA with the T sections and navigation channel opens the way as a "thin end of the wedge" entrée to super yacht (that is extremely large luxury motor boats) use of and berthing in North Harbour the future in addition to facilitating a future and possibly less scrutinised minor amendment application.
- Furthermore, the approval of the proposed "navigation channel" that remains in the amended application is likely to lead to the use of North Harbour by these inappropriately large vessels, and adverse impacts of this use must be considered by council in determining this application.
- Kiosk- reducing operating hours and modifying the licence application do not address the parking, traffic and pedestrian safety issue.

1. Parking: Parking pressure. The public parking is already inadequate. It is the main car park for Wellings Reserve, Forty Baskets Beach as well as for the marina and North Harbour Sailing Club. Many people travel to the area to access this section of the Spit to Manly walking track, to enjoy Wellings Reserve and gather for picnics at Forty Baskets Beach. The statement that the pressure on parking “reduces” is both illogical and not substantiated in the Application.

The existing parking, paid for by ratepayers, is a 10 kph shared pedestrian and vehicle road and is already often full, especially on weekends and holiday periods. The proposed DA does not provide for the extra parking that would be required by patrons of a kiosk.

2. Public safety:

- a) The road and carpark themselves are part of the extremely popular Spit to Manly walk and are used as a walking track by many thousands of locals and visitors each years for that purpose. Even with current traffic and parking conditions, particularly on weekends and school holidays and public holidays, Gurlay Rd is not safe for pedestrians (having no pedestrian path, being single lane but not one-way, and accommodating the increasingly large vehicles that city dwellers drive).

Any increased vehicle numbers, whether it be heavy vehicles during construction or traffic for additional visitors to a kiosk or the Marina, will pose a significantly increased risk to pedestrians on this busy section of an internationally renowned coastal walk.

- b) As previously noted, the proposed 50m “super yacht highway” channel remains part of the application.

The bay is small and intimate and it is a fragile, closed system marine environment. It is not suitable for large vessels to even visit, due to their noise, wash and fumes and is moreover dangerous.

Large vessels that would be enabled to enter the area via the proposed channel would represent a danger to swimmers, smaller craft and people, including children, who use non-motorised seacraft. This danger may be from direct collision or indirectly by wash. There is also the potential for pollution from diesel leakage, bilge pumping (noting the pump-out facilities of the Marina are not operational), fumes from large motor boats and litter.

3. Public amenity: removal of 10 public swing moorings which are already at a premium.

My understanding is that it is Maritime NSW is the body that issues a commercial mooring licence which authorises that business (marina) to rent out moorings and that Council is not authorised to approve removal of swing moorings. I submit that, in the interest of public transparency, correspondence in relation to authorisation by Maritime NSW to remove precious swing moorings be made available to the public via this DA process. In that way the public can be afforded the opportunity to make submissions directly to Maritime NSW.

4. Environmental impact : This site is in a highly sensitive marine environment (see below) and a treasured quiet waterway that is used by a great many people for recreation: swimming, small craft (eg children and adults enjoying dinghies, kayaks, stand up paddle boards), fishing and snorkelling.

There are no environmental impact studies to support the application as amended, including “flow on” impacts arising from the development, such as the use of the avigation channel by vessels much larger than are currently able to access the sensitive and important marine environment of North Harbour .

I refer again to Northern Beaches Council’s own public signage:-The large Northern Beaches Council sign at Forty Baskets beach reads as follows:

“Marine Ecology

The Forty Baskets marine environment extends from the intertidal zone and sandy shores along the foreshore between Wellings Reserve and the National Park to the waters of North Sydney Harbour. The area supports a variety of marine habitats, which are home to a diversity of marine species. The area’s marine environment is rated as ‘highly sensitive’.

Seagrass beds are found within the area growing in shallow subtidal areas along the foreshore, in depths where sunlight is available for photosynthesis. At least two native species of seagrass have been identified by studies in the area, these being:

Posidonia australis (Stripweed); and

Zostera capricorni (Eelgrass)

Seagrass beds within the area may also be important foraging grounds for Manly’s endangered population of Little Penguins (*Eudyptula minor*). Current research by NPWS (now DECC) on the diet and foraging ecology of the population indicated that the penguins eat fish species such as sand sprat, anchovies and hardyhead which inhabit kelp and seagrass beds (NPWS 2002). Critical habitat for the Little Penguin population was declared in 2022. While the area does not fall within the area defined as critical habitat, it is immediately adjacent to penguin ‘potential habitat’ identified around the foreshore of Dobroyd Head (Sydney Harbour National Park).

In general seagrass are negatively affected by a number of human activities INCLUDING RECLAMATION DREDGING, THE CONSTRUCTION OF JETTIES, PONTOONS, WHARVES AND RAMPS, WATER POLLUTION, POOR LAND MANAGEMENT AND SOME RECREATIONAL ACTIVITIES SUCH AS BOATING (my upper case modification)."

This is clearly a delicate environment and not suitable for accommodating large vessels or construction of a wide navigation channel that encourages large vessel traffic.

I submit that there remain many issues that have not been adequately addressed (or not addressed at all) and many statements made in the application and in supporting documents have not been substantiated and cannot be reasonably relied upon by council in making its decision on the application.

My request is that the DA 2024/1216 be rejected.

Yours sincerely,

Dr K E Ilbery
18 March 2025