
From: [REDACTED]
Sent: 19/03/2025 9:21:28 PM
To: Maxwell Duncan; Council Northernbeaches Mailbox
Subject: TRIMMED: Response to DA 2024/1216 - Attention:Mr Maxwell Duncan
Attachments: da2.pdf;

Dear Mr Maxwell Duncan

Please find attached my submission regarding North Harbour Marina's Development Application DA 2024/1216.

May i please request that my name and details are redacted from the published version on the council website due to my role in government.

[REDACTED]

Subject: DA2024/1216 Application for Development of North Harbour Marina – Objection

Dear Maxwell Duncan

I am writing to formally object to the development application for the proposed marina development works of North Harbour Marina, submitted in DA2024/1216 (the proposal). After reviewing the details of this project, I have significant concerns about its non-compliance with the NSW *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (SEPP) Division 4 Clause 10.30 (Boat repair facilities and commercial marinas in Zone No W2).

10.30 Boat repair facilities and commercial marinas in Zone No W2

- (1) The objects of this section are as follows—
- (a) to maintain the working harbour character and functions of certain existing boat repair facilities by retaining the sites of those facilities for maritime purposes,
 - (b) to ensure that any development carried out on those sites, including any alteration or extension of those facilities, does not substantially increase the scale of those facilities or the intensity of their use.
- (2) Despite any other provision of this Chapter, development for the purposes of a boat repair facility or commercial marina may be carried out, but only with development consent, on a site shown edged heavy black on the Special Purposes (Boat Repair Facilities and Commercial Marinas) Map.

Figure 1 – SEPP Division 4 Clause 10.30

The application contains a Statement of Environmental Effects (SEE) report prepared by gsa planning which examines the proposal's compliance with the relevant zone objectives in the SEPP (Figure 1) and the controls outlined in the *Manly Development Control Plan 2013* (DCP).

The SEE consistently misrepresents the proposal to find that the proposal complies with the objectives outlined in the SEPP and DCP. Section 4.4.2 of the SEE outlines the proposal's compliance with the objectives outlined in the SEPP (Figure 2).

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:	<i>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</i>
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:	<i>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</i>
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.

Figure 2 - SEE Section 4.4.2 - Page 24

The proposed development appears to violate the SEPP on several important grounds that protect the environment, character and community of Sydney Harbour. Below are the specific areas of concern regarding SEPP non-compliance:

Clause 1(a): Maintenance of Working Harbour Character and Functions

This clause intends to preserve the traditional working harbour character of existing boat repair facilities and to retain these sites specifically for maritime purposes. The proposed marina development threatens this objective by:

- **Removal of Critical boat repair facilities:** The proposal outlines the removal of the 2 existing slipways. These slipways had previously been providing critical boat repair and maintenance services for North Harbour. The north side of Sydney Harbour has a desperate lack of commercial slipways with North Harbour Marina being the only commercial facility with 2 slipways in the North of Sydney Harbour. The entire purpose of the Special Purposes (Boat Repair Facilities and Commercial Marinas) Map exception was to maintain these working harbour functions. By removing these facilities, the proposal would likely alter the character of the harbour by shifting its primary use from boat repair and maritime support activities to leisure and tourism-based functions with kayak and dinghy storage. This shift directly undermines the SEPP's intention of maintaining the working nature of the harbour for maritime repair and support.
- **Response to the SEE Part 1:** The SEE attempts to justify the removal of the 2 slipway facilities by noting that the proposal ***"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."*** This statement is misleading and represents the proposal and the 10.30 Clause (a) objective. The SEE response does not directly or indirectly address how the proposal supports the SEPP objective. The response fails to address the working harbour character and functions of the existing North Harbour Marina boat repair facilities with the removal of 2 slipways. The proposal removes 10 existing commercial North Harbour Marina swing moorings in favour of 9 additional mooring berth at the marina. This removes 1 overall boat storage location from North Harbour this does not support the growth of North Harbour Marina as the proposal is for a net loss of 1 boat storage option.
- **Response to the SEE Part 2:** The SEE attempts further attempts to justify the proposal under Clause a of 10.30 with the following sentence ***"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."*** This statement regarding passing walkers on the nearby coastal walk has no relevance in responding to the proposal's compliance with the objective. Passing walker using a café does not provide any support of the ***"working harbour character and functions of certain existing marinas and boat building and repair facilities"*** outlined in the SEE objective.
- **The proposal's "workshop":** The proposal does include retaining the existing workshop within the main marina building. This appears disingenuous as any service that occupies this workshop will be limited to working on wet vessels berthed within the marina given that the proposal seeks to remove the 2 slipways and there is no provision in the proposal for berths allocated for the workshops use. This limits the available clientele to the workshop service provider to the 44 vessels that the proposal intends to berth at the marina which may or may not provide enough work for a service provider to permanently occupy the workshop. The workshop may likely be occupied for storage or by a service provider who is based elsewhere and may occasionally provide services at North Harbour Marina. All the above scenarios do

not support the SEPP objective outlined in 10.30 Clause a regarding a ***“working harbour character and functions of certain existing marinas and boat building and repair facilities”***.

- **A working Harbour - Boat Building and Repair Facilities”**: Sydney Harbour’s identity as a working harbour is integral to its historical, economic, and cultural significance. The harbour’s working character supports not only commercial maritime activities but also essential services for the boating community, including transportation, sport, and local fishing industries. Slipways are crucial structures in a working harbour, and play a pivotal role in boat building, maintenance, and repair. The preservation of slipways and boat repair infrastructure especially in the North of the harbour enables Sydney Harbour to continue supporting vital maritime services, fostering local communities, and maintaining its role as a functional maritime hub, rather than just a destination for the rich and those that need a coffee on a morning walk.

Clause 1(b): Control of Development Scale and Use Intensity

This clause is intended to ensure that any development, alteration, or extension does not significantly increase the scale or intensity of the facility’s use. The proposed marina fails to meet this requirement due to the following reasons:

- **Substantial Increase in Scale and Capacity**: The proposal includes the addition of additional berth moorings, a cafe and dingy/kayak storage facilities, which significantly increases the physical scale and capacity of the site. This expansion appears to violate the SEPP’s objective to prevent any substantial increase in the size of the facility, as it would introduce new structures and activities well beyond the scale of traditional boat repair operations. Although there is an overall reduction of 1 swing moorings the intensity of use of the facility is likely to be greater due to the ease of access to the boats. The substantial increase in intensity of the facility is due to the café and dinghy/kayak storage. For the café to remain profitable it would require a minimum of between 60-100 customers per day which would be a significant increase in patronage to North Harbour Marina every day. The 72 dinghy and kayak spots would see usage daily with likely increased weekend usage, this poses a potential significant increase in patronage to North Harbour Marina. The new café and dinghy/kayak storage facilities outlined in the proposal would significantly increase the intensity of use of North Harbour Marina. It would be disingenuous or misleading to state otherwise, as stating otherwise would imply that the proposal is not financially viable. To justify that the proposal does not significantly increase the intensity of use of the marina. The Applicant should release current utilisation rates and forecast utilisation rates based on expected commercial viability. This is not consistent with the objectives outlined in 10.30 Clause 1(b).
- **Response to the SEE Part 1**: The SEE attempts to justify compliance with SEPP objective outlined in 10.30 Clause 1(b) by stating that the overall area related to the site is decreased. This is factually wrong and at odds with the previous response that explains the ***“additions ... to the berths in order to accommodate for a growing Marina that meets the demands of a growing facility.”*** The Plan - Subdivision of the proposal clearly outlines an increase in area of North Harbour Marina. Therefore, the statement overall area related to the site is decreased is factually wrong. They however attempt to justify that decrease in area by including the moorings which will be relinquished to accommodate the larger marina and the navigation channel for the large yachts vessel they intend to bring to the marina. If the proposal seeks to describe the change in the area of impact of the proposal using moorings removed, then they should consider the “safe navigation channel the proposal seeks to implement (Figure 3). Using the justification outlined in the SEE the proposal is a significant increase in the scale area of impact of North Harbour Marina on North Harbour.



Figure 3 Overall Impact of the proposal

- **Increased Intensity of Use – Navigation Channels and commercial vessels:** The proposal has been modified to include the provision for berthing 2 vessels (15 metres) at the end of the eastern and western arm of the marina which it claims requires a navigational channel for safety. This proposal is a significant increase in the intensity of the use of the facility. Currently, the largest vessel in North Harbour (Jillings Cove) is 15.24 metres (50 feet), the proposal seeks implement and maintain a 48 metre to 60 metre wide channel for boats to safely access North Harbour (Jillings Cove). This reasoning fails to acknowledge that 15 metre vessels already safely use the marina and navigate the bay. The The 14-metre and 15-metre vessels in North Harbour currently navigate in and out of the moorings without the need for a navigation channel. The proposal does not outline a compelling reason or public interest why the navigation channel should be implemented. It is noted on that there have been no reported safety incidents regarding navigating within North Harbour (Jillings Cove). and 32 metres requiring significant alterations to the navigation arrangements on North Harbour. A channel is not required unless the Applicant intends to bring large commercial vessels or super yachts to North Harbour Marina which is a significant increase in the intensity of use of the area. This is not consistent with the objectives outlined in 10.30 Clause 1(b).
- The marina is expected to attract high volumes of leisure boats and visitors, thereby intensifying the use of the area beyond its current level. Increased boat traffic, noise, and water pollution from fuel spills and waste discharge are all likely impacts that contradict the SEPP's intention of preventing intensified usage. Such activities also pose a risk to marine life and may disrupt local ecosystems.
- The navigational channel may be used on commerical charter vessels or private superyachts to pick up and drop off passengers. This is not in the interest of the Northern Beaches council or the public and has significant safety risks. The types of vessels using North Harbour would endanger paddle boards, swimmers, off-the-beach sailors and other recreational users of the waterway. Furthermore, this increase of patronage from the temporary berthing/pickup/drop off of passenger will impose stress on the limited parking and toilet facilities at North Harbour Marina which has not been addressed in there DA submission.

Furthermore, to implement the navigation channel North Harbour Marina proposes to relocate 4 Transport for NSW private moorings. The proposal only identifies a location for 1 of the affected boats. **I request that prior to determination of this proposal North Harbour Marina must identify the intended location of the 3 remaining affected moorings.** If required North Harbour Marina must surrender additional moorings to accommodate the 3 Transport for NSW private moorings required to be relocation within the marinas existing mooring area due to the navigational channel. The burden must be on the applicant, to propose the new locations as Transport for NSW has noted that the North Harbour Marina Mooring area is full given there is a multi year long waitlist.

In light of these concerns, I respectfully request that the council carefully evaluate this development proposal and enforce adherence to the SEPP's clear objectives to protect the working harbour's character. Approving this proposal in its current form would disregard these foundational planning principles and undermine the long-term viability of the harbour for essential maritime functions and the preservation North Harbour environment.

Thank you for considering this objection. I hope the council will uphold the integrity of our environmental planning policies and prioritize sustainable, community-focused development.

Regards, 