



Maxwell Duncan
Northern Beaches Council

29th January 2025

RFI – North Harbour Marina DA2024/1216

Dear Maxwell,

We refer to Council's letter dated 15th January requesting additional information to assess the above-mentioned DA.

Amended Application

Prior to responding to the points raised in your letter, North Harbour Marina would like to formally amend the DA on the following basis:

Marina Layout: Amend Marina Layout to remove the 25m and 32m boats proposed on the T-Heads of Arm A and Arm B and also reduce the size of the berths closest to shore on the western side of the western arm from 3 x 9m to 6.5m, 7m and 8.5m. We have updated the Marina Layout based on our review of submissions made and further consultation we have had with various stakeholders since the DA was lodged. See attached in Appendix A revised drawing 6318-01/M which replaces 6318-01/L.

Kiosk Restrictions: Amend operating hours to 7am – 4pm, limit patrons to 20, not permit any amplified music at any time and remove the serving or sale of any alcohol. We have updated the operating hours based on our review of submissions made and further consultation we have had with various stakeholders since the DA was lodged. We propose that is amended by way of a condition of consent as per below.

Kiosk Condition: *The Kiosk operating hours will be 7am – 4pm, total patrons will be limited to 20, no amplified music will be permitted, and the Kiosk will not serve or sell any alcohol.*

Further to the above North Harbour Marina has been in discussions with DPI – Fisheries about the proposed DA and based on feedback from them we have drafted 3 conditions for their consideration. These conditions include laying seagrass identification buoys to the west of the marina. As a result of this our Marine Engineer IMC has recommended, we reduce the sizes of the 3 x 9m berths on western side of the western arm to 6.5m, 7m and 8.5m to maintain clearance from the seagrass identification buoys and give us the flexibility of moving the buoys closer to the marina if the seagrass beds expand over time. The Marina Layout as amended by this letter includes these changes.

The conditions sent to DPI – Fisheries are as followed:

Condition #1: *The 6.5m berth closest to shore on the western arm must not be used by a sailing boat or a boat with a fixed propeller of any kind, it must only be used by a boat with an adjustable outboard motor. In addition to maintain sufficient under keel clearance of greater than 300mm as per Australian Standard 3692 the 6.5m, 7m and 8.5m berths on the western side of the western arm are to be limited to 0.75m, 1m and 1.5m draft vessels*





(south to north). This condition will enable 500mm minimum clearance at 0m Z.F.D.T.G which is greater than the Australian Standard requires.

Condition #2: The proposed 10m and 12m berths closest to shore on the eastern arm will be berthed with the bow of the boat entering the berth first meaning that the propellers are further away from the seagrass beds closer to shore. In addition to maintain sufficient under keel clearance of greater than 300mm as per Australian Standard 3692 the 10m berth is to be limited to a 1m draft vessel and the 12m boat be limited to a 1.5m draft vessel. This condition will enable 500mm minimum clearance at 0m Z.F.D.T.G which is greater than the Australian Standard requires.

Condition #3: To mitigate any impact on the adjoining seagrass beds to the west of the marina two identification buoys will be laid at the edge of the seagrass bed adjacent to the 6.5m, 7m and 8.5m berths. In addition, a seagrass identification sign will be erected on the entry gate to the western arm which says, "Please keep clear of seagrass beds when entering and exiting the marina, identification buoys show the edge of the seagrass beds and must be avoided at all times".

We have proposed these conditions to DPI Fisheries in correspondence dated 27/11/2024 and have updated the conditions based on the changes recommended by IMC in further correspondence dated 24/01/2025. We have not yet received a confirmation that the updated conditions are accepted. However, we are amending our application now to include these conditions because we think they deliver a better outcome.

We will upload the revised plan and this letter to the Planning Portal.

RFI – Issues Raised

1. Compliance with Australian Standards

The marina expansion was designed by International Marina Consultants (IMC) who are experts in marina design and were involved in the creation of the Australian Standard 3962. The attached letter in Appendix B confirms that the proposal is compliant with AS3962 and includes a CV for John Leman the director of IMC.

2. Noise

The proposal, as modified by this letter, removes any vessels over 15m. This is the current maximum size stored at the marina. We also confirm there is no change to the workshops at the marina which will remain in their current format. There will however be a removal of the existing slipway which should reduce noise levels.

The Kiosk will be ancillary to the marina use and as per the amendment detailed above will only operate between 7am-4pm with a maximum of 20 patrons and no amplified music. On this basis, we have asked Ben White from Pulse White Noise Acoustics to provide advice, and this can be found in Appendix C.





3. Suitability of proposed marina vessel

This letter formally amends the application to remove any vessels over 15m in length. For the avoidance of doubt, this application has never proposed any dredging and the water depths in and around the marina are sufficient for the vessels proposed. This has been confirmed by IMC in Appendix B above. On this basis the proposed vessels are suitable and compliant with the relevant standards.

4. Referral – Aboriginal Heritage

Please see attached Appendix D letter from GSA planning responding to the referral.

5. Submissions

North Harbour Marina has reviewed each submission which has been uploaded to the Council website. Most submissions seem to be based on misinformation and are not reflective of the proposal. North Harbour Marina has emailed the attached letter (see Appendix E) to each objector and asked Council to do the same for any objection which redacts or doesn't provide an address.

The key issues we have identified in our review of the submissions can be summarised in the table below:

Issue	Mitigation Measure / Amendment
Size of boats (various impacts from 25m & 32m vessels) <ul style="list-style-type: none"> - Noise impacts - Visual impacts - Traffic & parking impacts - Pollution impacts - Local character impacts - Turbidity and ecology impacts 	The amendment to the application removes any boats over 15m which removes most of the issues raised in objections. 15m is the current maximum sized boat berthed at the marina and therefore is in keeping the character of the bay.
Removal of swing moorings, loss of boat storage and displacement of current mooring clients	The application removes just 10 swing moorings but adds back 9 marina berths. This means the total boat storage decreases by only 1 boat. North Harbour Marina already has several customers on its moorings who are waiting for berths to become available. If any mooring customer is relocated to a berth and that is not their preferred option, they will continue to pay the lower mooring rate until a mooring becomes available. Based on feedback from existing customers we don't think this will be required but we have offered it to clients who have asked the question.
Noise from Kiosk	The proposed kiosk is ancillary to the marina use and now includes an amendment to the hours of operation, so trade is restricted to 7am – 4pm and no amplified music is permitted.
Alcohol served or sold at Kiosk	The kiosk trading conditions will now be amended so no alcohol can be served or bought from the kiosk.
Navigation Channel - Safety	Some objectors have raised concerns about the navigation channel and if it is required, the feedback from most users of the



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	<p>bay including members of Marine Rescue NSW (see Lighton submission) is that the channel is much needed and will improve safety within the bay. The channel is not required only to service large vessels (no longer part of the application) it is required to improve safety for all users of the bay. TfNSW is supportive of the re-creation of a navigation channel within the bay and their files show that there was originally a channel within the bay but the operators in the bay have over time encroached on this channel and it is now non-existent which creates navigation challenges for boats and passive watercraft accessing the bay.</p> <p>We do not believe that boats greater than 15m will access the channel because there is nowhere for them to go or berth and the channel itself will be marked as a navigation channel by TfNSW and monitored by TfNSW Boating Service Officers.</p>
Seagrass / Ecology	<p>The proposal has been designed to be clear of all seagrass beds. Following extensive consultation with DPI - Fisheries it has been proposed to place a series of conditions and markers to identify the seagrass beds to the west of the marina so that all craft, not just craft accessing North Harbour Marina, can stay clear of the seagrass. These conditions have been adopted in the amendment.</p> <p>The proposal removes the existing slipways and adds new piles and pontoons which support flora and fauna, this means the overall ecological impact of the proposal is expected to be positive.</p>
Traffic & Parking	<p>The proposal includes a traffic and parking report which shows that the impact of the development will be neutral or positive in terms of traffic and parking. The amendment to the DA removes berths over 15m which seemed to be central to the traffic and parking concerns raised by objectors.</p>
Compliance with Australian Standards	<p>The marina design is fully compliant with the Australian Standards and has been designed by an engineering firm (IMC) with significant experience who were also involved in the drafting of the Australian Standard itself.</p> <p>We can confirm that all berths have the necessary depths required under the standard (see Appendix B) and in addition our standard berthing agreement requires vessel drafts to be provided so the appropriate clearance can be maintained at all times.</p> <p>Furthermore, some of the objections seem to show some confusion about what fairway widths are required and where. The standard requires internal fairways to be 1.5x the maximum length of the vessels accessing the berths in that part of the marina. Therefore, even though the maximum berth size of the T-Head is now 15m a 22.5m channel is not required to access all the berths in the marina. The new 10m,11m,12m, 13m and 14m berths on</p>



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	the inside of the eastern arm only require fairways large enough for those vessels to access those berths. The internal fairway can narrow as the berth size in that part of the marina decreases.
Pollution	Given the minor nature of the changes in boat storage and the removal of the slipways any pollution issues are expected to be improved. The marina is operated under a Plan of Management which outlines its processes in relation to pollution management.
Safety – Passive Craft	The removal of vessels of 15m in length and the creation of a navigation channel approx. 50m wide will help improve navigation for all craft, including passive craft.
Visual Impact	Given the minor nature of the changes in boat storage and the 15m maximum vessel size the visual impact of the proposal is expected to be negligible. The 9 new berths sit within the existing visual shadow of the existing marina berths. The creation of a 50m wide navigation channel will help reduce the visual clutter within the bay.
Plan of Management for Marinas	The existing marina as approved under DA86/2008 includes a Plan of Management. This document is updated by Marina Management when and if required or may become redundant such as the sections which cover the slipway rails and soft stand. The existing Plan of Management was included in the DA submission.
No Pumpout Facilities	Pumpout facilities are part of the existing marina and will remain as part of the proposal.
Character of bay	The 15m vessel length restriction will maintain the character of the bay.
No access to toilets	Access to the toilets is available through the marina office. The toilets are located outside of the main marina building on land leased from Northern Beaches Council and have been in place for many years.
No consultation with TfNSW and other bay stakeholders	North Harbour Marina has undertaken extensive consultation throughout the DA process with local TfNSW via the PTL process, local stakeholders including North Harbour Sailing Club, Manly Boatshed and neighbours of properties around the bay. It was this consultation with North Harbour Sailing Club which led to several of the amendments put forward in this letter.
Removal of slipway	The existing slipways do not meet modern standards, and their removal will reduce noise and pollution within the bay. There are several more modern and environmentally slipways located at nearby Spit which is only a short passage from North Harbour.
Rubbish from Marina	The rubbish generated by the marina especially with the 15m vessel size maximum is not expected to increase.
Increase in total boat storage	Some submissions say the proposal will result in +27 more boats in the bay, this is not true. The proposal will remove 10 commercial



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	swing moorings and install 9 new marina berths which will decrease total boat by one boat.
Scale of Development	The proposal is minor in nature, the total boat storage at the marina actually decreases from 86 to 85 boats and the maximum vessel size remains at 15m based on the amended plan. Given this, the scale of the development is considered minor and appropriate.
Launching kayaks and dinghies	The marina enjoys direct beach access to the east and west. The new dinghy/kayak storage racks will use the access to launch craft.
Cost of proposal	The proposal is minor in nature and users a lot of the existing infrastructure. This adaptive reuse means the new capital items are minimal. The cost proposal was based on a price submission from Bellingham Marine who built the existing facility.
Potential dredging	There is no dredging proposed as part of this DA.
Fuelling dock	There is no fuelling dock existing at the marina and no fuelling dock is proposed.

We believe that the amendments made to the application address most of the objections received by Council. We also note that a substantial amount of the objections say that if the larger vessels are removed and restrictions placed on the kiosk then they would not object to the DA.

Given the amendments put forward in this letter we believe the amended application is worthy of approval with the proposed conditions.

If you require any additional information, please do not hesitate to contact me to discuss on [REDACTED] or via email [REDACTED]

Regards,



Ned O'Neil

Director – North Harbour Marina Pty Ltd

