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To: DA Submission Mailbox
Subject: Online Submission

18/03/2025

MR david wright
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[REDACTED]

RE: DA2024/1216 - Gourlay Avenue BALGOWLAH NSW 2093

Attention: Mr Maxwell Duncan
Attention: Maxwell Duncan - Northern Beaches Council
Subject: Objections to the amended DA Submission DA2024/1216 (29-1-2025)

We are writing to formally express our concerns with the amendments to this DA, originally submitted on 11-9-2024 and amended on 29-1-2025, in relation to proposed changes to the North Harbour Marina (formerly Davis Marina) and associated proposed changes to the mooring and navigational arrangements within the North Harbour inlet.

We have lived in the area 27 years and have owned a sailboat on a public (TfNSW) mooring in the bay since 2006.

We submitted our concerns with the original DA November 2024 and, having reviewed the amendments, re-submit our amended concerns below.
They remain related to areas of due process, impact on environment and community access to a shared amenity.

Due process & lack of input from a key NSW Agency, TfNSW-Maritime.
Much of the DA relates to removal and /or relocation of public moorings, creation of a navigational channel and overall changes in the usage and marine traffic flow in North Harbour. It is our understanding that TfNSW - Maritime branch is the agency responsible for managing these issues and is the specialist agency in this field.
Summary: The amended submission states that TfNSW have been fully consulted via the PTL process.
As this material is highly relevant to the DA, we request that the results of this consultation be made available to council and public as part of the DA process. It is our understanding that the PTL (permission to lodge) process merely provides TfNSW's assent to lodging a DA, not TfNSW's consent to the contents of the DA itself.

Rationale for removal of swing moorings
Swing moorings offer a relatively affordable means of the boating public gaining access to the harbour for recreational boating activities.
Replacement of these moorings with marina berths immediately multiplies the costs by a significant multiple and therefore reduces the general affordability of access.
Furthermore, North Harbour has a predominance of relatively small sailing vessels on swing moorings which contribute to its unique and tranquil nature. Replacing these by marina berths

at the head of the inlet creates a much greater level of additional traffic through the entire length of the inlet - see navigational channel comment below.

Summary: We do not support the removal of any swing moorings in North Harbour.

Furthermore, the removal of low-cost public moorings for the benefit of a private operator is not something that council or TfNSW should support.

Changes to navigational arrangements in North Harbour.

The main rationale is stated to be safety, however, in our experience safety has not been an issue in North Harbour. In fact, the area is heavily used by paddle boarders, kayakers and small sailing and motor vessels. The creation of a navigation channel will enable a higher speed (notwithstanding the current 4kt limit) and less lookout, thus likely increasing the safety hazard to other users.

The real but unstated rationale is to allow for a much larger volume of traffic to gain access to the proposed larger marina at the head of the inlet

Summary: We do not support the creation of the navigation channel which is solely driven by increased traffic and volume of activity in the marina at the head of the inlet and will in fact cause a much greater safety hazard to existing users of North Harbour. If hazards to navigation were deemed to exist, these should be managed through the appropriate body, TfNSW, not a private operator who has a commercial interest in speeding up access to their facility.

Proposed berths to accommodate 25 and 32 m yachts.

We note the removal of these proposed berths. .

Summary: We thank North Harbour Marina for acknowledging the absurdity of attempting to bring vessels of this size into the head of the shallow bay. We are surprised that none of their advisors counselled against this in the original DA. And it is reflective of the lack of public consultation in the overall approach.

Report - Plan of Management (submitted 5/9/2024).

This plan dates back to 2008, was developed by the previous operator, and is only partially relevant to the proposed development. In places it generates a very misleading view of what is planned.

Summary: Our concerns remain valid. A new management plan should be prepared that is relevant to the scale of the changes being proposed. This should form part of any new DA and should be fact checked.

Refuelling:

Mention is made in some places of a fuelling dock. However the previous leaseholders 2008 plan of management may no longer be relevant.

It is unclear if this is planned or not. The closest operational fuelling facility is in Middle harbour.

Fuelling is inadequately addressed in the statement of environmental effects (P.31)

Summary: Our concerns remain valid. The plan of management references a fuelling dock, yet the amendments state one is not proposed. The DA should explicitly state what is planned for this important element and the plan of management should be amended.

Kiosk & liquor licence

We note the amendments. However there is still only a very basic toilet block, with no disabled access.

Summary: we thank the operator for attempting a more sympathetic approach to retaining the peace and tranquillity of this outstanding area of natural beauty.

Parking

Having observed the usage of the Gourlay avenue parking area for many years, we disagree with the assessment of limited impact. This car park area is for the benefit of all users of the area, not solely for the marina, and an increase in marina usage above existing levels will impact surrounding streets.

Summary:

Pumpout facility:

There are no existing operational pumpout facilities. The previous leaseholders 2008 plan of management may no longer be relevant.

The nearest on water pump out facility is in Middle Harbour.

Summary: The amended DA is incorrect. There are no operational pumpout facilities at the marina. Our comments remain. Responsible operation of a marina should clearly address pumpout requirements. The DA and plan of management should make reference as to how this will be managed. Spills in the enclosed N Harbour waters would have a severe impact on the local environment.

Costs

We note the operator believes the work can be completed for less than \$300k.

Summary: good luck with that!

Dinghy storage:

We note that North Harbour Marina propose to offer storage for 72 dinghy/kayaks for a fee. On the face of it this seems to provide a real public benefit as dinghy storage is limited in the area. However, there are multiple points worth noting:

- There is no clear means of launching and or retrieving the vessels
- The proposed fee schedule is not shown and lastly
- Both Manly Yacht club and North Harbour Yacht Club have expressed interest in acquiring the lease of the on water sea-scout hall hut in the same area. Both their proposals will significantly increase the amount of dinghy/kayak and SUP storage for a very reasonable fee. Both these organisations operate for the benefit of the local community and are very sympathetic to the needs of the needs of the local community. .

Summary: in short, this proposal for dinghy storage may not be a realistic commercial proposition and there may be other commercial used in mind. We do not support it.

Support for the local community.

Demonstrated behaviours by the applicant, as well as the sheer volume of concerns raised by the local community, indicate that the intended customer base is not the local community, boating or otherwise. Whilst these behaviours may demonstrate valid commercial decisions by the new leaseholder, seeking to maximise commercial returns, they do not demonstrate active consideration or understanding of the unique nature of the North Harbour inlet and the surrounding community concerns. Examples include:

- Abrupt removal from existing clients, without consultation, of longstanding and paid for services, such as a tender service, use of wharf for pick-ups and drop offs and use of work berth facilities.
- Abrupt removal of access to toilet facilities.
- Initial issuing of plans, without any form of community consultation, that are clearly totally unsuitable and out of keeping to the environment, tranquillity and amenity of the local area (including superyachts, liquor licence and kiosk operational hours, removal of moorings,

creation of a large navigation channel with consequent safety hazards, etc, etc).

- Issuing of a very confusing mailshot to some local residents, a month after the DA was issued, that has no clear status in relation to the DA and just serves to muddy the waters

In summary, the proposed development has ignored the interests of the local community. We do not support it.

Use of a community asset:

It is our understanding that harbourside leases allow use of a community held asset (Sydney Harbour and North Harbour in particular) for the benefit of the community. In this case, the proposed development is actively removing key aspects of this community asset including:

- removing the ability for passenger pickup & drop off;
- removing a work berth for safe servicing of craft;
- Removing a mast crane;
- removing two slip ways;
- Removal of a shared dinghy/tender service;
- Removal of low cost swing moorings.

Some of these are the last such facilities in all of North Harbour, so once gone will be unlikely to return.

In summary, the proposed development does not operate the community asset (NSW Harbour and North Harbour in particular) for the benefit of the community but for a small minority, mainly new, client base.

Conclusion

We are not opposed to sensible redevelopment, sympathetic to the unique nature of this special part of the harbour.

However, the proposed development fundamentally undermines the shared amenity of North Harbour, prioritising private commercial interests over the needs and rights of the local community. It disregards due process, raises serious environmental and safety concerns, and fails to align with the character of the area or the principles of community asset management. We believe this is the thin edge of the wedge, and this proposal will only be the beginning of ongoing development of this marina. It is purely a profit seeking commercialisation of the marina without endorsement from the community.

Whilst it is the right of the operator to seek to make a commercial return, that must be done within the planning constraints, due process and community concerns. We do not believe the operator has sufficiently demonstrated any of this. We urge the Council to reject this DA in its entirety and we would urge the Council to engage all relevant agencies and consult the community to understand its best interests, and keep North Harbour as a unique and tranquil gem in the Sydney Harbour Basin. We don't need another Middle Harbour in North Harbour. Thank you for your attention to this matter.

Best regards
David & Aison Wright