
From: [REDACTED]
Sent: 15/11/2024 9:43:20 AM
To: Council Northernbeaches Mailbox
Subject: DA2024/1216 Submission
Attachments: DA Submission.pdf;

Hello Maxwell Duncan and Northern Beaches Council,

Please find attached my response to the DA2024/1216 regarding North Harbour Marina changes and my concerns with the proposal.

I request my details be withheld from the public website for reasons I am happy to discuss if needed. I do give council permission to hold and use my details to contact me regarding my submission and for my submission to be placed on the public website with the other submissions.

Regards
[REDACTED]

Dear Maxwell Duncan, Council and Maritime Authorities

I am writing to formally object to Development Application DA2024/1216, proposed by North Harbour Marina (NHM). While NHM's application aligns with their plans for business expansion, several elements of the proposal are not in the best interests of the community, Maritime, or the Council. Below, I outline my concerns and the potential negative impacts on the community.

1 Application for Super Yachts and Removal of Commercial and Private Swing Moorings

The request to accommodate Super Yachts raises numerous concerns, which I believe cannot be supported due to the significant, ethical, and practical issues outlined below. NHM are requesting to create a channel to support very large vessels up to 32m and 120 tons to enter and leave from the Marina. To put this in perspective, NHM are requesting the ability to berth boats almost as big as one of the Emerald Class Manly ferries that replaced the original Freshwater Class Manly ferries, of which are 35m and 90 ton.

1.1 Inaccurate Representation of the Proposed Channel

The map provided on page 3 of "Plans – Marina" suggests that the removal of moorings will create a clear channel for large vessels. This is misleading. The map shows a channel between existing moorings (**Figure 2 - Proposed Channel**), but in reality, moorings do not remain stationary, especially in deep waters where there is significant movement. The map also fails to account for the maximum swing radius of vessels on these moorings. As a result, the depicted channel widths are inaccurate and do not reflect the actual available space in a worst-case scenario (**Figure 3 - Actual Channel Worse Case Scenario**). Moreover, there is no reference to regulatory requirements or fairway standards for Super Yachts. Given that the proposed channel is not straight and has a 45 degree turn as per **Figure 2 - Proposed Channel**, safe passing clearances during turns, as well as factors such as wind and momentum, should be considered.

The bay is subject to complex wind conditions, with winds entering from both the east and west, particularly during soft southerlies and competing land and coastal breezes in the morning (**Figure 1 - 13/10/2024 Vessels facing North, East, South and West at same time**). These wind patterns often cause vessels to face different directions, making navigation for large yachts highly unpredictable and unsafe and the worst-case scenario to actually have a high occurrence.

Additionally, large vessels like Super Yachts face challenges in confined spaces due to their size and wind susceptibility. While these vessels may have bow thrusters, the use of such thrusters poses risks to nearby boats, as it can easily push smaller vessels off course, leading to potential collisions, especially during slack tides when vessels point in various directions.



Figure 1 - 13/10/2024 Vessels facing North, East, South and West at same time

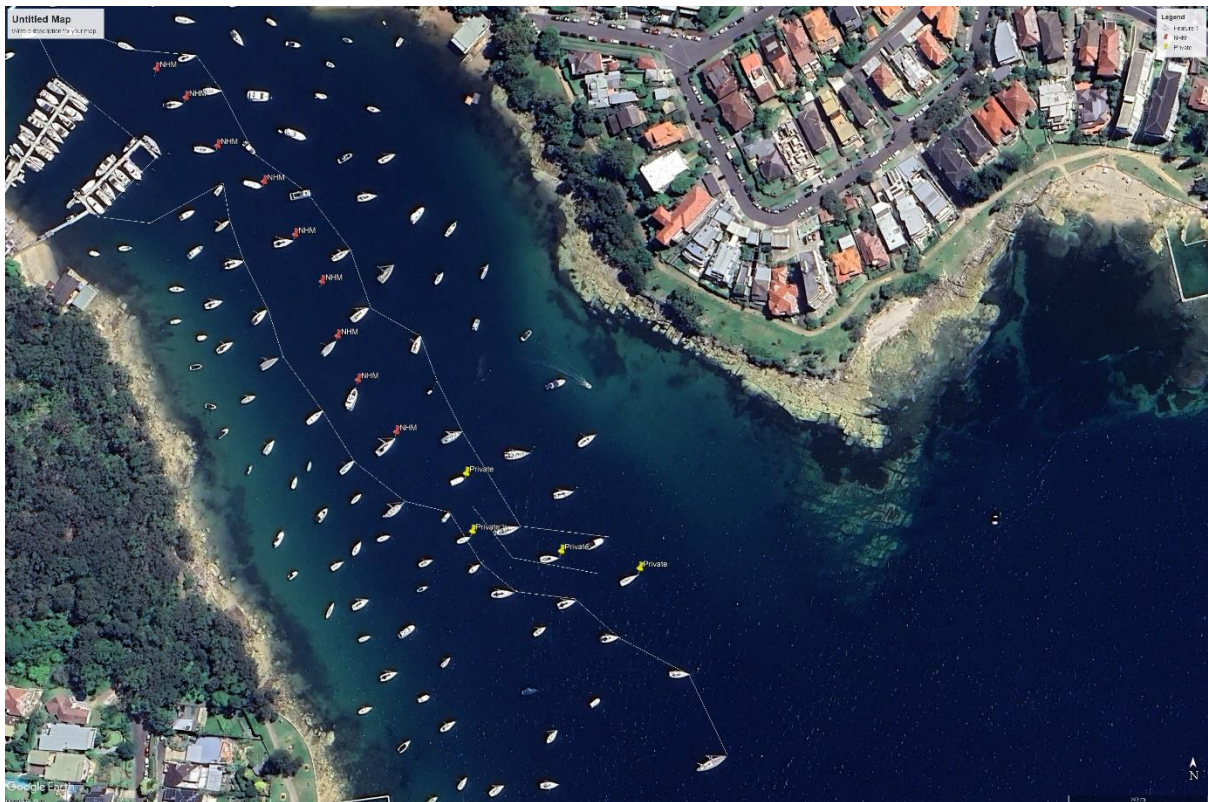


Figure 2 - Proposed Channel



Figure 3 - Actual Channel Worst Case Scenario

1.2 Inadequate Fairway Requirements

The proposed channel does not meet the fairway requirements for Super Yachts. For example, a Super Yacht with an 8-meter beam would typically require a fairway of at least 40 meters in width per the standard AS 3962. The NHM map indicates a distance of 42 meters between moorings, but this measurement does not consider the length and swing radius of vessels in a worst-case scenario. Taking a typical 10-meter vessel, the effective channel width would be reduced to 22 meters—well below the necessary fairway standards. Accounting for mooring movement, this width could decrease to under 20 meters, which is insufficient and unsafe for a 32-meter, 120-ton vessel.

Furthermore, referring to **Figure 3 - Actual Channel Worst Case Scenario** we can see the worst-case channel width based on actual mooring positions is less than 10 meters and completely impassable by a Super Yacht.

1.3 Lack of Consideration for Turning Space

The map also fails to provide any information regarding the turning circle required for a Super Yacht to safely navigate the bay. While a 42-meter distance is mentioned, this does not account for the swing radius of smaller vessels. Factoring in a 10-meter vessel, there is no safe area for a Super Yacht to turn around before exiting the bay.

1.4 Impact on the Local Boating Community

The proposal to accommodate Super Yachts comes at the expense of both commercial and private moorings, as well as the local boating community. North Harbour supports numerous yachting clubs that offer free sailing opportunities, contributing significantly to the community. The request to prioritize Super Yachts, which are not representative of the bay's usual demographic, undermines this community dynamic. The bay primarily hosts small pleasure craft, including yachts, powerboats, and fishing vessels, which travel to nearby areas such as Quarantine, North Manly, and Middle Harbour. Displacing these vessels to accommodate one or two Super Yachts is not in the community's best interest, especially given that Super Yachts can access other areas of Sydney Harbour more easily.

1.5 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.

1.6 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.

1.7 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.

1.8 Aesthetic and Environmental Impact

The presence of a large Super Yacht in North Harbour would dominate the bay, which is currently home to small pleasure craft and bordered by natural landscapes. A multi-story Super Yacht would block views of the foreshore, trees, and wildlife, disrupting the natural aesthetic and tranquil atmosphere of the bay.

2 Updated DA

Recently, NHM circulated new information to the community. This update suggests modifications to the Development Application (DA); however, there is no formal submission available online indicating that NHM has actually altered the DA. NHM states that changes would only be implemented **if** imposed by Council, which could mislead residents into believing that the super yacht proposal has been removed. In reality, the original DA remains active, and without clear amendments, community members might be under the false impression that NHM has revised its plans. This could be seen as an attempt to mislead the community, as no such formal change of scope on the DA has been submitted.

3 Unnecessary Channel Proposal and Swing Mooring Removal

In a recent letter to the community, NHM indicated plans to remove commercial and private swing moorings, even if the super yacht proposal is not approved. 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. NHM's claim that a dedicated channel to its marina benefits the community appears misguided, reflecting instead an attempt to transform a marina for small pleasure craft into an unsuitable facility for large vessels or super yachts.

4 Inadequate Notification Process

The re-notification map for Development Application DA2024/1216 fails to notify all relevant parties. Specifically, owners of private moorings have not been informed of the proposal, despite the fact that their moorings may be directly affected by it. Many of these owners remain unaware of the potential impact this will have on their vessels and activities.

Additionally, the notification map does not cover the entire area that would be affected by the development. The notification **radius** should be expanded to include all residents and stakeholders within the immediate area, particularly those to the west of the development site, as well as all private mooring owners whose interests are at risk.

5 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.

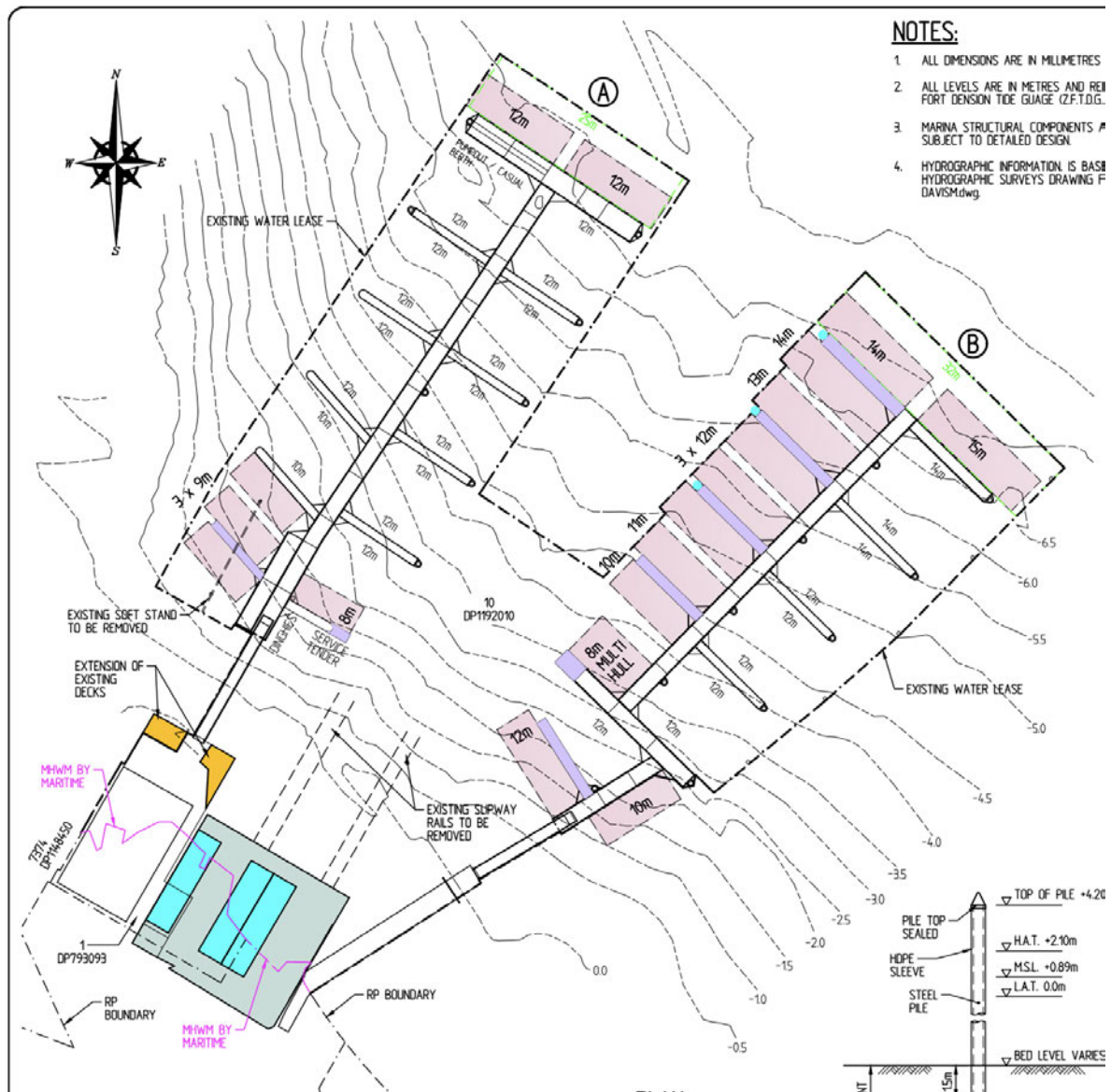


Figure 4 - Three proposed 3x9 meter berths

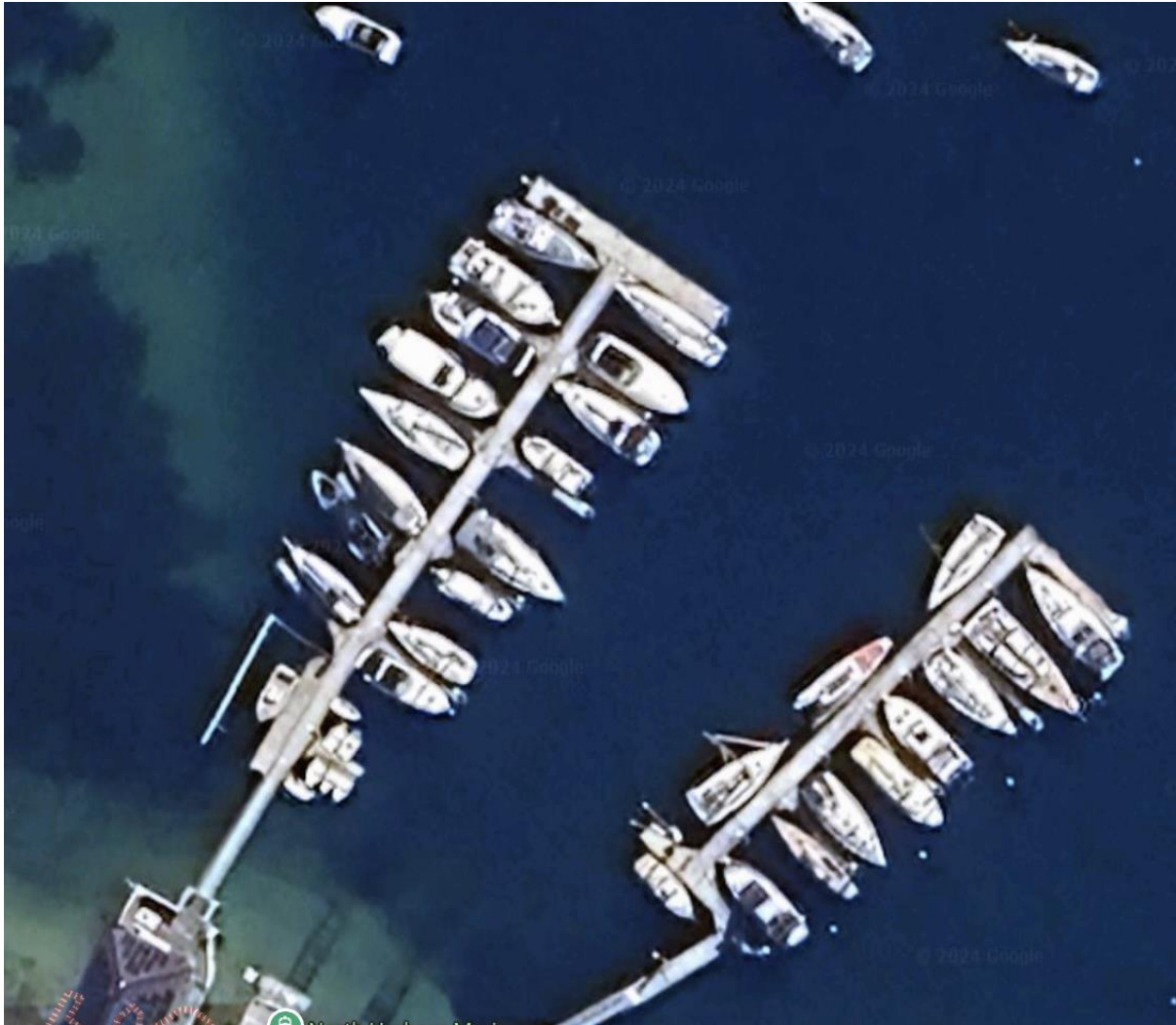


Figure 5 - Seagrass directly in front of the proposed berths

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 6 - 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 6 - 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.

6 Dinghy Storage and Access

The design shown on page 1 of the “Plans – Marina” 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.

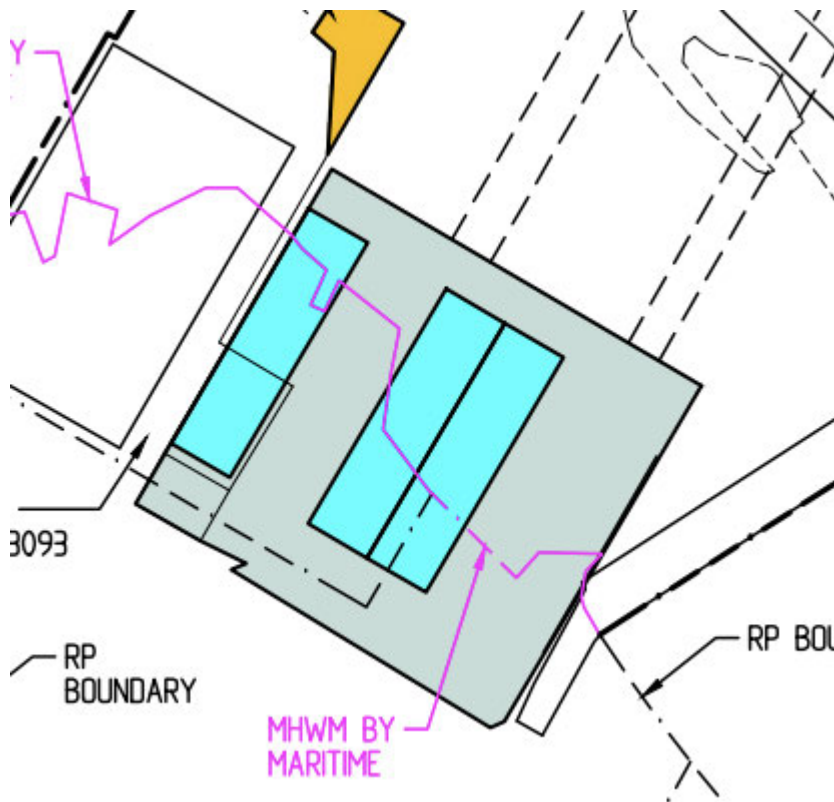


Figure 7 - Dinghy and kayak storage lacking foreshore access

7 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.

NHM should consult the relevant fairway regulations (AS 3962) for marinas and adjust the berth sizes accordingly. Ensuring that vessels can safely navigate and berth within the marina is essential for the safety of both patrons and the surrounding boating community.

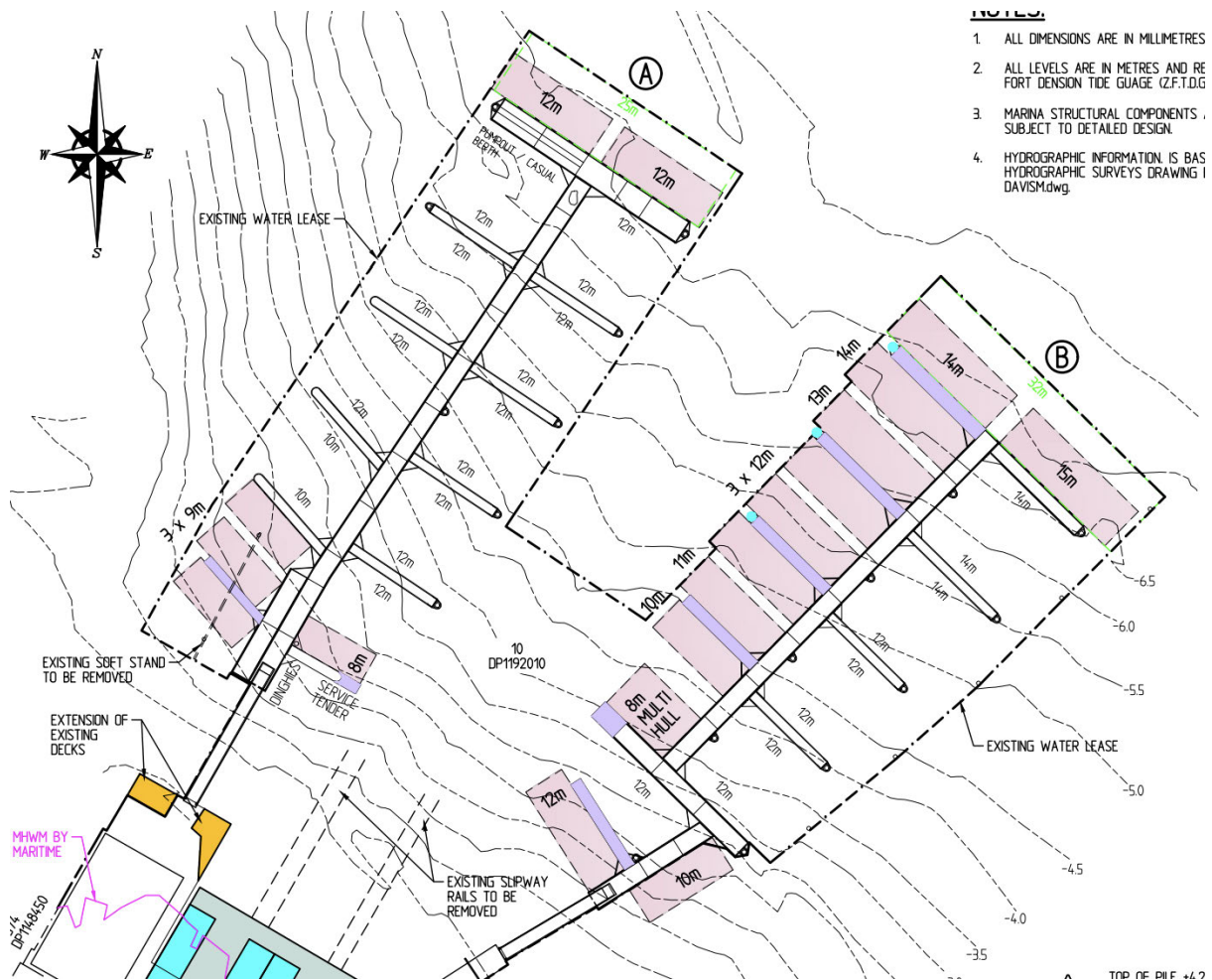


Figure 8 - Expansion of Berths on Arm B Facing north West

8 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.

In the interest of safeguarding community benefits, I strongly recommend that Council and Maritime impose a condition requiring the completion of the dinghy and kayak storage before approving any further marina upgrades.

9 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.

10 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 crew members 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 9 - NHM vessels on T-Wharf Saturday 14/09/2024

11 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 MHWL as claimed in the application. Ensuring transparency and compliance with regulations is crucial for maintaining the integrity of this development process.

12 Lack of Community Engagement

The DA submitted by NHM does not provide a strong argument that it is in the community's interest and that their primary concern is with expanding their business at the cost of the community. For instance, the details of the liquor license are embedded within the Statement of Environmental Effects (SEE), which may be viewed as an attempt to obscure this information from public scrutiny. Furthermore, the emphasis on accommodating super yachts and the proposed changes appear to disregard both regulations and practical considerations.

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. 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 this report further highlight the need for a more transparent and community-focused approach.

Conclusion / Summary

Summary of Concerns and Recommendations Regarding the Development Application

1. Items that Shall Not Be Built/Approved

- **Proposed Super Yacht Berths (Point 1):** The proposed super yacht berths must not be built, as they do not align with the community's needs or interests, do not align with Maritime's policies, do not meet Australian Standards and negatively impact the community and bay, with no benefit.
- **Proposed Channel (Point 3):** The proposed channel for the Bay is not required for the Bay and as per points of **Point 1**, it does not benefit the community.
- **Proposed Three New Berths (Point 5):** 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 6):** 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 7):** 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 8):** The estimated cost of the proposed works must be revised to accurately reflect the project's scope and complexity.
- **Pickup/Drop Off (Point 10):** Provisions for pickup and drop-off locations for vessels must be reinstated to serve the boating community effectively.
- **MHWM and Landowners Notified (Point 11):** 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 9):** 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.

4. Open Communication and Community Focus

- **Letter (Point 2), Notification (Point 4) and Community Engagement (Point 12):** A more transparent approach regarding NHM's real intentions and ultimate goals would significantly benefit the marina's relationship with the community. Addressing objections through trial initiatives, such as the kiosk, instead of attempting to

obscure elements of the proposal, would demonstrate a genuine commitment to community-first principles.