
From: DYPXCPWEB@northernbeaches.nsw.gov.au
Sent: 18/11/2024 11:27:57 AM
To: DA Submission Mailbox
Subject: TRIMMED: Online Submission

18/11/2024

MR david wright
45 lauderdale AVE
fairlight NSW 2094

RE: DA2024/1216 - Gourlay Avenue BALGOWLAH NSW 2093

Attention: Maxwell Duncan, Assessing Officer - Northern Beaches Council

Subject: Objections to DA Submission DA2024/1216 (11-9-2024)

Dear Mr. Duncan,

We are writing to formally express our concerns with the above DA, submitted on 11-9-2024, 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 have the following concerns with the DA as submitted to Council.

They primarily relate 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: Council should seek input from the relevant agencies It is not fully clear to us, but it would seem that TfNSW Maritime should be the body providing the assent, or at least endorsement of these on water changes.

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, and larger, 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.

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 bigger volume of traffic (both in amount and size) to gain access to the proposed bigger 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.

Changes to the design of the marina itself.

The marina in its current form was redesigned around 15 years ago. There was a reason then that the existing Eastern Arm only had piling berths on its eastern side which was to do with safety and navigational space. Addition of piling berths on its western side significantly reduce the navigational space available within the confines of the marina and hence has safety and possible environmental impacts due to collisions and spills.

The proposed design does not appear to comply with the Marina Std of Australia.

Summary: We recommend any changes to the marina comply with relevant standards. They are there for a reason.

Proposed berths to accommodate 25 and 32 m yachts.

These are large vessels. Larger than anything that has operated out of North Harbour. By way of example, the new Emerald class ferries on the Manly route are 35m, just 3m longer. And the Fast Ferries are around 32m.

We believe TfNSW has a limit of 12m for new mooring applicants in the bay, and that is there for a reason. Large vessels have a corresponding large impact on the environment. They are big, and high. They have a greater draft and will create much more prop wash from main engines as well as bow thrusters. Vessels that size will have many passengers - potentially hundreds depending on the type of vessel. The parking impact assessment has not taken this into account. They will have on board generators. They will have refuelling and sullage requirements. They will generate a wash through the whole length of the North Harbour inlet as they travel down it, hopefully adhering to the 4kt limit. None of this has been taken into account in the environmental impact statements.

Finally, they have much more windage and require much more space to manoeuvre and hence would require a large navigation channel to safely navigate in and out of North Harbour.

Summary: We support a maximum vessel size of 12 - 15 m in the marina. This is required to remove the potential for large commercial party boats and similar vessels to operate out of the area. This would also obviate the need for a navigation channel.

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: 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: the plans should explicitly reference any fuelling facility and, if present, that facility should be subject to the marina environmental standards. A fuel spill in the enclosed N Harbour waters would have a severe impact on the local environment

Kiosk & liquor licence

Prima facie looks like something that could be a local amenity, however the opening hours and liquor licence in what is a very residential area show no sympathy towards the local residents in terms of traffic volumes, noise and general potential for disturbance in the evening. Residents and Manly Spit Walkers already have access to cafes in North Harbour Reserve and across the inlet at Manly Boatshed.

Summary: remove liquor licence, restrict numbers to 20 and restrict opening hours to more reasonable daytime operations 0700-1700

Sullage:

No mention is made of sullage. It is wrongly addressed in the statement of environmental effects (P.31&33) where an on-land toilet is referred to as the proposed solution. The previous leaseholders 2008 plan of management may no longer be relevant.

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

Summary: Responsible operation of a marina should address sullage requirements. The DA and plan of management should make reference as to how this will be managed. Sullage spills in the enclosed N Harbour waters would have a severe impact on the local environment.

Costs

Unclear what the cost estimate of less than \$300k is referring to, but it's not going to pay for what is being proposed.

Summary: all information provided in the DA should be carefully checked

Support for the local community.

Demonstrated behaviors 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 behaviors 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.
- 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.

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

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.

We urge the Council to reject this DA 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.

Thank you for your attention to this matter.

Best regards
David & Aison Wright