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**From:** Don Bayly  
**Sent:** 18/11/2024 10:10:53 AM  
**To:** Council Northernbeaches Mailbox  
**Subject:** DA2024/1216-North Harbour Marina  
**Attachments:** Marina application objection DA20241216 Nov 2024.pdf;

Dear Mr. Duncan,

Please find attached my concerns regarding the subject DA.

Yours sincerely

Don Bayly

To: Maxwell Duncan

Northern Beaches Council

council@northernbeaches.nsw.gov.au

Subject: Objection to Development Application DA2024/1216 - North Harbour Marina

Dear Mr. Duncan,

I respectfully submit this objection as someone who has dived, sailed, fished and kayaked in NH since the early 1980's and was fortunate to have driven the tender and work boat at Davis Marina for 8 out of the last 10 years.

Marina, now and proposed:

- Comments by the new proprietor to the Manly Observer that the current marina is poorly designed are questionable. If the objective is to squeeze as many large luxury vessels as possible into the smallest possible space, then yes, it is a poor design. If the objective is to ensure safe berthing in the prevailing weather and tidal conditions balanced with the preservation of the delicate marine environment in the bay, then the marina was arguably well designed by Bruce Davis who has sailed from and worked at the marina since a small boy.
- The waters of North Harbour are usually tranquil and safely navigable by smaller yachts and power craft. This is not always the case as the bay can experience large surges that make navigation difficult even for the experienced skipper. The marina is one of the few on the east coast that has direct line of site exposure to the open ocean which happens to be Sydney Heads where massive flows of water are not infrequent. This tidal flow in storm conditions funnel down the northern side of the bay, hit the western sea wall, building up often over a meter then usually exit as a surging tidal flow under the marina and particularly through the narrow gap between the current marina and the shore. Anyone who has experienced this current will know what I refer to. In effect the marina forms a hindrance for the efficient flow of the tide out of the bay. This is probably one of the reasons the marina was designed as it is so this channel stays relatively clear with only soft stands, where small yachts such as etchells were suspended clear of the water, therefore not impeding the flow of the current exiting via this channel. Currently on the opposite side from the soft stands is the work boat and several small dinghies all having shallow drafts that also do not impede this tidal flow. It is proposed instead that three x 9-meter vessels and one 8-meter vessel are berthed here. It should also be remembered that at low tide it is often

possible to walk across the exposed seagrass right up to the proposed berths.

- The western access channel to the soft stands is very narrow. Craft trying to access the new berths will therefore be bouncing off the seagrass drop off at lower tides or ripping up the seagrass trying to manoeuvre with their thrusters. Arguably one of the reasons the hard stands are no longer used is that this channel didn't provide reliable access, indeed vessels often had to tie up to the T-head to wait for the tide to be sufficiently high to safely access these soft stands.
- The tidal channel referred to above goes up under the marina building (note the maritime high-water mark). Those that have frequented the marina over the years may have noticed the internal partition between the office and the workshop was constructed of canvas to avoid undue structural strain on the boatshed due to the underfloor tidal surging. The proposed plan to insert large vessels that impede this natural flow of water could lead to the early demise of the building. A boat shed that was one of the few that survived the 1994 weather event.
- The tidal flow then dissipates between the two arms of the marina and under the eastern arm. When the seas are up this flow makes docking often difficult even under the current set up. Note there are currently three craft berthed parallel to the western side of the eastern marina maximising the manoeuvring space between the marina arms. It is proposed these three parallel berths are replaced with eight x 8-to-10-meter berths at right angles to the marina arm. Safe berthing under the proposed plan would be difficult without the extensive use of thrusters even in perfect conditions let alone when there is a surge coming in from Sydney Heads or a nasty sou'wester. This increased use of thrusters to manoeuvre the proposed larger craft in the smaller channel combined with the obstruction to tidal flow caused by deeper draft vessels as proposed will have an adverse effect on the sea life and lead to potentially dangerous interactions between berthing and berthed vessels.
- These proposed additional right-angle berths appear to be outside the current lease.
- In addition to the above it is proposed to create a 12m berth adjacent to the old "work berth". It is also proposed to add an additional 10m berth parallel to the eastern side of the eastern marina arm. (this berth also appears to be outside the current lease). Previously there was only the "work berth" in this area which was often unusable in difficult wind and tide conditions. A small aluminium work boat was sometimes berthed parallel to the dock but having a very shallow draft had little or no effect on the natural tidal flow.
- The commonly accepted wisdom is that extreme weather events are becoming more frequent and greater in intensity. It is hard to see how

cramming as many large craft in the smallest possible area is in anyway “future proofing the marina”?

- Fires in marinas are unfortunately becoming more frequent. Modern craft are built from highly combustible materials, that are very difficult to extinguish and can rapidly engulf adjoining vessels. One of the main ways to prevent these fires spreading is to move the burning vessel away from the marina so fire crews can safely fight the fire and minimise collateral damage. This process can be very dangerous especially when the vessels are large and the access channels narrow. This has happened at the subject marina in recent years and fortunately the blazing vessel was able to be pushed clear of the marina by staff in a work boat. The burning power boat subsequently grounded just west of the marina and burnt to the waterline despite fire crews’ best attempts to extinguish the blaze. Given the proposed number of craft crammed into tight berths the risk of catastrophic damage from one vessel catching fire is worrying not to mention the danger to staff and the impact on the local marine environment.
- Over the last decade very few larger vessels like those proposed have used the marina as often due to wind and tide conditions their turning circle can be among boats moored off the northwest end of the T- head. This takes docking vessels close to the shallow sea grass beds. Vessels have often grounded trying to access the western T-Head and have had to be towed clear or worse have used their powerful motors to “rock/drag” themselves free. Even a Marine Rescue craft have grounded here and one had to embarrassingly be towed free by one of their own boats. Other professionally crewed craft have also grounded in this area. The proposed channel would be an open invitation to larger boats unfamiliar with the bay to add to this problem.  
Be prepared for an increase in these unfortunate incidents if this proposal proceeds.

#### Parking:

- Most sunny weekends and when there is club racing the carpark is full from early morning to late in the evening. The council works in the area in recent years has reduced the available parking compared to the previous ad hoc system. During covid when many more Sydney siders discovered the walking tracks in the area the pedestrian traffic through the parking area has increased significantly.  
The current proprietor’s shock decision to cease the tender for non NHM clients after decades of service to the local boating community means that many more vehicles carrying dinghies now seek access to the small beach at the end of Gourlay Av. These vehicles have little or no turning room and must negotiate through pedestrians, dogs, small children and

Manly to Spit walkers. We don't want more larger vessels with larger crews/guests and commensurate parking/delivery/services using this already congested thoroughfare without addressing the existing significant parking /access issues.

The proposed navigational channel:

- I believe the waiting list for maritime moorings is still at least 10 years. The boating community require more moorings not less. The mooring field has been slowly extended and at the same time become denser.
- The nature of swing moorings is that their intersecting ground chains are continually moving and if a boat is absent for whatever reason their buoy does not necessarily move in unison with surrounding moorings and moorings/boats collide or in this case will drift independently in the proposed channel.
- Local sailors understand these issues and their craft are relatively small compared to those proposed and can manoeuvre around or drag the offending buoy (ground chain) clear. For the reasons stated above the proposed channel will be continually moving and present different hazards for larger boats with their restricted visibility and reduced manoeuvrability compared with the much smaller craft that currently safely navigate the bay.
- Given the density of the current moorings when there is a slack tide or otherwise calm conditions moored vessels naturally drift close and often touch. The exaggerated wake from the massive vessels using the proposed channel will certainly lead to unnecessary damage to surrounding boats.
- North harbour has a 4-knot speed limit. Through ignorance, indifference or arrogance boaties regularly enter the bay "on the plane" (i.e. well over 4 knots). This problem will certainly become more frequent with the creation of a relatively open channel inviting boaties to enter the bay at speed. Boaties unfamiliar with the nuances of navigating the bay will be more likely to present a danger to themselves, swimmers and small recreational craft.
- Anecdotally one of the initial tenants of the marina under the new owner was a luxury boat share/hire business? This business to my knowledge no longer has representatives on site but clearly there was an intention to

“hire” out large luxury vessels and presumably this business could be re-established once a suitable access channel and berthing is available. A quick google search shows that at least two boat share/club companies appear to operate from the developers’ other sites.

The SEE focuses on the physical works and their effect on the environment and vista but not the intended new occupants of these “refurbishments”.

Forget super yachts, are other massive, powerful, luxury share/hire craft the intended future of our peaceful little bay? If so, surely this should be disclosed?

#### Marine Life:

Jilling Cove is a very special place that the new owners of the marina have been granted a licence over. A licence most local residents would reasonably expect to come with responsibilities to the local community and especially the delicate marine environment. Council should expect more than a poorly customised generic marine impact statement that addresses in detail the construction stage of the development but only briefly touch on the ongoing impact once the “refurbishment” is operational.

Let’s take a “deep dive” into just some of the impacted stake holders.

- Tailor - prolific in the bay
- Yellow tail, good ol’ yakkas
- Leather Jackets and John Dory
- Australian Salmon what fighters
- Seahorses – as a diver since the late 70’s if you are looking for sea life get down there in the evening better still a night dive. Then tell us there are no seahorses.
- Tropical fish that 30 years ago would drift south in warm currents, live a few months then die from the cold water now survive and reproduce in Sydney Harbour due to our warmer waters. At least 12 species that survive the winter have been identified and many can often be seen under the marina.
- At dusk and dawn sharks with their fins, tails and backs partially out of the water cruise the shallows of the western shore to eventually sink out of sight when they reach the deeper water of the mooring field.

- Rays cruise around the bay following the tidal current, these magnificent creatures can often be seen exiting the northern reaches of the bay directly off the marina deck. One regular is over 2+ meters across and has most of its tail missing. What a wonder.
- The resident turtles, everyone's favourites, amazing.
- Sadly, there are fewer fairy penguins these days, the surviving ones timidly sheltering near the moored boats.
- At that time of year masses of sea mullet enter the bay and shelter under the marina knocking against hulls.
- Dolphins playing around berthed craft and chasing up and down between marina arms.
- No one who has experienced it will ever forget seeing the bay alive with massive schools of Kingies.
- Baby Seals spend the first months of their life protected between moorings enjoying the natural smorgasbord. Remember when the houseboat was moored in the bay and the little fellas would bask on the structure between its pontoons.
- Flat head, black bream, whiting and blue swimmer crabs the list goes on.
- Not to mention the humans courageously/foolishly swimming across the bay and the SUPs, kayaks, tiny tenders making multiple trips (many more since the new marina owners excluded dozens of local boaties from using the tender service /casual pick up and drop off facilities) and small sailing dinghies that have limited ability to manoeuvre out of the path of larger vessels.

Café:

Good idea but again over the top. The plan implies seating for 28 not 20. Is it realistic to suggest just because seating has a different designation on a council plan that food and beverage will not be sold to those seated at the extra tables particularly given these tables are close to the "kitchen"?

Yours sincerely

Don Bayly

10 Kirkwood Street.  
Seaforth 2092

