
From: Andrew Morrison
Sent: 28/10/2024 10:00:00 AM
To: Council Northernbeaches Mailbox
Cc: rodney childs
Subject: TRIMMED: RE: DA Submission DA2024/1216 - Attention: Maxwell Duncan
Attachments: NHM DA Concerns V2.pdf;

Dear Maxwell,

Please find attached my supplementary submission re: DA2024/1216 for North Harbour Marina.

Yours faithfully,

Dr Andrew S Morrison RFD SC/KC
3 Bolingbroke Parade
FAIRLIGHT NSW 2094

[REDACTED]

[REDACTED]

Liability limited by a scheme approved under Professional Standards Legislation

From: Andrew Morrison
Sent: Wednesday, 16 October 2024 12:46 PM
To: council@northernbeaches.nsw.gov.au
Cc: [REDACTED]
Subject: DA Submission DA2024/1216 - Attention: Maxwell Duncan

Dear Maxwell,

Please find attached my submission re: DA2024/1216 for North Harbour Marina.

Yours faithfully,

Dr Andrew S Morrison RFD SC/KC
3 Bolingbroke Parade
FAIRLIGHT NSW 2094

[REDACTED]

[REDACTED]

Liability limited by a scheme approved under Professional Standards Legislation

Dr Andrew Stewart Morrison RFD SC/KC
3 Bolingbroke Parade
FAIRLIGHT NSW 2094

[REDACTED]

[REDACTED]

Attention: Maxwell Duncan
Northern Beaches Council

28 October 2024

RE: DA2024/1216 – North Harbour Marina

Dear Maxwell,

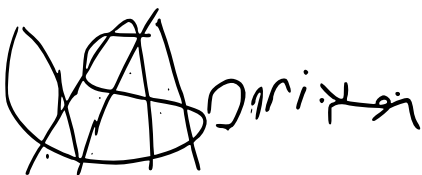
Herewith please find my supplementary objections to the proposed DA and to the draft fall back proposal which was circulated by the applicant. The draft does not replace the existing submission and it is suggested would only apply if imposed by Council. The draft does not appear to have been disclosed to Council.

The application should be rejected even if amended.

Attached please find the following:

- Fall back draft proposal from the applicant; and
- Australian Standard (AS 3962) which should have accompanied my previous submission.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'A. Morrison', with a large, stylized circular flourish to the left.

Dr Andrew Stewart Morrison RFD SC/KC

NORTH HARBOUR MARINA – DA CONCERNS

Development Application Number: DA2024/1216

This is a supplementary submission to my original submission dated 16/10/2024.

This supplementary submission is made in response to the applicants draft fall-back proposal which I received in my letterbox on Thursday 24/10/2024. This proposal from the applicant does not appear to have been supplied to Council.

The applicant's fall-back proposal letter and plan is attached.

The Australian Standard (AS 3962) relating to Marina Channels and Fairways is also attached. Neither the current proposal nor the circulated fall-back proposal complies with the Australian Standard.

My further concerns are as follows:

1. DAMAGE TO BEACH EAST OF NORTH HARBOUR MARINA

- There are two new 10m and 12m berths proposed on the eastern arm much closer to the existing beach.
- There is insufficient depth of water (1m) without dredging which would increase beach erosion and decrease the use of small craft from the beach to the east between NHM and North Harbour Sailing Club.
- Furthermore, the 10m berth shown on the eastern side of the Eastern arm closest to the shoreline is outside of the applicants lease area.

2. FALL BACK PROPOSAL PLAN INVITES LARGE VESSELS

- The applicant has indicated a maximum vessel size of 15m - if imposed by Council.
- It is in fact continuing to provide space for 32m and 25m superyachts on both T-Heads of the Eastern and Western arms.

3. 15M VESSEL SIZE LIMIT PER DRAFT FALL BACK

- The applicant has indicated in the draft fall back plan that there will be a 15m vessel size limit on the ends of both the Eastern and Western T-Heads (per attached – red arrows).
- Under the original plan as submitted, there is only 1 x 15m vessel in the marina.
- It now appears that the applicant wants 4 x 15m vessels, 2 x 15m vessels on the ends of each arm.
- Council should prohibit more than 1 x 15m vessel in the marina as per the original submitted plans

4. PROPOSED CHANNEL

- There are 14 swing moorings on the northern limit of the proposed channel and 13 swing moorings on the southern side of the proposed channel
- The plan assumes that the vessels on swing moorings will not swing across the channel. Some existing vessels are long enough to stretch across the proposed channel. Moreover, when the wind is off the land, vessels can swing inconsistently and are already capable of colliding with each other as they swing through 360 degrees.
- The proposed channel invites large vessels to come into North Harbour, but the space available is neither workable nor safe.

5. THE APPLICANTS PLAN OF THE JETTIES IS NOT ACCURATE

- A simple inspection of Google earth indicates that the distance between the Eastern and Western arms is exaggerated on the plan.
- The true distance between the arms offers insufficient space for safe berthing.

- It is not compliant with the Australian Standard (AS 3962) regarding Marinas, Channels and Fairways.

6. PUMP OUT PROVISION

- As far as I am aware the existing pump out facility on the western arm has not been operative.
- No pump out is proposed for the Eastern arm. The danger of vessels discharging sewerage must be greatly increased by the absence of pump-out facilities and the channel invites more and larger vessels into North Harbour.
- Moreover, even if the existing pump out was operative, the proposed 12m permanent berth would preclude general usage for all marina customers. The environmental threat is obvious.

7. NO PARKING PLAN

- Parking is already a major problem in Gourlay Ave and no improvement is suggested despite the increased demand which would follow from the applicants plan if approved.

SECTION 3 DIMENSIONAL CRITERIA

3.1 CHANNEL WIDTHS

3.1.1 Entrance channel

The width of the entrance channel to a marina is dependent on a number of factors, the majority of which are the following:

- (a) Exposure to wind, wave and currents, which all reduce the manoeuvrability of boats.
- (b) Number of boats in the harbour and usage levels.
- (c) Type and size of boats.

NOTE: Power boats are generally more manoeuvrable than sailing boats.

- (d) Extent of navigation aids provided.

For an entrance channel, the minimum width should be the greatest of—

- (a) 20 m;
- (b) $(L + 2)$ m, where L is overall length of longest boat in the marina, in metres; or
- (c) $5B$ m, where B is the beam of the broadest mono-hull boat in the marina, in metres.

The preferred width of an entrance channel is 30 m or $6B$ m; whichever is the minimum. Widening of the channel may be necessary where the channel changes direction.

Where benched breakwaters are used at a marina entrance such that the bench is submerged at higher tides, markers should be used to delineate the edge of the channel.

In order to minimize the penetration of waves into a boat harbour, it is permissible to narrow the width of the entrance channel over a short length at protecting breakwaters. The minimum width of this narrow section shall be the greater of 15 m and $3B$ m, where B is the beam of the broadest mono-hull boat in the marina, in metres.

3.1.2 Interior channels and fairways

The channels within the marina are not as greatly influenced by the wind, waves, and currents at any site, as they are by the size, number and type of boats, and the frequency of boat usage. Any non-motorized sailing vessel or multi-hull vessel using the harbour will need to be considered when determining the interior channel and fairway widths. In some locations, there may be climatic conditions, such as prevailing winds, which should be considered when interior channel and fairway widths are being determined.

The width of interior channels and fairways should be as follows (see also Figure 3.1):

(a) *Interior channel:*

- (i) Minimum width 20 m or $1.5L$ m, whichever is the greater, where L is overall length of the longest boat using the channel, in metres.
- (ii) Preferred width 25 m or $1.75L$ m, whichever is the greater.

(b) *Fairways:*

- (i) Minimum width $1.5L$ m, where L is the overall length of the longest boat using that fairway, in metres.
- (ii) Preferred width $1.75L$ m.



Dear Resident,

We are writing to you regarding the proposed DA at North Harbour Marina. We wanted to take this opportunity to give you a summary of the key features of the proposal and inform you of further community consultation that has occurred with residents and community groups which has led to our acceptance of a maximum berth length condition and restrictions on the proposed kiosk.

Key Features

- Removal of 10 of our commercial swing moorings to create a 50m wide navigation channel down the middle of the bay
- The navigation channel is a much-needed addition to the bay which is overcrowded with swing moorings and the new channel will improve safety for all users including passive watercraft like kayaks and dinghies
- No increase in marina footprint – the 9 new berths are created by an internal reconfiguration and do not require the marina footprint to extend any further out into the bay
- Installation of dinghy and kayak storage racks which enable these craft to be removed from their current illegal position on the foreshore making the foreshore zone more publicly accessible
- A small kiosk which will be limited to 20 patrons

See attached proposed marina layout plan and swing mooring plan. The reconfigured marina berths are shown in pink, the new pontoons in purple and the navigation channel is clearly marked on the plan.

Proposed Conditions – 15m Maximum Vessel Size & Kiosk Restrictions

After further consultation about the proposed DA we have agreed to accept the following conditions if imposed by council:

15m maximum berth length: this would mean each T-Head would have two berths and a maximum size of 15m (50ft) and no single larger berths will be permitted.

Kiosk operating hours and no alcohol: The Kiosk operating restricted to 7am until 4pm and no alcohol served.

Meeting & Council

If you would like to discuss this matter further we would be happy to meet you at a time which is convenient for you. Please just phone us on 0426 758 338 or email us at admin@northharbourmarinasyd.com.au to arrange a time.

We thank you for taking the time to read this letter. We are always happy to work with the local community to refine any proposal and deliver the best outcome. We will forward a copy of this letter to Council so they are fully aware of the proposed conditions we are willing to accept.

Regards,

Ned O'Neil - Director – North Harbour Marina



NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETRES UNO.
2. ALL LEVELS ARE IN METRES AND REDUCED TO ZERO FORT DESIGN TIDE GAUGE (Z.T.D.O.).
3. MARINA STRUCTURAL COMPONENTS AND PILES ARE SUBJECT TO DETAILED DESIGN.
4. HYDROGRAPHIC INFORMATION IS BASED ON HARVEY PAVSLINGWING.
5. ON SHORE LAYOUT, EXISTING STRUCTURE AND EXISTING WATER LEASE ARE BASED ON SURVEYOR DRAWING FILE : 3364-10.dwg.
6. GEO-REFERENCE TO GDA2020 MEZ ZONE 56 COORDINATES IS BASED ON SURVEYOR DRAWING FILE : 3364-10.dwg.
7. FURTHER DETAILS OF MARINA BUILDING ARE CONTAINED IN FLOOR PLANS.

15m Maximum Berth Size

LEGEND:

- NEW PONTON
- NEW PILE
- BERTH LENGTH IN METRES
- OPTIONAL BERTH
- NEW BERTH
- EXTENSION OF EXISTING DECK
- 3 LEVEL DINGHY / KAYAK STORAGE
- NEW DECK

EXISTING BERTH SCHEDULE

BERTH SIZE	ARM A (WESTERN ARM)	ARM B (EASTERN ARM)	TOTAL
SOFT STAND (10m BERTHS)	4	0	4
10m	2	0	2
12m	15	9	24
14m	0	4	4
PUMPOUT / CASUAL	1	0	1
TOTAL	22	13	35

PROPOSED BERTH SCHEDULE

BERTH SIZE	ARM A (WESTERN ARM)	ARM B (EASTERN ARM)	TOTAL
8m	1	1	2
9m	3	0	3
10m	2	2	4
11m	0	1	1
12m	16	10	26
13m	0	1	1
14m	0	5	5
15m	0	1	1
PUMPOUT / CASUAL	1	0	1
TOTAL	23	21	44

NOTE: ARM A HEAD BERTHS WILL BE EITHER 2 BERTHS OR 4 BERTHS WITH A MAXIMUM COINED VESSEL LENGTH OF 20m

ARM B HEAD BERTHS WILL BE EITHER 2 BERTHS OR 4 BERTHS WITH A MAXIMUM COINED VESSEL LENGTH OF 20m

TYPICAL PILE DETAILS

SCALE 1: 200

PLAN

SCALE 1: 500 (A3)

SCALE 1: 200

TYPICAL PILE DETAILS

SCALE 1: 200

L 22/05/24 NOTE NO. 7 ADDED
K 6/03/24 PUMPOUT / CASUAL DESCRIBED
J 24/10/23 REVISED AS PER COUNCIL'S COMMENT
H 22/07/24 SLIPWAY NOTE REVISED
G 15/07/24 DINGHIES/KAYAK STORAGE ADDED
F 12/12/23 GEO-REFERENCE APPLIED
E 24/11/23 REVISED AS PER CLIENT'S COMMENT

Revisions

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International Marina Consultants

Consultants to the Marina Industry.

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CLIENT:

ADDENBROOKE PTY. LTD.

PROJECT:

NORTH HARBOUR MARINA

TITLE:

PRELIMINARY LAYOUT

Date: 11/08/2023

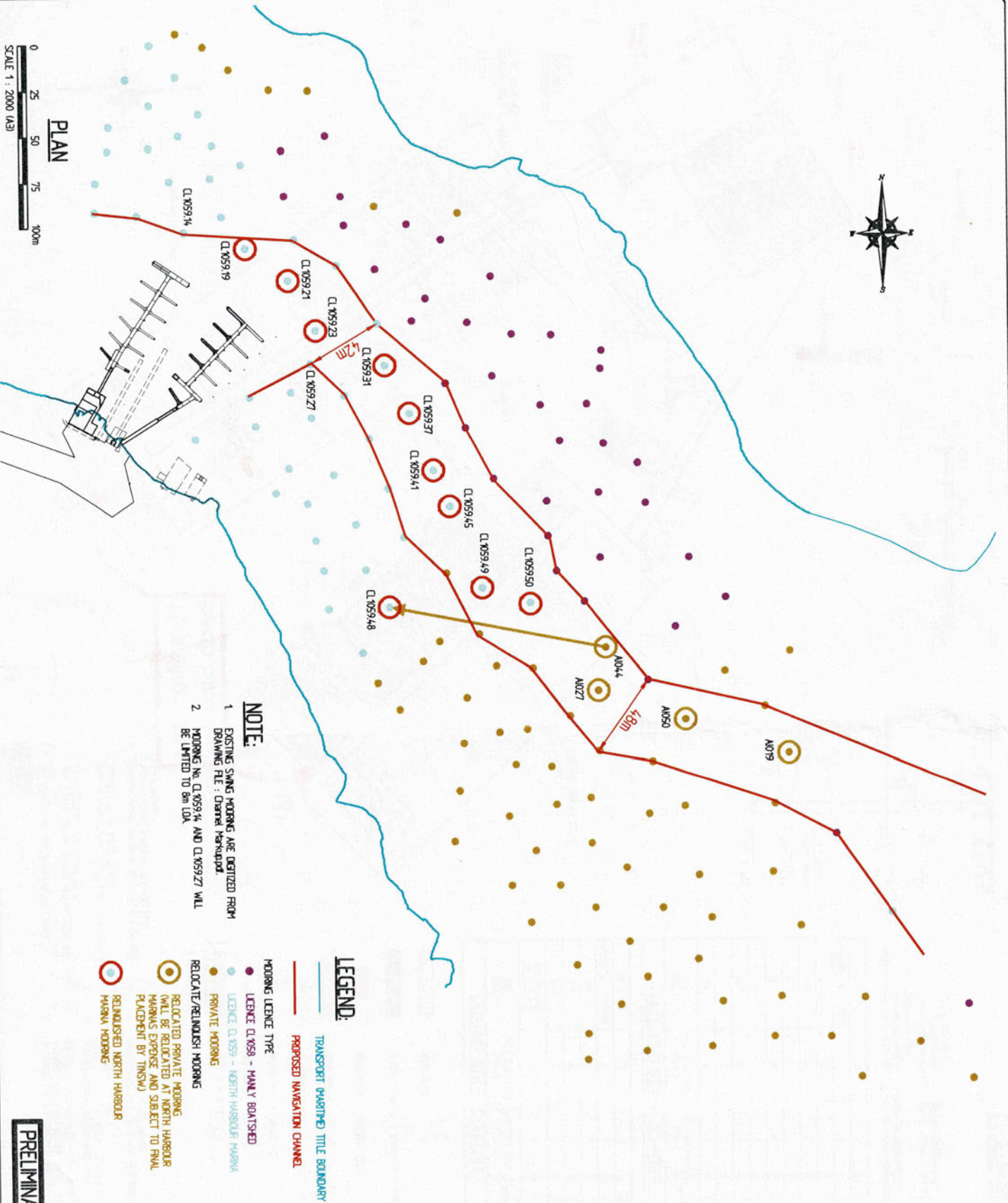
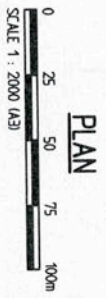
Drawing No.: 6318-01/L

Scale: AS SHOWN

Drawn By: J.C. Checked By:

Approved By:

PRELIMINARY



NOTE:

1. EXISTING SWING MOORING ARE DIGITIZED FROM DRAWING FILE : Channel Harbour.
2. MOORING No. CL 0059 14 AND CL 0059 27 WILL BE LIMITED TO 8m LxW.

LEGEND:

- TRANSPORT (SHARED) TITLE BOUNDARY
- PROPOSED NAVIGATION CHANNEL
- MOORING LICENCE TYPE
- LICENCE CL 0059 - MAINLY BOATSHED
- LICENCE CL 0059 - NORTH HARBOUR MARINA
- PRIVATE MOORING
- RELOCATE/RELINQUISH MOORING
- RELOCATED PRIVATE MOORING (WILL BE RELOCATED AT NORTH HARBOUR MARINA'S EXPENSE AND SUBJECT TO FINAL PLACEMENT BY TMSM)
- RELOCATED NORTH HARBOUR MARINA MOORING

PRELIMINARY

**International
Marina
Consultants**

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CLIENT:
ADDENBROOKE PTY. LTD.

PROJECT:
NORTH HARBOUR MARINA

TITLE:
PROPOSED MARINA CHANNEL
AND SWING MOORING
REARRANGEMENT

Date: 5/08/2023

Drawing No.: 6318-02/L

Scale: AS SHOWN

Drawn By: JC Checked By:

Approved By:

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Revisions

L 27/08/24 DIMENSION ADDED
K 27/08/24 DIMENSION ADDED
J 27/08/24 MOORING LAYOUT AND NAVIGATION
CHANNEL CHANGED AS PER CLIENT'S
MARK UP
H 28/06/24 REVISED AS PER CLIENT COMMENTS