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**From:** [REDACTED]  
**Sent:** 20/11/2024 2:56:31 PM  
**To:** Council Northernbeaches Mailbox  
**Cc:** Andrew Johnston; Delene Evans; Ian Jones; Ian Sharp  
**Subject:** TRIMMED: DA2024/1216: Submission by the North Harbour Community Group  
**Attachments:** North Harbour Marina Berth Expansion DA - Submission by the North Harbour Community Group.pdf;

Attached is the submission from the North Harbour Community Group to DA2024/1216.

Terry le Roux  
Secretary, North Harbour Community Group  
Ph [REDACTED]

## Submission re Development Application DA2024/1216

From: North Harbour Community Group



### **Background:**

The North Harbour Community Group has been active in Manly for more than 30 years. It was formed in the 1990s by residents to oppose a proposal by Manly Council to sell operational land owned by the Council and to allow the redevelopment of the Balgowlah Ladies Bowling Club site bordering on North Harbour Reserve. The Community Group successfully lobbied to stop the sale of operational land and to keep the buildings and land of the Bowling Club as Community Land.

The North Harbour Community Group works with other Resident and Community Groups in Manly in helping the Northern Beaches Council interact with residents. The Group regularly provides Council with comment on issues of relevance to residents. The Council has an effective and ongoing forum to facilitate communication between the Council and Resident/Community Groups.

## **Purpose and Objectives of this Submission**

- Provide support from the Community Group to the many residents in North Harbour, Balgowlah, Balgowlah Heights and Fairlight who have made submissions opposing what is proposed to be undertaken by North Harbour Marina if DA2024/1216 is approved by Council and/or the Determining Authority for the application.
- Set out the reasons why the Community Group is opposed to DA2024/1216.

## **Reasons why the Community Group is opposed to DA2024/1216**

### **1. *Recognise and Acknowledge the Historic Significance of North Harbour.***

An important motivation for opposing DA2024/1216 and wishing to maintain the unique character of the area is to recognise the respect the residents have for the history of the area. There are two components to the history we respect and wish to maintain:

- *Recognition for the Aboriginals who lived on the shores of North Harbour:*

The North Harbour Community Group worked with Manly Council to “repair” and protect a Sacred Rock (referred to as Cathedral Rock) over many years. This was part of the Group’s commitment to helping the residents develop and maintain an awareness of the long association the Aboriginals had with the area we live and play in. Addendum 1 contains an article from the Manly Daily on Cathedral Rock.

- *The First Meeting of the First Fleet Sailors and local Aboriginals in Sydney Harbour was in Jilling Cover (North Harbour):*

On 21 January 1788, Captain Aurthur Phillip, the commander of the First Fleet bringing convicts to Australia brought rowing boats from Botany Bay (where the fleet had landed after their voyage from England) into Port Jackson in search of a more appropriate location for a settlement – one that had a reliable source of fresh water. On entering the Harbour, the boats were brought to Jilling Cove because of the many tall trees in the area (an indicator of fresh water). As the boats were rowed into North Harbour, local Aboriginals waded out to them – with Captain Phillip noting how “manly” the Aboriginals were. Phillip did not land the boats in North Harbour but proceeded to Camp Cove (Watsons Bay) to spend the night – and then later to Farm Cove, the place where the Settlement of Sydney was finally established.

Addendum 2 contains material relevant to the first meeting of sailors from the First Fleet with the Kameraigal People.

## **2. Change to the Character and Ambience of Jilling Cove**

The image on page 1 of this submission is the view of the waters of North Harbour that local residents know and love and wish to maintain. The provision in DA2024/1216 for larger and taller boats will have (in our view) a negative impact on the character of the area.

## **3. The Loss of Amenity for Recreational Users of Jilling Cove**

Many of the public submissions to DA2024/1216 point out the impact on safety and access to the waters in North Harbour because of the presence of the large boats that the owners of North Harbour Marina want to attract to their marina. The North Harbour Community Group recognises the “loss of amenity” for local residents because of the impact on kayakers, Stand-up-Boarders and small one-person sailing boats currently found in North Harbour – most of the people who are recreational users of North Harbour are local residents, while the people owning and sailing the large boats seeking to berth at North Harbor Marina are unlikely to be local residents.

## **4. Safety: Reduction in Access by Emergency Vehicles Using Gourlay Avenue**

The North Harbour Community Group has for many years pressured the Council to recognise their duty of care to improving the safety of walkers using Gourlay Avenue. Finally, the Council agreed to gazette Gourlay Avenue as a “Shared Zone” for cars and pedestrians – leading to the 10 km/hour speed restriction.

In parallel, the Group lobbied to have parking restrictions placed on vehicle owners using Gourlay Avenue over weekends and holiday periods and stop cars parking on the narrow sections of Gourlay Avenue. Over weekends and holiday periods drivers wanting to walk along the path to 40 Baskets Beach and Reef Beach enter Gourlay Avenue from New Street in the hope that they can find a legal parking space along Gourlay Avenue, but the limited parking spaces are taken. This requires them to do a U-turn (a tricky manoeuvre in such a narrow street) and return to New Street – leading to congestion (or to park illegally) in Gourlay Avenue. Eventually, the Council agreed to create no-parking areas along the narrow sections of Gourlay Avenue.

If North Harbour Marina is allowed to proceed with the berth changes proposed in DA2024/1216 there will be an increase in the number of cars entering Gourlay Avenue to collect or drop people to board the larger boats or collect people from the larger boats. Over weekends and public holidays there will be no parking available in the Gourlay Avenue parking area. This will lead to an increase in congestion for the reasons described above.

DA2024/1216 does not address this serious safety issue and the North Harbour Community Group advises and requests that as part of their duty of care to the wider

community a Full Safety and Risk Assessment be conducted by the Council as part of the process of assessing DA2024/1216.

### **In Conclusion**

In seeking to protect and preserve the amenity rights of the residents in Manly who use and share the waters in North Harbour or who walk on the edge of Sydney Harbour that overlooks North Harbour, the North Harbour Community Group can see no addition or improvement to the amenity of local residents from North Harbour Marina proceeding with DA2024/1216. In our view, North Harbour Marina is seeking to exploit the uniqueness of the tranquil waters of North Harbour to their financial advantage and for the benefit of boat owners who do not live in the area.

Finally, in DA2024/1216 there is an implied assumption that the proposed café in the marina will be supported by local residents who regularly walk past the marina on their way to 40 Baskets and Reef Beach. In reviewing the many submissions made by community members to the DA, I can find no support for the café.

### **North Harbour Community Group**

Chairperson: Delene Evans (Email: [REDACTED])

Co-Chair: Ian Sharpe (Email: [REDACTED])

Treasurer: Ian Jones (Email: [REDACTED])

Secretary: Terry le Roux (Email: [REDACTED] / Ph: [REDACTED])

19 November 2024



## Addendum 1: Cathedral Rock – Controversy about its Future and Resident Opposition to Manly Council’s Inappropriate Action

### NEWS

## Aboriginal site to be destroyed amid safety concerns

# Rocky road to demolition

### Balgowlah

Peter Bodkin

AN ABORIGINAL heritage site and spectacular natural landmark on North Harbour is due to be demolished after fears the rocky outcrop could soon collapse on people below.

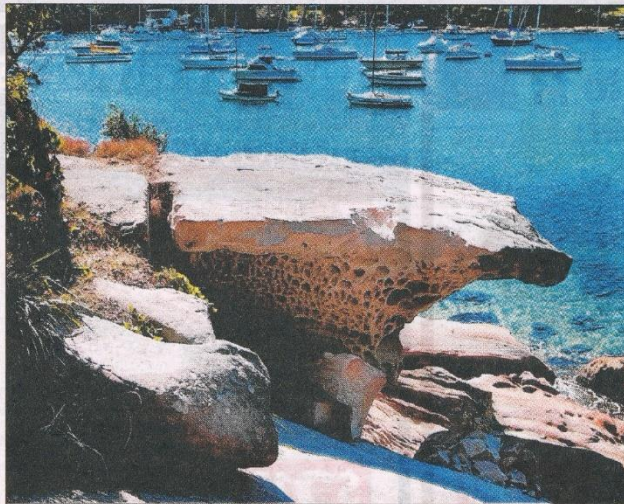
Cathedral Rock, near Forty Baskets Beach, is known for its remarkable honeycombed face but has been fenced off from public access for years.

Manly Council made an abortive attempt to destroy the rock after it was first identified as a hazard in 2004, but locals – who saw workmen jackhammering at the site – complained and called for an emergency stop to the demolition.

A 2009 council report into options for the rock revealed the Aboriginal Heritage Office had previously identified it as a location of Aboriginal heritage significance.

Residents recently received a surprise notification from the council, stating it planned to remove the rock on safety grounds with a “controlled drop” at the site next Wednesday.

Manly Council general manager Henry Wong said the council had explored all possible options for securing Cathedral Rock and removing the weakened section remained



Cathedral Rock at Forty Baskets Beach is scheduled to be removed on Wednesday.

the best way of ensuring public safety.

“A lot of kids play underneath it,” he said. “We want to retain the heritage value of this landscape, but there is no other option.”

Balgowlah resident Ian Jones, who

fought to stop the rock’s destruction in 2004, said the council had produced an “over-the-top reaction” that would damage the area’s natural beauty.



### THE STORY SO FAR

**2004:** Cathedral Rock is declared a potential safety risk following a coastline hazard study. Work to remove the overhang begins, but it is quickly stopped after complaints from residents. Then mayor Cr Peter Macdonald said a way of securing the rock would be investigated

**2006:** The Aboriginal Heritage Office identifies the rock as an Aboriginal heritage site

**2008:** Council staff identify that the risk of the rock falling had increased due to weathering

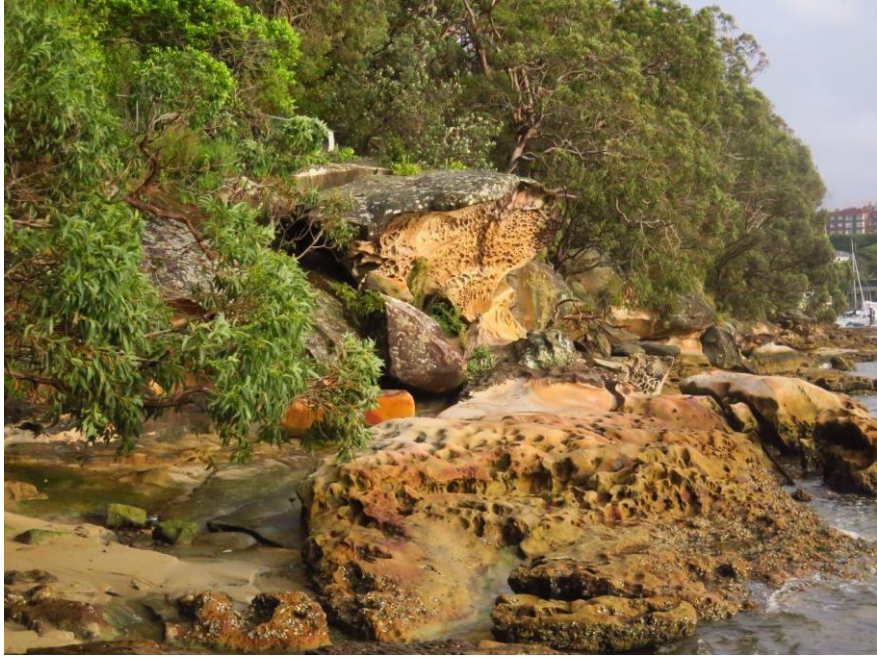
**2009:** A council report into options for the rock recommended performing a ‘controlled drop’ over securing it or leaving it in place

**February, 2011:** Manly Council notified residents living near the rock that it was scheduled for removal



Should the rock go?  
manlydaily.com.au







12/9/09

# Our Aboriginal heritage at risk

**Danielle Nicastrì**

MANLY Council's preservation experts say that traces of Manly's Aboriginal heritage are in a critical condition and in danger of erosion.

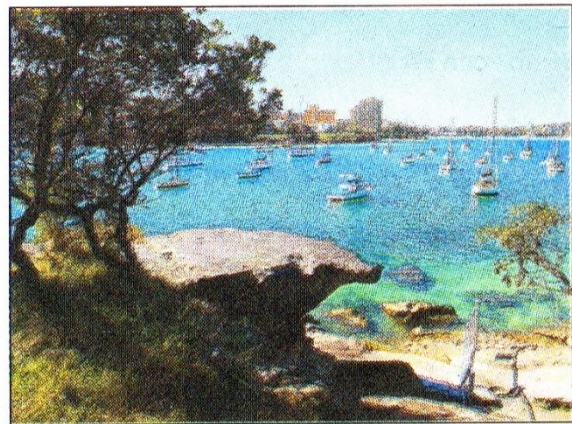
Sites are classified as Aboriginal heritage and protected by law, so any damage could have legal ramifications under the *The National Parks and Wildlife Act 1974*.

The original inhabitants – whom Governor Arthur Phillip described as “manly” on his initial reconnaissance of the area in 1788 – used the foreshore extensively, with a number of middens and shelters along what is now the Manly Scenic Walkway as remnants of their presence.

Middens are hills of discarded edible mollusc shells. Geoff Hunt from the Aboriginal Heritage Office said they are an artifact of Aboriginal history and belong to the wealth of resources illuminating their daily life.

The Parks and Reserves manager for Manly Council has now recommended that the council undertake immediate restoration work on the middens and shelters, which are in critical condition due to visitor disturbances from walkway and tidal action. For example, at Fisher Bay, a midden easily accessed by walkers is now in poor state.

Further along, at Wellings Reserve Midden, tidal action has eroded and broken part of the midden away, according to the council's Manly Scenic Walkway Committee report.



**Historic Aboriginal middens along Manly scenic walkway are in critical condition.**

A retaining sandstone wall around the midden has been proposed for the area, with advice from a number of Aboriginal authorities, Sydney University and the Australian Museum.

A Manly Council spokesman said work will start after checking technical details and the cost.

Aboriginal groups have welcomed the move and hope it will make Manly's Aboriginal heritage among top tourist attractions.

Metropolitan Aboriginal Land Council CEO Paul Morris said the land council is working with others to ensure awareness of the middens. “Not only is there natural erosion, there is man-made erosion . . . (resulting in the conservation) . . . going backwards,” he said.



## Why destroy rock of ages?

AS one of the local residents who, with assistance from Dr Peter Macdonald, saved Cathedral Rock from further destruction by Manly Council jackhammers in 2004 I must express my horror to hear that council now wants to complete its wanton destruction of our heritage.

Mr Macdonald advised at various precinct meetings that engineers had solved the stabilisation issue. However the council has just let the dust settle and quietly resolved to continue on with its environmental vandalism. The next issue will then be the potential erosion of the Manly Scenic Walkway above Cathedral Rock. The council's huge garbage trucks thunder down this road every few days and no doubt with the rock gone then so will be the road.

I guess the council should start removing all rock platforms around the municipality.

I find it incongruous that the council will rightly fight Stockland over the 100-year-old trees in Condamine St but will attempt to remove thousands of years of irreplaceable heritage on the coastline.

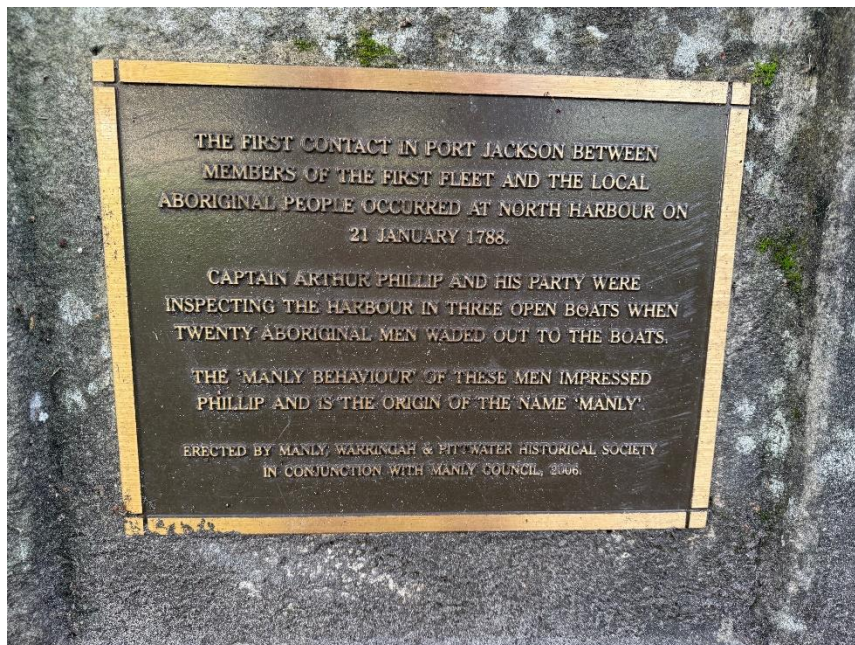
**Ian Jones  
Balgowlah**

## **Addendum 2: Captain Arthur Phillip's Visit to North Harbour in 1788**

**From: Manly Warringah Pittwater First Fleet Records of Events 1788-1790**

..... The following description by Phillip in his dispatch of 15th May 1788 appears to agree with Nagle's route, the point of land being Dobroyd Point, and the place where twenty Aboriginal men waded out to the boats being North Harbour Reserve. Before land reclamation, this cove consisted of firm mud or sand tidal flats. Further confirmation is provided by Hunter, who placed the name "Manly Cove" in this location on his second, signed map compiled in 1788. The evidence indicates that Manly Cove was not named during the first three days, but it was named by the time of Phillip's dispatch on 15th May.

Phillip: "The Boats, in passing near a point of land in this Harbour, were seen by a number of Men, and twenty of them waded into the water unarmed, received what was offered them, and examined the Boats with a curiosity, that gave me a much higher opinion of them, than I had formed from the behaviour of those seen in Captain Cooks Voyage. And their confidence, and manly behaviour made me give the name of Manly Cove to this place."



*Plaque on North Harbour Reserve commemorating the meeting of First Fleet sailors with the local Kamearaigal People on 21 January 1788*