

Submission to Northern Beaches Council regarding DA 2024/1216

This site is in a highly sensitive marine environment (see below) and a treasured quiet waterway that is used by a great many people for recreation: swimming, small craft (eg children and adults enjoying dinghies, kayaks, stand up paddle boards), fishing and snorkling.

The large Northern Beaches Council sign at Forty Baskets beach reads as follows:

“Marine Ecology

The Forty Baskets marine environment extends from the intertidal zone and sandy shores along the foreshore between Wellings Reserve and the National Park to the waters of North Sydney Harbour. The area supports a variety of marine habitats, which are home to a diversity of marine species. The area’s marine environment is rated as ‘highly sensitive’.

Seagrass beds are found within the area growing in shallow subtidal areas along the foreshore, in depths where sunlight is available for photosynthesis. At least two native species of seagrass have been identified by studies in the area, these being:

Posidonia australis (Stripweed); and

Zostera capricorni (Eelgrass)

Seagrass beds within the area may also be important foraging grounds for Manly’s endangered population of Little Penguins (*Eudyptula minor*). Current research by NPWS (now DECC) on the diet and foraging ecology of the population indicated that the penguins eat fish species such as sand sprat, anchovies and hardyhead which inhabit kelp and seagrass beds (NPWS 2002). Critical habitat for the Little Penguin population was declared in 2022. While the area does not fall within the area defined as critical habitat, it is immediately adjacent to penguin ‘potential habitat’ identified around the foreshore of Dobroyd Head (Sydney Harbour National Park).

In general seagrass are negatively affected by a number of human activities INCLUDING RECLAMATION DREDGING, THE CONSTRUCTION OF JETTIES, PONTOONS, WHARVES AND RAMPS, WATER POLLUTION, POOR LAND MANAGEMENT AND SOME RECREATIONAL ACTIVITIES SUCH AS BOATING (my upper case modification).”

This is clearly a delicate environment and not suitable for accommodating super yachts.

Some concerns (shortened due to my late notification- see (1) below) are as follows:

1. Inadequate notification of the very large number of interested parties/stakeholders.

I am an example of this as follows: I was unaware that there was a DA until a family member from out the area happened to read an article about residents’ concerns in the Manly Observer. I am a Fairlight resident and regularly walk my dog from North Harbour Park to Forty Baskets and yet had seen no signage indicating a DA proposal. After hearing about this application, on Monday 11th November I went to the area with the specific purpose of trying to find a notification sign. After walking up and down in front of the business, searching near North Harbour Marina’s main public sign and up in the car park, I ended up going into the

entrance laneway of the property and found the notice on a side wall. Understandably I was very concerned about this apparent lack of transparency.

When I rang Council, I was told that notices were time-stamped to ensure compliance with the requirement for adequate notification but I could send an email with photos if I had any concerns. This I did. On checking again on Thursday 14th November, another sign had indeed appeared. To me it would still be very difficult for the majority of passers-by to see as they can only pass that wall from North Harbour when the tide is very low. I expressed this concern in a follow up email that included updated photos and requested more visible signage, additional signage in the car park and that an extension of the submission period be made given the failure to adequately notify stakeholders until near the end of the submission period. I was informed that the notification is compliant with Council's Community Participation Plan and that an extension would not happen but that submissions would still be accepted up until the determination is made.

My main issue with this (seeming) compromise is that:

- a) many people will still not see the new sign and hence not know to make a submission and
- b) if they do see the notice or look for information on the council website, the DA application still says that submissions close 19th November (today) and so people would not know that they are entitled to be heard after that date.

I see this as unfairly prejudicial and hereby submit that a notice be placed in the car parking area, an additional notice be placed on the mounted marina sign where it would be more visible to stakeholders who walk past and that an extension to the published date for submissions be made transparent to the public.

2. Noise generated. The application does not support its position that increased noise will not be an issue. (Response 2(b) It is widely known that sound is amplified across water. There are an enormous number of people whose amenity will be adversely affected by increased noise from both people and engines (generators etc). The application does not support
3. The bay is small and intimate. It is not suitable for large vessels. They would represent a danger to smaller craft and people using non-motorised seacraft. Pollution from pumping sewerage, diesel leakage, erosion from wash are among many other concerns.
4. Parking pressure. The public parking is already inadequate. It is the main car park for Wellings Reserve, Forty Baskets Beach as well as for the marina as it is currently configured. Many people travel to the area to access this section of the Spit to Manly walking track, to enjoy Wellings Reserve and gather for picnics at Forty Baskets Beach. The statement that the pressure on parking "reduces" is both illogical and not substantiated in the Application.

I submit that there are many issues that have not been adequately addressed and statements made that have not been substantiated. My request is that the DA 2024/1216 be rejected.

Yours sincerely,



19 November 2024

