

EXPANSION OF DOLANS BAY MARINA. MP 10_0017

Submission by George Cotis in opposition to the proposal.

In opposing this proposal, I would first like to **object to the notification process**. Despite the Department notifying residents and households of the exhibition of the proposal to expand Dolans Bay Marina, no notification was given to the occupiers of moorings in Dolans Bay.

This is important on a number of grounds:

- Mooring occupiers may live outside the range of notification methods;
- There is no way of knowing which moorings may be directly or indirectly affected;
- Re-location of, or some other negative impact on moorings, is a likely consequence of the proposal.

I made this known to the Department's officer early in the display process without any response.

I therefore submit that the **notification process is flawed** in so far as people likely to be directly and adversely affected may have been excluded or overlooked.

Further, the failure anywhere within the material which is on display is it made known which of the moorings in Dolans Bay are directly or indirectly affected, and what is anticipated may be the consequences. This denies the opportunity of informed comment.

The expansion is opposed on the following grounds:

- No need for the expansion (other than the private gain for the proponent) is established.** I will, at 1 below address the proponent's claims for need.

In the event that this is not sufficient ground for refusal/denial, the following are offered as substantial and additional grounds:

- **The failure of the proposal to meet the tests of the Port**

Hacking Plan of Management

- **The failure to tie shore-side infrastructure upgrading with the on-water expansion.**
- **Inadequate land to accommodate or facilitate significant upgrading to shoreside activities**
- **Inability to provide off-street parking and the consequential safety consequences in Parthenia Street**
- **Adverse impact on the surrounding residential amenity**
- **Alienation of the public domain (Dolans Bay) and disadvantage to other waterway users**
- **The size of the expansion is totally out of context to the size of Dolans Bay**
- **The failure of the proponent to fully comply over time with conditions of consent for the existing operation**
- **Key and significant inadequacies in the Environmental Assessment submitted by the proponent in support of the application.**

1.The need for expansion.

Given that this is an application for exclusive use of the public domain for private benefit, the onus on the proponent to justify the need cannot be heavier. The onus must rest entirely on the proponent, and there can be no transference of onus to opponents.

In my view no attempt has been made by the proponent to establish the need for Dolans Bay Marina to expand..

The proponent argues “Demand for recreational boating in Port Hacking continues to grow and is outstripping the supply for moorings.....”

This statement is not supported by any data, complimentary research or information in translating the demand for moorings into demand for marina berths in Dolans Bay..

At the time of my enquiry, NSW Maritime had a waiting list in excess of 30 for a mooring in Dolans Bay. There are similar waiting lists for the bays of Port Hacking closest to the sea. These waiting lists consist of private individuals, with no supporting information about the size and type of vessel intended to be stored. So what exists is a waiting list for moorings. It cannot be deduced from this one and only fact (which the proponent fails to submit) that the individuals on the waiting list would prefer a marina berth if one was available, and if so, where in Port Hacking. Again, where is the proponent’s basis for this claim? There are no surveys, market research, nothing.

Further, the Environmental Assessment puts forward nothing to suggest that the mobile estuary shoals between Dolans Bay and the sea may be unattractive to many boaters who require deep water unrestricted access to and from the sea.

The proponent further argues “on the other hand demand for more swing moorings continues to take up valuable water space and possible damage to seagrass beds. The proposed development to some extent addresses these issues.”

How? Nothing is offered to support this statement and it sweeps aside the large **growth component** in the proposal. I deal with the question of marinas and other mooring compaction system versus swing moorings under “Port Hacking Management Plan at 2. below.

The above statement presupposes that moorings will be allocated over seagrass beds. In the contemporary context this is no more than an emotive appeal rather than a factual assertion because the author knows full well of the initiatives taken by several State agencies to protect seagrasses in Port Hacking, These measures include the placement and location of moorings, as well as mooring apparatus.

The proponent seems oblivious to, or contemptuous of, the fact that many boat owners cannot afford the huge price of marina berths (huge by comparison with the licence fees for moorings), or choose not to pay the price. Pursuit of the proponent’s arguments to justify “Need” would see the bays privatised and low-cost boating pushed off the waterways.

Each of alternatives to the expansion proposal offered by the proponent are self-eliminating on any test and irrelevant in my view .

I note that in this section **the proponent recognizes the relationship between the availability and essentiality of shore-side land to provide infrastructure for marinas. Therefore, it is inconceivable that this application for such large expansion on-water is not tied to any upgrading of the shore-based infrastructure.**

2.The Port Hacking Plan of Management 1992/ Port Hacking Integrated Environmental Management Plan 2008.

These documents are included in the Director General’s Requirements.

These documents deal with a range of issues relating to Port Hacking and its

catchment. They cover the natural environment and human uses and draw the inter-relationships of all the elements together when deliberating on or considering issues. The emphasis is always on the totality of the setting.

The 1992 document Port Hacking Management Plan translates and transfers the issues of marinas and moorings to the later document, Port Hacking Integrated Environmental Plan 2008

The Plans contain specific comment about the conflicting demands of in-water boat storage and the use of the waterway as public domain for all forms of water-based recreation. In this respect, the planning intentions in the Plans clearly are that the **waterways should not be merely parking lots for boats**. In the context of this application I feel that it is important that this notion has prevailed through the lives of these planning documents from 1992 to the present. In maintaining this as a planning objective it has been well recognised that commensurate with the increase in demand for water space in numerical terms, the average size of craft on moorings and more especially in marinas has been growing significantly over time.

The Plans are supportive of boat storage systems which achieve compaction, (whether or not the system is a marina in the conventional sense, or some other shared systems, or even mooring systems which involve a smaller arc of swing or footprint of the vessel on the waterway) **as a means of resolving the conflict of demand for in-water storage against the demand by, and entitlement of, the wider community for a useable waterway**. In order to achieve these intentions of the Plans, the principle of surrendering a swing mooring for each marina berth created has been in place and has been applied in the previous expansion of this marina....nine berths created, nine moorings surrendered/relinquished. NSW Maritime should not feel at liberty to act in variance to this principle because that body has been a participant in the formulation of these strategies and principles since the formulation tabling for adoption of the 1992 Plan..

(The question of the proponent having actually relinquished the 9 swing moorings to achieve the expansion from 20 to 29 moorings is open to verification. The proponent's audit of 2009 states "the audit accepted the verbal assurances of Harry Standen (the proponent) no written evidence of the relinquishment could be identified during the audit") This comment by the auditor concerns me if only for the sequences of "misunderstandings" about berth numbers and the like which arose during the consent process for the previous expansion.

In the case of Dolans Bay, **NSW Maritime considers Dolans Bay "full"**.....that is, there is a waiting list for moorings in Dolans Bay. Two matters thus arise which militate against this proposal: the first is that

the proponent does not have the moorings to surrender to achieve his intentions, and second and most importantly, **the proposal results in a net and significant increase in the number of vessels in Dolans Bay**, as the existing private moorings are not factored into the vessel occupation of the bay. (In this respect, the proponent makes no attempt to quantify private moorings in the Environmental Assessment ...a throw away figure of “about 50’ is the best attempt when in fact there are 69).

If these matters are not considered weighty enough to apply in this case, it throws into question the place and value of the Plans of Management, and the disadvantage to others previously denied approval by the application of the “one for one” principal for moorings/marina berths. In this case NSW Maritime has already submitted that it has no objections to the proposal “on navigation grounds” but stops short of commenting on the current occupation status of Dolans Bay and outlining the TOTAL space implications of the proposal on Dolans Bay. In that case NSW Maritime seems to be ambivalent about its commitments to the Plans by not commenting further on the mooring exchange and on the capacity of Dolans Bay to achieve both the net increase in vessels and the consequences of private mooring dislocation.

The Plans of Management go further than merely discussing the issues of marinas and moorings.....they deal with recreational demands in the wider sense, with recognizing and resolving user conflicts, minimizing user impacts and enhancing public access to the waterway. The proponent fails to provide recognition of these matters when arguing his case with the exception of public access to the waterway. The proponent submits that his facility will in some way provide access by the general public. He knows full well that marina clients have expectations for security for their vessels. Access to the public is offered to support his application but is in conflict with questions of safety and security and I dismiss this as no more than a “throw away line”.

The marina proposal is in the context of a small bay, which itself is in the context of a relatively small and heavily shoaled estuary (the shoals remain mobile in a highly dynamic setting and require periodic dredging to meet navigation requirements pre-established in Plans of Management and Memoranda of Understanding between Sutherland Shire Council and the State Government). The shoaling is a major matter in all plans and studies relating to the use of Port Hacking and because of the navigation restrictions which the shoals impose, demand for deep draft vessels to be stored west of Gunnamatta Bay is significantly decreased the further West one goes.

The proponent attempts altruism in the arguments to support the question of “need” but fails to convince. Reference to the Management Plans is missing in the proponent’s Environmental Assessment.

Insofar as marinas are concerned, the Plans of Management are also quite specific about the need for all marina operations, and in particular the boat maintenance functions and slipways to meet the highest standards.

If one takes ALL the elements of the Plans of Management, one must conclude that ANY expansion beyond that which already exists constitutes a contradiction to the aims and objectives of the Plans, and constitutes a gross overdevelopment in the overall context of Dolans Bay.

3.Shore-side infrastructure.

As I have earlier stated, this marina site has a very limited opportunity to provide state-of –the-art shore-side infrastructure and I find it inconceivable that a proposal for such expansion is not tied to the up-grading of the marina’s shore-side facilities. The proponent recognises this relationship when alternatives are explored in the Environmental Assessment. The recent expansion of Gunnamatta Marina in Port Hacking was so tied, and shore-side ground opportunities were available to allow this. What makes this situation inconceivable is that the **existing facilities are not best practice**. The proponent’s own audit of 2009 established weaknesses. In particular, **slipway scrapings can only be captured when the tide is below the capture grate. This requires the unfailing goodwill of the slipway lessee to accommodate this within the ever-present demands of job delivery and economic viability of the operation, which is directly tied to turnover. As mentioned above, the Port Hacking Plans of Management are quite specific about the standards sought for marina and slipway operations in Port Hacking**

4.Parking.

Nowhere is it disclosed by the proponent that the marina premises are sub-let to a gymnasium as a separate business. It is unacceptable, indeed deliberately misleading, that this is not disclosed, and factored into the parking assessment.

Notwithstanding, the proposal should fail on the question of parking alone. When this marina was expanded from 20 to 29 berths, the consent requirements for parking, based on its situation and NOT Rose Bay, was for 14 off-street places. There are now only 10.

Things have hardly improved in the setting of Dolans Bay Marina since 2000 to make the location more accommodating on-street. I would argue that Parthenia Street, particularly where the marina’s entrance and car park is located , is busy

with through traffic on a narrowing bend, and is dangerous. There will no doubt be many submissions which give more detail on this point, but it should be noted that nowhere is there any consideration of the parking impacts in the immediate environment of other boating-related activities.

Taking the softest line (10 spaces for 29 berths and 22 swing moorings is hard to argue as suitable for 82 berths (AND a gymnasium). On this basis alone, it is hard to argue for ANY expansion beyond 29 berths (or 51 in-water positions).

5. Adverse impacts on the surrounding residential amenity.

The perimeter of Dolans Bay is entirely residential. It is framed by streets which serve as now busy feeders to the principal roads out of the Burraneer/Lilli Pilli peninsulas. The South Eastern point of Dolans Bay has one of the busiest boat ramps in the Sutherland Shire. As well as the recreational load, this ramp and wharfage has arguably the busiest commercial traffic (barges used in the waterfront construction/property maintenance and boat infrastructure.) There is already a significant weekday truck and other vehicle activity related to this ramp/wharf as well as the usual urban traffic loads. The recreational demands obviously are greatest on the weekends, and in Summer the street parking impacts of this come westwards to Parthenia Street. To the North, there is a launching ramp off Gannons Road at the head of Burraneer Bay. Again, on Summer weekends, the parking and traffic spill over is well into the surrounding residential streets. Dolans Bay Marina sits midway between both. Parthenia Street is a feeder to and from both.

In my view **there has been a significant spreading of the times of use of these facilities** in that there is far greater use now through Winter than was the case even a decade ago. There is now far greater use mid-week than there was a decade ago. (These are the cases where all boating related activities are concerned, including marinas).

Parthenia Street was previously described as “wide and quiet”. It is neither, and has in most sections constant kerb-side parked vehicles. It and Port Hacking Road have a bus service. In most parts of Parthenia Street, on-coming vehicles must yield to one and other for passing.

Illegal parking generates particular hazards and the most regular occurrence and most dangerous location of this is on and at the bend adjacent to the Dolans Bay Marina. The hazards are inflicted on those nearby residents who have to access their properties.

There are many waterfront residences across the face of which the proposal will extend..

The matter of residential views is canvassed in the Environment Assessment, but the reality is that these are value judgments specific to each individual and I can only **support those who feel confronted by the proposal.**

Many of the waterfront properties have jetties, pontoons, slip rails and other boating infrastructure. These properties have been acquired with the expectation of value retention at worst, and more realistically, value growth. **The proposal prejudices these**, and the dollar values involved are significant.

The properties and their boating faculties have been acquired and developed to exploit a water-based recreation life-style. **The proposal prejudices these.**

6. Social equity. Public domain sacrificed, allocated, conceded or in any other way passed for private gain is contradictory to any concept of social equity, in particular where the rights of access and enjoyment are removed from any and every citizen. Therefore it is appropriate that the most rigid tests to preserve the common or greater good should prevail. In this case where is the common or greater good? Would a grab for the public domain of this magnitude be even contemplated in a terrestrial setting?

What will happen to those vessels which currently occupy swing moorings which may be relocated? Will relocation force these people out of boating? (Refer to Appendix 1)

The proposal does not describe or address these matters in any substantial way and I would have expected the administrator for the people, NSW Maritime, to have raised these issues. It does not. There is no addressing the loss of the amenity to the myriad of other users to which these sheltered waters are put.

Another issue of equity rests with the fact that other applications for on-water development have been rejected because of the incapacity of the proposal to meet the one-for-one mooring relinquishment. **To throw this principle away in this case would be an injustice to those previously rejected.** These matters are not explored in the Environmental Assessment because clearly they would be prejudicial to the proponent's application.. However, in this case more than most, they should be at the forefront of consideration.

In short, not only is the proposal against the common good, it will cause harm to other waterway users and the surrounding residential amenity.

Given that this development proposal is entirely within the public domain, it is therefore insulting that the proponent has explored "other alternatives" in the way that he has. This aspect has been explored in the same way as a developer

might explore options on their own land. Notwithstanding this, the treatment of many critical issues has been shallow.

Appendix 1 is a copy of a leaflet which was deposited in moored boats in Dolans Bay and illustrates the very real equity issues which concern boat users in Dolans Bay.

The questions of social equity belong at the forefront of scrutiny of this proposal

7. Failures and shortcomings of the Environmental Assessment.

Several of the key shortcomings have been addressed above.

However, the description and assessment of the marine setting of the proposed expansion in particular and of Dolans Bay in general is almost contemptuous of the importance of this aspect.

I have not been able to establish the existence of baseline studies of the marine setting in Dolans Bay, with the exception only of seagrasses in the littoral zone.

In this Environmental Assessment, the nature of the sediments-including the geochemistry-and the biology of the area (especially the benthic) is not described or assessed for impact, nor also is the water exchange regime.

This is a glaring and unacceptable deficiency and in itself should compromise the ability to proceed with the proposal.

Conclusion

My negative reactions were first triggered by the scale of the proposal in the context of the small and quiet setting of Dolans Bay.

I rest on the other points of objection listed at the beginning to speak for themselves.

- **The proponent fails to justify the need for the public domain to be alienated for the benefit of private business.**
- **The proponent fails to meet the several and various tests for such a development which are contained in the Plans of Management for Port Hacking.**
In particular, it fails the tests of social equity.
- **The proponent's Environmental Assessment fails to satisfy on key**

- elements , from parking to the marine environment.
- The development is out of context with Dolans Bay and its environs and will, if approved, inflict harm on the surrounding residential amenity and on other waterway users.

There is a compelling case that the current size of Dolans Bay Marina is the maximum which can meet all the tests.

On these grounds, any expansion beyond the existing marina size is unacceptable and is opposed.

I ask also that my objections to the process of notification be included in the Department's considerations.

Yours sincerely,

George Cotis
21 Moombara Crescent Port Hacking 2229

Appendix 1. Leaflet distributed to moored vessels within Dolans Bay.

DOLANS BAY MARINA EXPANSION

Dolans Bay Marina (Harry and Jessie Standen) has an application with the State to expand their marina from 29 berths to 82 fixed berths.

NSW Maritime supports this.

This will require them to surrender 22 of their swing moorings.

The footprint on Dolans Bay of the proposal will probably require the relocation of some private moorings. *NSW Maritime supports this.*

Dolans Bay is already full.....NSW Maritime has a waiting list.

If you rent a mooring from Dolans Bay Marina, what will happen to you? Your options are few....find a mooring elsewhere in Port Hacking, or pay the premium for one of the new fixed berths with Harry. (Check the price difference!)

If you occupy a private mooring and are forcibly relocated (*NSW Maritime supports this*), where will you go? Your options are few....you can rent a new fixed berth at the marina (check the price difference!), or you can take your luck in some area of Port Hacking where there is no waiting list. Such areas are few, and well away from Dolans Bay.

If none of this seems a fair consequence of a grab of public waterway for private profit, then lodge your objections as follows....

**Major Projects Assessment; Department of Planning and Infrastructure, GPO Box 39 Sydney NSW 2001 by !6
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