

Extraordinary Council Meeting

Tuesday 2 September 2008

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Extraordinary Council Meeting

**Minutes of the Extraordinary Meeting of Woollahra Municipal Council
held at the Committee Room, Double Bay, on
Tuesday 2 September 2008 at 9.31pm.**

Present: His Worship the Mayor, Councillor Geoff Rundle
Councillors John Comino
Claudia Cullen
Christopher Dawson
Tanya Excell
Wilhelmina Gardner
Keri Huxley
Julian Martin
Andrew Petrie
David Shoebridge
Fiona Sinclair King
John Walker

Staff: A Coker (Director – Planning & Development)
G James (General Manager)
L Windle (Manager – Governance)
P Kauter (Executive Planner)

Also in Attendance: Nil

Leave of Absence

Nil

Apologies

(Comino/Petrie)

1/15 Apologies were received and accepted from Councillors Anthony Boskovitz, Marcus Ehrlich, and Isabelle Shapiro and Leave of Absence granted.

Adopted

Declarations of Interest

Nil

Strategic & Corporate Committee

Items with Recommendations from the Committee Meeting of Tuesday 2 September 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Double Bay Marina (8 Castra Place, Double Bay) – Redevelopment of the Double Bay Marina – 14/12/2007**
Author: Peter Kauter Executive Planner
File No: DA844/2007
Reason for Report: Council resolution on the proposed redevelopment of the Double Bay Marina.

(Shoebridge/Martin)

Resolved Unanimously Without Debate:

- 2/15** That Council resolve to resist the appeal to the Land & Environment Court by Double Bay Marina Pty Ltd against the deemed refusal of Development Application No. 844/2007 for the redevelopment of the Double Bay marina on land at 8 Castra Place, Double Bay, based on the following reasons:
1. The blocking of views to foreshores, the waterway and Clarke Island and the negative effect on public access to the waterway does not properly recognise, protect, enhance and maintain the Harbour as an outstanding natural asset and as a public asset of national and heritage significance for existing and future generations. This is contrary to clause 2(1)(a) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
 2. The negative effect on public access to the waterway does not properly recognise the Harbour as a public resource, owned by the public, to be protected for the public good and is contrary to cl.2(2)(a) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
 3. The blocking of views to foreshores, the waterway and Clarke Island does not properly recognise that the protection of the Harbour's natural assets has precedence over all other interests. This is contrary to clause 2(2)(c) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
 4. The proposal will not achieve a visual outcome that harmonises with the planned character of the locality in that views from the Double Bay promenade and beach will be lost, contrary to clause 17(2) W5 zone objective (d) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
 5. The applicant has not demonstrated that the impact of the proposal on the wave climate will protect and preserve the environment of the existing beach, contrary to clause 17(2) W5 zone objective (f) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

6. The proposed required dredging will have a catastrophic impact on aquatic species, populations and ecological communities, contrary to clause 21(b) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
7. The applicant has not demonstrated that proposal will avoid impacts on aquatic vegetation due to changes to currents and wave action, contrary to clause 21(d) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
8. The means of minimising the disturbance of contaminated sediments due to boat movement activities have not been provided, contrary to clause 21(i) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
9. The scale and size of the proposed marina are not appropriate to the locality and will not protect and improve the natural and cultural scenic quality of the surrounding area when viewed from the Double Bay promenade and beach, contrary to clause 17(2) W5 zone objective (g) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
10. The scale, form and siting of the proposed marina has not been based on a proper analysis by the applicant of views and vistas from Double Bay promenade and beach, the adjoining residential land and the likely future character of the locality, contrary to clause 25(a)(ii) and (iii) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
11. The extent of floating pontoons, berthing pens and rigid lines of large boats associated with the proposed marina in contrast to the existing area of the waterway currently occupied by swing moorings will not maintain, protect and enhance the visual qualities of Sydney Harbour, contrary to clause 25(b) of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
12. The impact of the proposal together with other existing boat storage facilities in Double Bay will detract from the character of the waterway by introducing an expansive area of floating pontoons, berthing pens and rigid lines of large boats into an area of the waterway where single boats on swing moorings predominate. This is considered to be contrary to clause 25(c) of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
13. Views of Sydney Harbour, including from the Double Bay promenade and beach and the adjoining residential properties will be obstructed by the proposal and therefore views will not be maintained, protected or enhanced as is required by clause 26(a) of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
14. The boats stored at the proposed will not minimise the adverse impacts on views and vistas of Clarke Island and shorelines as viewed from the Double Bay promenade and beach and adjoining residential properties and will therefore be contrary to clause 26(b) of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
15. The cumulative impact of the proposal and other existing boat storage facilities will not minimise the impact on views as is required by clause 26(c) of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

16. The proposal will have unacceptable impacts on heritage items in the vicinity of the marinas in that views of Clarke Island from the Double Bay promenade and beach and the public wharf will be obstructed, contrary to clause 59 of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.
17. The development application does not adequately demonstrate how the direct and indirect impacts of the development will preserve and enhance wetlands, contrary to clause 63(2)(f)(i) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
18. The proposed marina will dominate the landscape setting of Double Bay as boats moored in the berths will obscure the shoreline, hillside and Clarke Island from viewing locations along the Double Bay promenade and beach contrary to clause 4.2 (general requirements) of the *Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005*.
19. The loss of swing moorings allocated to the existing marinas will reduce the number of publicly available swing moorings and would therefore be contrary to clause 4.7 (location) of the *Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005*
20. The proposal will result in an unacceptable loss of boat storage facilities capable of accommodating yachts as the marina berths need to be restricted to accommodate power boats only. This is considered to be contrary to clause 4.7 (design and layout) of the *Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005*.
21. The visual contrast between the proposed marina, which will consist of a greater area of waterway occupied by marina berths and a reduced area of waterway occupied by swing moorings, and the existing and planned future character of Double Bay will not be minimised and would therefore be contrary to clause 4.7 (visual impact) of the *Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005*
22. The visual impact of the proposed marina on people using the Double Bay promenade and beach and the residents of adjoining residential properties will not be minimised as berthed vessels will block views of the waterway, Clarke Island, the main Harbour channel, the north shore and the hillside and shoreline of Double Bay contrary to clause 4.7 (visual impact) of the *Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005*.
23. Berthed vessels associated with the proposed marina will block views from the Double Bay promenade and beach and from adjoining residential properties contrary to clause 4.7 (visual impact) of the *Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005*.
24. The applicant has not submitted adequate information regarding the classification of dredged material having regard to the method of disposal of such material, contrary to clause 4.10 of the *Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005*.
25. NSW Maritime's land owner's consent does not guarantee the permanent removal of swing moorings.

26. The low usage of the berthed vessels compounds the view loss that would be caused by the proposed marina.
 27. There is an unacceptable impact on the open character of Double Bay.
 28. The full impacts that climate change will have on the marina and that the marina will have on climate change have not been adequately addressed.
 29. There is too great a potential for increased and unacceptable impacts from the proposed development on marine ecology, including the loss of sea grass, and as such the application fails the Precautionary Principle.
 30. It is considered that the proposal will result in unacceptable impacts on traffic and car parking in the vicinity of the marinas and on local residential areas and the wider locality.
 31. The proposal will generate an additional parking demand of between 4 and 9 vehicles based on car parking generation rates under the Roads and Traffic Authority of NSW Guide to traffic generating developments and Woollahra Municipal Council development control plan for off-street provision and servicing facilities, respectively, whereas no additional off-street parking is proposed.
 32. The proposal provides for less equitable access to the Harbour and open waters of Double Bay due to the proposed higher ratio of swing moorings to marina berths.
 33. The proposal would result in unacceptable noise levels and light pollution on residential properties in the vicinity.
 34. The proposal is not in the public interest.
 35. There is a demonstrated lack of public benefit.
 36. The proposal effectively privatises what is essentially a public waterway.
 37. The proposal does not comply with the objectives of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.
 38. The applicant's Environmental Impact Statement does not provide adequate information to permit a proper assessment of the impacts of ongoing maintenance dredging on marine ecology.
 39. The proposal fails to provide equitable access to the Harbour waterway in accordance with the principles contained in NSW Maritime's Land Owner's Consent Manual relating to Division of the Waterway.
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There being no further business the meeting concluded at 9.32pm.

We certify that the pages numbered 3097 to 3104 inclusive are the Minutes of the Extraordinary Meeting of Woollahra Municipal Council held on 2 September 2008 and confirmed by Council at the ordinary Meeting of Council on 8 September 2008 as correct.

General Manager

Mayor