



Extraordinary Council Meeting

Agenda: *Extraordinary Council Meeting*

Date: *Monday 10 December 2007*

Time: *6.00pm*

Woollahra Municipal Council

Notice of Meeting

6 December 2007

To: His Worship The Mayor, Councillor Geoff Rundle
Councillors Anthony Boskovitz
John Comino
Claudia Cullen
Christopher Dawson
Marcus Ehrlich
Tanya Excell
Wilhelmina Gardner
Keri Huxley
Julian Martin
Andrew Petrie
Isabelle Shapiro
David Shoebridge
Fiona Sinclair King
John Walker

Dear Councillors

Extraordinary Council Meeting – 10 December 2007

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Extraordinary Council Meeting** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 10 December 2007 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

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1. Leave of Absence and Apologies	
2. Declarations of Interest	
3. Late Correspondence	
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4.1 Strategic & Corporate Committee	28 November 2007 & 4 December 2007 1
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4.1 Strategic & Corporate Committee

Items with Recommendations from the Committee Meeting of Wednesday 28 November and Tuesday 4 December 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Rose Bay & Point Piper Marinas – DA766/2006 – 594-596 New South Head Road, Rose Bay – 5 Wunulla Road, Point Piper – Redevelopment of Rose Bay & Point Piper Marinas – 6/11/2006
Author: Peter Kauter – Executive Planner
File No: DA766/2006
Reason for Report: For Council to consider the recommendation from the Strategic & Corporate Committee on the development application

Recommendation:

A That Council resolve to resist the appeal to the Land & Environment Court by Addenbrooke Pty Ltd against the deemed refusal of Development Application No. 766/2006 for the redevelopment of the Rose Bay and Point Piper marinas on land at 594-596 New South Head Road, Rose Bay and 5 Wunulla Road, Point Piper, based on the following reasons:

1. The blocking of views to foreshores, the waterway and Shark 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 Shark 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 overall reduction in the boat storage capacity of the proposed marinas (159) compared to the existing marinas (224) will reduce accessibility to Sydney Harbour contrary to clause 2(f) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
5. The Rose Bay marina will not achieve a visual outcome that harmonises with the planned character of the locality in that important views from the promenade and New South Head Road of the Harbour will be lost, contrary to clause 17(2) W5 zone objective (d) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

6. The scale and size of the Rose Bay 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 promenade and New South Head Road, contrary to clause 17(2) W5 zone objective (g) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
7. The overall reduction in the boat storage capacity of the proposed marinas (159) compared to the existing marinas (224) will not maintain and improve public access to and from the waterway for recreational purposes contrary to clause 22(b) of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
8. The scale, form and siting of the Rose Bay marina has not been based on a proper analysis of views and vistas from New South Head Road or 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*
9. The extent of floating pontoons, berthing pens and rigid lines of large boats associated with the proposed Rose Bay marina in an 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*
10. The impact of the proposal together with other existing boat storage facilities in Rose Bay west will detract from the character of the waterway by introducing an additional 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*
11. Views of Sydney Harbour from the promenade and New South Head Road will be obstructed by the proposed storage of boats at the Rose Bay marina 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*
12. The boats stored at the proposed Rose Bay marina will not minimise the adverse impacts on views and vistas of Shark Island the Vaucluse hillside and shoreline as viewed from the promenade and New South Head Road and will therefore be contrary to clause 26(b) of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
13. The cumulative impact of the proposal and other existing boat storage facilities in Rose Bay west will not minimise the impact on views as is required by clause 26(c) of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
14. The overall reduction in the boat storage capacity of the proposed marinas (159) compared to the existing marinas (224) would be contrary to clause 27(a) of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* which provides that development should increase the number of public boat storage facilities
15. The proposal will have unacceptable impacts on a heritage item in the vicinity of the marinas in that views of Shark Island from the promenade and New South Head Road will be obstructed, contrary to clause 59 of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

16. The overall reduction in the boat storage capacity of the proposed marinas (159) compared to the existing marinas (224) will reduce accessibility to the waterway rather than maintaining and enhancing it as is required by clause 4.2 (general requirements) *Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005*
17. The Rose Bay marina will dominate the landscape setting of Rose Bay as boats moored in the berths will obscure the Vaucluse shoreline and hillside and Shark Island from prominent viewing locations along the promenade and New South Head Road contrary to clause 4.2 (general requirements) of the *Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005*.
18. The loss of all 172 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*
19. The proposal will result in an unacceptable loss of boat storage facilities capable of accommodating yachts as 72 of the proposed 159 marina berths are designated as restricted berths to accommodate power boats only. Also, the reason given for the restricted berths is to meet a demand for power boats whereas clause 4.7 (design and layout) of the *Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005* requires berths and fairways of commercial marinas to accommodate either yachts or motor vessels and restricted berths are only to be nominated where it will lead to an optimal environmental outcome.
20. The visual contrast between the proposed marinas, which will consist of marina berths only, and the existing or planned future character of the Rose Bay setting, which predominantly comprises single swing moorings and affording views, 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*
21. The visual impact of the Rose Bay marina on people using the promenade and New South Head Road will not be minimised and berthed vessels will block views of the waterway, Shark Island, the main Harbour channel, the north shore and the hillside and shoreline of Vaucluse contrary to clause 4.7 (visual impact) of the *Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005*.
22. Berthed vessels associated with the Rose Bay marina will block views from the promenade and New South Head Road of the Harbour contrary to clause 4.7 (visual impact) of the *Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005*.

Visual impact

23. NSW Maritime's land owner's consent does not guarantee the permanent removal of swing moorings.

Visual impact

24. The low usage of the berthed vessels compounds the view loss that would be caused by the proposed marina.

Visual impact

25. There is an unacceptable impact on the open character of Rose Bay.

Visual and environmental impacts

26. The proposed scale of the hardstand and associated marinas and local maintenance and repair activities would have a detrimental environmental and visual impact on the waters of Rose Bay and should be prohibited.

Global warming/climate change

27. The development application fails to adequately address how the proposed marina responds to potential sea level rises in the coming decades due to the likely impacts of climate change.

Global warming/climate change

28. The increased carbon dioxide emissions of the proposed marina and the large powered vessels to be stored on the proposed marina will have a negative impact on the environment and on climate change.

Tsunami impact

29. The development application fails to address how the proposed marina can safely withstand potential tsunami currents in the outer harbour.

Marine ecology impact

30. There is too great a potential for increased and unacceptable impacts from the proposed development on marine ecology and as such the application fails the Precautionary Principle.

Traffic and car parking impact

31. 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.

Traffic and car parking impact

32. The proposal will generate an additional parking demand of at least 15 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, whereas no additional off-street parking is proposed.

Aesthetic and parking impacts

33. The impact on the aesthetics and parking in the locality as a consequence of fuel tanker deliveries to the proposed marinas.

Public waterway use impact

34. The development will have a detrimental impact on existing public users such as kayakers, rowers, dragon boats and junior sailors in the sheltered south west corner of Rose Bay.

Public waterway use impact

35. The proposal provides for less equitable access to the Harbour than the existing swing moorings and open waters at Rose Bay.

Waterway safety impact

36. The development application fails to establish how the large powered motor vessels that are proposed to be berthed at the marina can safely interact with the recreational users of the waterway including rowers, paddlers, sailors and motor craft that presently use the public waters of all Rose Bay.

Noise and light pollution impacts

37. The proposed hours of operation and 24 hour access to the boats on marina berths would result in unacceptable noise levels and light pollution on residential properties in the vicinity of Rose Bay.

Public interest

38. The proposal is not in the public interest.

Public interest

39. There is a demonstrated lack of public benefit.

Public interest

40. The proposal effectively privatises what is essentially a public waterway.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

41. The proposal does not comply with the objectives of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

B. That the Council commission additional surveys of car parking availability within the vicinity of the proposed marinas during summer.

- C. (i) That the Council write to the Premier and the Minister for Ports requesting that the State Government review and prepare a new strategy for the storage of recreational boats on Sydney Harbour.**
- (ii) That the boat storage strategy include guidelines for the location and provision of storage facilities for large private or commercial vessels.**
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