

MINUTES OF THE SYDNEY EAST REGION PLANNING PANEL MEETING HELD AT WOOLLAHRA COUNCIL ON THURSDAY, 10 JUNE 2010

PRESENT:

David Furlong	A/Chair
Tim Moore	Panel Member
Julie Savet Ward	Panel Member
Chris Howe	Panel Member
Toni Zeltzer	Panel Member

COUNCIL STAFF IN ATTENDANCE

Peter Kauter

Town Planner – Woollahra Municipal Council

APOLOGY: NIL

The meeting commenced at 5.33 pm. The Acting Chair welcomed everyone present.

1. Declarations of Interest NIL

2. Business Item 1

***2009SYE017 Woollahra DA No. 602/2009/1 – Double Bay Marina Redevelopment, 8
Castra Place, Double Bay***

3. Public Submission The following people addressed the Panel

Mr Ian Hemmings on behalf of the owner's of 16 Castra Place Double Bay - (Objectors)
Mr Basil Ireland - (Objector)
Ms Leone Doughan - (Objector)

Mr Richard Smythe (For the proposal)
Mr Nicholas Vass (For the proposal)
Mr Chris McEwen on behalf of the applicant

4. Business Item Recommendations

***2009SYE017 Woollahra DA No. 602/2009/1 – Double Bay Marina Redevelopment, 8
Castra Place, Double Bay***

The Panel resolved as follows:

The Panel unanimously resolved to accept the recommendation contained in the Council Assessment Staff's report and approve the Development Application subject to the conditions contained therein, as modified below

NOTE: The Panel's agreement on changes to conditions was not unanimous in all cases.

1. Deletion of condition C1 (a) – (Majority).

This decision was by a majority of 3 (Furlong, Howe and Moore)

Panel members Savet Ward and Zeltzer did not agree to the deletion of this condition, as they were concerned with the protection of the visual character of the Bay and the potential for conflict with other boating users of the Bay, particularly smaller craft.

2. The deletion of the conditions C7, E5, E13, E15, E19 - (Unanimous)

3. The following conditions are amended as indicated - (Unanimous)

- **Condition C1 (f) is amended by the following addition (as requested by full Council)**

by inserting the following additional paragraph in part 2.3 Neighbourhood Amenity

iii. No amplified music and public address systems are permitted after sunset. No onboard entertainment is allowed after 9.30pm.

- **Condition I.4 is amended by the following addition**

No consent is given for the bulk storage of petrol either above or below ground.

Reason

There is nothing in the printed conditions to prevent the applicant from converting the existing underground diesel tank to petrol storage so long as such storage complies with AS1940-2004. Clearly bulk petrol storage carries a high risk to life and property than diesel, which in the context of the locale should be prevented.

- **Condition I.5 is amended by the following addition**

Light fixtures on all pontoons, decks and access ramps shall be bollard type fixtures with a maximum height of 1 metre and designed so that light emitting from the fitting is directed downwards from the horizontal position of the light source.

Reason

Lighting, even at low levels, has the potential to obstruct views of the harbour and distant shores at night from surrounding residential properties and the public domain if the light fitting and its source is not directed and screened. Bollard type lighting with appropriately screened light source directed in a downward manner enables an appropriate light level for safety and security whilst protecting night views and the amenities of local residents and the public.

- **Condition I.10 is amended to read as follows**

Water jetting/pressure cleaning operations shall be limited to 1 hour per day between the hours of 10am to midday and 2pm to 4pm Monday to Fridays during the Marina's operating hours.

Use of any angle grinder or other power tool shall be limited to a continuous period of 30 minutes with a 30 minute break between use, and between the hours of 10am to midday and 2pm to 4pm Monday to Fridays during the Marina's operating hours.

This condition is imposed with regard to the amenity of the surrounding residential area.

Reasons:

The Heggies Report (10-5093R2 Revision 1) recommended restrictions on the use of water blasters, angle grinders and other tools which would exceed the project specific noise goal of 47dBA, such recommendations and response being set out in Council's Health Response on page 6 of Annexure 5.

While Condition I.9 requires noise mitigation strategies as detailed in the Heggies report being fully adopted, except as required by Condition 1.10 of this consent, any person seeking to ensure that such strategies were being adopted would have to refer to the very detailed and technical Heggies Report which would not necessarily be supplied by the consent authority upon a request to view the conditions of consent by a member of the public.

The amended condition makes it clear to all the conditions relating to operation of noisy equipment (as identified in the Heggies Report), does not conflict with the implementation of the mitigation strategies recommended, but gives a much more definitive condition to ensure the amenity of neighbouring residents are protected without imposing any greater requirements on the application than those recommended by the applicants own acoustic consultant.

- **Condition I.12 is amended to read as follows**

The maximum length of vessels occupying marina berths is not to exceed the overall vessel length as shown on drawing no. DA 140, issue B, dated 5/11/09 drawn by Mark Hurcum Design Practice Architects, with the exception that the berth located on the eastern extremity of the "T" head must only be occupied by vessels having a maximum length of less than 15.5m

Reason

This condition is imposed with regard to the visual amenity of surrounding properties and with regard to boating safety. (Also refer to Advising K14 regarding occupation of marina berths)

- **Condition I.13 is amended to read as follows**

The height of vessels occupying marina berths is not to exceed the following height

- (i) Vessels less than 12m in length – 3m*
- (ii) Vessels 12m to under 14m in length – 3.5m*
- (iii) Vessels 14m to under 15.5m in length – 4m*
- (iv) Vessels 15.5m up to and including 18m in length – 4.8m*

The measurement of vessel height is to be from the waterline to the top of the superstructure of the vessel, including any fly bridges, but excluding any antennas, outriggers, radar or navigation apparatus with a maximum circumference of 0.5 metres to motor boats, or masts, radar or navigation apparatus with a maximum circumference of 0.5 metres to motor boats or masts to yachts or the like. This condition is imposed with

regard to the visual amenity of surrounding properties. (Also refer to Advising K14 regarding occupation of marina berths)

Vessels exceeding these heights already moored at the Marina, (in the same ownership as that of the respective berth), may remain until disposed of by the owner(s) of those berths.

The applicant shall advise Council in writing of the number and location (berth number) of such vessels

- **Condition I.15 is amended to read as follows**

The general boating public, in addition to owners of boats on the marina, is to have access to the services berth and the water, sewage pump out, water and fuelling facilities. The services berth shall not be used for berthing of vessels except when the vessel is using the fuelling , water or sewage pump out facilities or is loading or unloading, and shall not otherwise be used either on a temporary or permanent basis or overnight on a permanent basis or overnight.

This condition is imposed with regard to the needs of the boating public, parking, and visual impact.

Reasons

The provision of the services berth to the public has been argued by the applicant as adding a significant amenity for the boating public considering the shortage of servicing facilities in Sydney Harbour, particularly in the Eastern Suburbs, an argument with which I agree.

Consequently every effort should be made to maximise the use of this facility for fuelling and the like by both marina users and the general boating public, including placing restrictions on use of this facility for general boat “servicing” (which as generally defined includes general repairs and maintenance) by the owners or tenants of the marina.

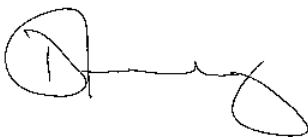
The amended condition makes it clear by the added restrictions that this facility is for taking on fuel, water, sewage pump out and loading and unloading of vessels only, rather than “general” servicing.

The amended condition will also increase visual amenity by further restricting use.

MOTION CARRIED

The meeting concluded at 7.40 pm.

Minutes Endorsed by:



David Furlong
Acting Chair, Sydney East Region Planning Panel
16 June, 2010