

Council Ref: DA 136/2012/1:Mrs L Holbert:pk
Planning & Development Division

30 August, 2012

Lisa Foley
Joint Regional Planning Panel
GPO Box 39
Sydney NSW 2001

Dear Lisa

2012SEY036 Rose Bay Marina – Council's submission

Please be advised that Council, at its meeting on 27/8/12, resolved in the following terms in relation to the DA to extend the Rose Bay Marina:

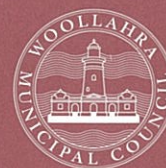
That Council advise the Regional Panel that it strongly supports the staff recommendation for refusal of development consent to Development Application No.136/2012 for the extension of the Rose Bay Marina at 594-596 New South Head Road, Rose Bay consisting of:

- *An additional 9 x 10m berths on Arm A*
- *The addition of a new marina arm (Arm C) which is proposed to be a floating pontoon system that incorporates 37 x 15m berths. The height of vessels to be berthed on the new Arm C is proposed to be limited to 3.5m in height*
- *A new walkway connecting Arms B and C incorporating a viewing platform and bench seat*
- *Retention of 24 commercial swing moorings*

on land at 594-596 New South Head Road ROSE BAY, for the following reasons:

1. *The proposal is inconsistent with and unacceptable having regard to the aims of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed State Environmental Planning Policy), contained in clause 2(1)(a), having particular regard to the principles set out in clause 2(2).*
2. *The proposal is inconsistent with and unacceptable having regard to objectives (d) and (g) of the W5 – Water Recreation zone of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed State Environmental Planning Policy).*
3. *The proposal is inconsistent with and unacceptable having regard to clauses 25(b) and (c) -Foreshore and waterways scenic quality of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed State Environmental Planning Policy).*
4. *The proposal is inconsistent with and unacceptable having regard to Clause 26 - Maintenance, protection and enhancement of views of the Sydney Regional*

Woollahra
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Environmental Plan (Sydney Harbour Catchment) 2005 (deemed State Environmental Planning Policy).

5. *The proposal is inconsistent with and unacceptable having regard to part 3.2 (1st and 2nd dot points), part 4.2 (8th dot point) and part 4.7 – Marinas (Private and Commercial); Visual Impact (2nd and 5th dot points) of the Sydney Harbour and Waterways Area Development Control Plan 2005.*
6. *The proposal is not in the public interest*
7. *The visual setting of the heritage listed Rose Bay esplanade and balustrade (promenade and sea wall) will be adversely impacted on by the proposed additional marina arm (Arm C). The visual setting is already compromised by the existing marina development and an additional number of boats will further detract from the significance of the place. Important views across Sydney Harbour from the public foreshore and promenade will be further obstructed by an additional arm. Significant views from the harbour to the sea wall and promenade will also be adversely impacted by additional development in this area. Consequently the proposal is inconsistent with and unacceptable having regard to:*
 - a. *Woollahra Local Environmental Plan 1995, heritage conservation objectives and provisions Part 1, clause 2(1)(g) and 2(2)(g) and Part 4 clauses 26, 27 and 31 and with the area's foreshores and the harbour foreshore scenic protection area objectives in Part 1, clause 2(2)(h)*
 - b. *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed State Environmental Planning Policy) Part 1, clause 2(1)(a), and Part 5, clauses 53(1)(b) and 59(1) and (2)(a)*
8. *The proposal will have an adverse impact on marina ecology and aquatic fauna and flora including shading of existing seagrass beds. In this regard the proposal is:*
 - a. *inconsistent with the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed State Environmental Planning Policy) clause 2(1)(c)*
 - b. *unsatisfactory with regard to the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed State Environmental Planning Policy) clause 21(b), (c) and (h) and Part 6 – Wetlands Protection*
 - c. *unsatisfactory with regard to the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2000 clause 2.2 (1st and 2nd dot points), clause 4.7 – Marinas (private and commercial), location - 4th dot point, design and layout - 12th dot point*

The matters raised in this resolution comprise the Council's submission to the Regional Panel in respect to the development application. The Regional Panel is requested to take this submission into consideration in making its determination on the development application. It should be noted that items 7 and 8 the Council's resolution are additional to the reasons for refusal as contained in the recommendation of the staff assessment report to the Panel.

Yours Sincerely



Peter Kauter
Executive Planner