

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Woollahra Council on Wednesday 19 November 2014 at 3:30 pm

Panel Members: John Roseth (chair), David Furlong, Stuart McDonald, Toni Zeltzer and Anthony Boskovitz

Apologies: None - Declarations of Interest: Anthony Boskovitz and Toni Zeltzer declared that they are familiar with some of the objectors in the audience, but the interest is non-pecuniary and will not have bearing on their judgement.

Determination and Statement of Reasons

2014SYE092 – Woollahra - DA282/2014 [at 5 Wunulla Road, Point Piper] as described in Schedule 1.

Date of determination: 19 November 2014

Decision:

The panel determined by the vote of the majority of 3 to 2 to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979* subject to three additional conditions as below. John Roseth, David Furlong and Stuart McDonald voted with the majority; Anthony Boskovitz and Toni Zeltzer voted with the minority. The minority decision was to approve the application with the additional condition to delete the berths at the eastern end of Arm A.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the decision of the majority of the panel:

1. The Panel accepts the planning assessment report's conclusion that the adverse impacts of the proposal are acceptable and that there are some environmental benefits arising out of it.
2. A major reason for the Panel's decision is the removal of the swing moorings that forms part of this application. The Panel is aware of the submission of the elected council and several objectors that the applicant may in the future attempt to re-instate the swing moorings; however, the Panel cannot place any weight on hypothetical future actions by the applicant. Moreover, the Panel notes the letter of the Roads and Transport Authority, dated, 7 November 2014, stating that the Authority's "intention, as advised in our previous letter of 19 October 2007, is that the water space between the two proposed marinas be reserved for unobstructed navigation, that is, it will be free of swing moorings or other built structures". The Panel has also imposed two conditions in the attempt to ensure that the swing moorings are not replaced.


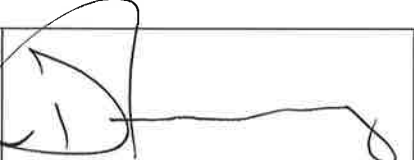



Reasons for the decision of the minority of the panel:

To improve the views from the public domain.

Conditions: The development application was approved subject to the conditions attached to the Council Assessment Report, amended at the meeting as follows:

1. Deletion of the kayak storage.
2. Before the issue of any Occupation Certificate, the permanent removal of the 24 commercial swing moorings is to occur.
3. Before the issue of any Occupation Certificate the applicant shall provide evidence of the surrender of the commercial lease associated with the removal of the 24 swing moorings.

Panel members:

 John Roseth (chair)	 David Furlong	 Stuart McDonald
 Toni Zeltzer	 Anthony Boskovitz	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014SYE092 – Woollahra - DA282/2014
2	Proposed development: Alterations and extensions to the existing Point Piper Marina including the installation of a new access deck, kayak storage and ramp, replacement of 24 existing swing moorings to the north of Rose Bay Park and beach with 22 berths on Arm A (4 x 8m berths, 13 x 10m berths, 2 x 13.5m berths and 3 x 15m berths) and 2 berths on Arm B (1 x 10m berth and 1 x 15m berth); new casual berthing area to Arm A
3	Street address: 5 Wunulla Road, Point Piper
4	Applicant: Point Piper Marina NSW Pty Ltd
5	Type of Regional development: alterations and additions to a marina that is a Designated and Integrated Development
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Australian Standard 3962-2001: Guidelines for Design of Marinas • Boat Storage Policy for Sydney Harbour • Environmental Planning and Assessment Regulation 2000 Clauses: 70, 71, 72, 73, 77, 78, 79, 81, 91A(3), 91A(4), S.91A(5), S91A(6) and 92 • Environmental Planning and Assessment Act 1979 • Environment Protection and Biodiversity Conservation Act 1999 • Environmental Protection and Biodiversity Protection Act 1999 • Development Control Guidelines for the Provision of Foreshore Open Space and Access • Fisheries Management Act 1974 • Fisheries NSW Policy And Guidelines (Fisheries NSW 2013) • Rose Bay West Framework Plan • State Environmental Planning Policy No.33 – Hazardous And Offensive Development • State Environmental Planning Policy No.55 – Remediation of Land • Sydney Harbour Foreshores & Waterways Area Development Control Plan 2005 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Threatened Species Conservation Act 1995 • Water Management Act 2000 • Woollahra Access Development Control Plan • Woollahra Development Control Plan for Advertising and Notification of Development Applications and Applications to Modify Development Consents • Woollahra Local Environmental Plan 1995 • Woollahra Parking Development Control Plan • Woollahra Residential Development Control Plan 2003 • Woollahra Section 94A Development Contribution Plan 2011 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated: 30 October 2014 Written submissions during public exhibition: 137 Correspondence from Roads & Maritime Services dated 7 November 2014 Written submission of The Vacluse Progress Association dated 11 November 2014 Written submission of applicant dated 14 November 2014 Written submission on behalf of elected Council dated 19 November 2014 Verbal submissions at the panel meeting: Against- Bruce Bland, Vice-President of the Rose Bay Residents Association; Hylda Rolfe; Virginia Rundle; Geoffrey Rundle; Virginia Rundle on behalf of Peter Poland, President of the Woollahra History and Heritage Society; Mark Dalgleish; Craig Karpin on behalf of Friends of Sydney Harbour and Residents of Wunulla Rd; Paul Duchon; Nicola Grieve; Patricia Armati and Jill Sailor; On behalf of the applicant- James Harrison and Ned O'Neil
8	Meetings and site inspections by the panel: Briefing Meeting on 24 September 2014; Site Visit by John Roseth (chair), David Furlong, Stuart McDonald and Anthony Boskovitz on 19 November 2014
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report