

## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Northern Beaches Council on Monday 18 July 2016 at 10.00am

Panel Members: John Roseth (chair), Sue Francis, Nicole Gurrán, Paul Stein and Steve Kennedy

Apologies: None - Declarations of Interest: None

### Determination and Statement of Reasons

2015SYE084 – Northern Beaches - N0240/15 - Holmeport Marina - replacement of swing moorings with fixed berths and increase in total berths from 59 to 73 - 2A McCarrs Creek Road, Church Point as described in Schedule 1.

**Date of determination:** 18 July 2016

**Decision:**

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

**Panel consideration:**

The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, 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. The panel adjourned during the meeting to deliberate on the matter and formulate a resolution,

**Reasons for the panel decision:**

1. The proposal meets the objectives of the W2 Recreational Waterway zoning.
2. The application will increase the number of fixed moorings and decrease the number of swing moorings while resulting in a decrease of total moorings.
3. The redevelopment of the marina will not increase its environmental impact. The impact of fixed moorings is less than that of swing moorings.
4. The Panel has considered the objectors' concern that the surrendered swing moorings may be re-allocated. The Panel believes, however, that it can consider this application only in its own context, namely that it involves the surrender of thirty swing moorings. Any future proposal by the Roads and Maritime Services in relation to additional swing moorings in McCarrs Creek will need to be considered in terms of its own impact.
5. The Panel has also considered the objectors' concern about the proposal's impact on the availability of parking. All the expert advice, both from the applicant and the council, before the Panel indicates that the impact of the proposal on parking is acceptable.

**Conditions:** The development application was approved subject to the conditions recommended in the assessment report, except:

Deferred Commencement Condition A1 becomes an operational condition C1, with the other conditions in Part C appropriately re-numbered.

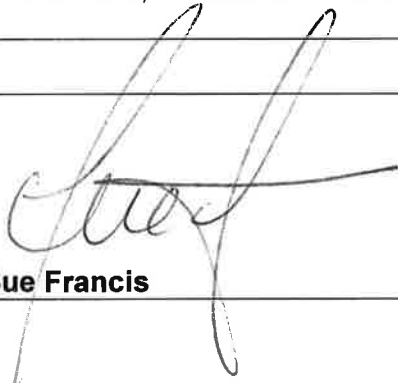
Condition B19 is amended in accordance with the Minutes of the Northern Beaches Council's Internal Review Unit's meeting of 30 June 2016.

Condition D18 is deleted and re-instated as Condition E6 with amended wording as per the minutes above.

Condition D19 is amended to require not the removal but the re-positioning of the boom gates.

Wherever there is a reference to Pittwater Council, it becomes a reference to Northern Beaches Council.

**Panel members:**

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| <br><b>John Roseth (chair)</b> | <br><b>Sue Francis</b> | <br><b>Nicole Gurrán</b> |
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| <br><b>Paul Stein</b> | <br><b>Steve Kennedy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
| <b>SCHEDULE 1</b>                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| 1                                                                                                      | <b>JRPP Reference – LGA- Council Reference:</b> 2015SYE084 – Northern Beaches - N0240/15                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| 2                                                                                                      | <b>Proposed development:</b> Holmeport Marina                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| 3                                                                                                      | <b>Street address:</b> 2A McCarrs Creek Road, Church Point                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| 4                                                                                                      | <b>Applicant:</b> Patrina Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
| 5                                                                                                      | <b>Type of Regional development:</b> General development with a Capital Investment Value of more than \$20 million                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| 6                                                                                                      | <b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy 55 – Remediation of Land</li> <li>• State Environmental Planning Policy 71 – Coastal Protection</li> <li>• Pittwater Local Environmental Plan 2014</li> <li>• Pittwater 21 Development Control Plan</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> <li>• The Panel notes that the proposal is designated development under the EPA Act 1979</li> </ul> |  |
| 7                                                                                                      | <b>Material considered by the panel:</b><br>Council Assessment Report Dated: 4 July 2016<br>Written submissions during public exhibition: 13<br>Verbal submissions at the panel meeting: Support- none; Against- Paul Purvis; Dr. Virginia Leitch; Jenny Cullen – on behalf of Churchpoint Friends; On behalf of the applicant- Melissa MacGregor, Campbell Holmes; Kristi Hodgkinson                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| 8                                                                                                      | <b>Meetings and site inspections by the panel:</b> Briefing Meeting on 24 September 2015                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| 9                                                                                                      | <b>Council recommendation:</b> Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| 10                                                                                                     | <b>Draft conditions:</b> Attached to council assessment report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |