

20 April 2012

Determination of the proposed Dolans Bay Marina Extension, Sutherland Shire Local Government Area

Application

The proponent is seeking to expand the existing Dolans Bay Marina. The marina currently includes 29 wet berths and 22 swing moorings. The proposal is to relinquish the 22 swing moorings and replace them with 53 additional wet berths on the marina. This would expand the marina's total capacity to 82 berths, increasing the total boat storage capacity by 31 boats.

Delegation

On 7 April 2012 the Director-General of the Department of Planning and Infrastructure referred the application to the Planning Assessment Commission for determination under the Minister's delegation dated 14 September 2011.

Dr Neil Shepherd AM (acting chair of the Commission) nominated Mr Garry Payne AM (chair) and Dr John Roseth to constitute the Commission for the project.

Director-General's Environmental Assessment Report

The Director-General's Environmental Assessment Report considered the following key issues:

- Parking and traffic;
- Public access restrictions to the waters of Dolans Bay;
- Ecological impacts;
- Water quality impacts; and
- Visual and noise impacts.

The report raised a number of concerns with the proposal but found that the principal issues of concern were the scale of the marina expansion and the inadequate provision of parking. The Department indicated also that it is not satisfied that the application is consistent with the objects of the *Environmental Planning and Assessment Act 1979*.

The Department recommended the application be refused for three reasons. One, the proposal would result in overdevelopment of Dolans Bay causing unacceptable amenity impacts. Two, the proposal is inconsistent with the aims and objectives of *State Environmental Planning Policy 71 – Coastal Protection*. Three, the proposal is not in the public interest.

Meetings

The Department received 246 objections on the application, including an objection from Sutherland Shire Council. As the proposal has been recommended for refusal the Commission decided not to arrange meetings with the Council or the objectors, unless it was likely to find contrary to the recommendation.

On Thursday 19 April 2012 the Commission met with the proponent, represented by Mr David Standen and with the proponent's consultant, Mr Lindsay Fletcher. Mr Fletcher argued against aspects of the assessment report and, where the assessment report found a lack of information, undertook to provide additional information. The proponent therefore requested that the Commission defer the determination of the application to allow the additional information to be submitted and assessed.

Commission's Consideration

The Commission gave serious consideration to the proponent's request; however decided against agreeing to it. In the Commission's view, a proponent should be asked for additional information only where it is likely that, should that information be satisfactory, the application will be approved.

In this case, however, the Commission considers that the main reason for the refusal of the application is the scale of the proposed extension to the marina. The additional two arms proposed would have the effect of more or less filling in, visually and practically, the end section of Dolans Bay. This would result in alienating a large section of what is now public open domain. Therefore, even if matters such as water quality and water ecology could be satisfactorily resolved, the Commission would not approve a marina of the scale proposed.

Commission's Determination

The Commission carefully considered the Director-General's Assessment Report, including agency and public submission, as well as the proponent's request for deferral of the application - discussed above. The Commission is satisfied with the Department's assessment of the proposal and has determined to refuse the application for the following reasons:

1. The marina expansion would result in an overdevelopment of the end section of Dolans Bay, which would be visually unacceptable and alienate a large section of what is now public open domain.
2. The marina expansion would cause unacceptable amenity impacts, including parking impacts and reduced public access to Dolans Bay. It would be inappropriate in its urban and natural context.
3. The proposal provides inadequate information on water quality and water ecology.
4. The development is inconsistent with the aims and objectives of *State Environmental Planning Policy 71 – Coastal Protection*, and is contrary to the objects of the *Environmental Planning and Assessment Act 1979*, including the principles of Ecologically Sustainable Development.



Mr Garry Payne AM
Member of the Commission



Dr John Roseth
Member of the Commission