



# WorleyParsons

resources & energy

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Ref: 301015-03285

Ms Marian Pate  
Sutherland LEP Review  
Department of Planning and Infrastructure  
PO Box 39  
SYDNEY NSW 2001

Dear Ms Pate,

## AMENDED DRAFT SUTHERLAND SHIRE LOCAL ENVIRONMENTAL PLAN 2013

I am writing to you on behalf of our client, Cronulla Marina Pty Ltd, the owner of Cronulla Marina at 60 Waratah Street, Cronulla (the site) regarding the proposed land use provisions in the Amended *Draft Sutherland Shire Local Environmental Plan 2013* (the Draft LEP) insofar as they relate to the site.

I refer to our submission on behalf of Cronulla Marina to Sutherland Shire Council (Council), dated 1 May 2013 in response to the first public exhibition of the Draft LEP. In this submission, it was stated that our client:

- Supported the **W2 Recreational Waterways** zoning proposed under the Draft LEP for the water-based component of the marina facility.
- Requested that the Council amend the proposed zoning of the land-based component of the site from RE1 Public Recreation to **RE2 Private Recreation**.

From our review of the public records pertaining to the first exhibition of the Draft LEP, it is understood that:

1. A separate Planning Proposal has been prepared to amend the Waterways zones in the Draft LEP. It is noted that this Planning Proposal will not change the zoning for the water-based component of the site but will extend the zone W2 Recreational Waterways to include the majority of Gunnamatta Bay.
2. The Council Officer's Report on the first exhibition of the Draft LEP was presented to the Special Council Meeting of 29 July 2013. The Council Officer's in their assessment of our submission **agreed** with the request for the rezoning to RE2 Private Recreation in relation to the land-based component of the site.
3. The Councillors considered the Council Officer's Report and then made decisions in relation to which of the Council Officer's recommendations would be adopted into the amended DSSLEP 2013 for re-exhibition. The adopted recommendations were set out in the Mayoral Minute no. 6/13-14. The above rezoning recommendation was consequently **not** adopted by Council. No reasons were provided by the Councillors for this position.



In relation to Point 2 above, it is noted that the Council Officer's Report stated that this site specific rezoning request had also *"drawn attention to the proposed zoning of the land-based component of other commercial marinas in the Shire."* It is also noted that the proposed RE2 Private Recreation zoning of the land-based component of the Royal Motor Yacht Club and Como Marina is retained in the Amended Draft LEP 2013. Accordingly, the Council Officer's Report made a combined recommendation to rezone the land-based components of four other commercial marinas. It is our client's request that any further assessment of the rezoning of the site be considered **separately** to these four other commercial marinas due to differing land use and development histories of each marina.

In relation to Point 3 above, it is requested that the Council review the decision that was made by the Councillors on 29 July 2013 with regard to the rezoning request to the site. As noted above, the Council Officer's in their assessment of the submission had agreed with our client's request on the basis that:

*"Applying a RE2 Private Recreation zone to the land-based part of the subject land (Lot 1 DP 1153728) would facilitate future development and intensification of the marina as the following relevant uses would be permissible without reliance on existing use provisions: Boat launching ramps, boat sheds, Charter tourism boating facilities, Marinas, Mooring pens; Passenger transport facilities; Recreation facilities (outdoor); Water recreation structures. As this site is already legally developed for the purpose of a marina and operates as such there should be no impediment to the requested rezoning."*

The reasons for the request were set out in the original submission, however the key intent of the proposed rezoning is to ensure that the current approved uses (refer to DA 06/0923 and Project Application No. 06\_0063) are included within the proposed zoning of the land, so as to facilitate any future development of the site and to minimise any reliance upon existing use rights. It is suggested that the latter point would assist the Council to undertake more efficient assessment of any future DAs with objectives and permissibility established by the planning instrument.

It is further noted that the land-based part of the site is clearly identified as a marina with associated uses such as restaurant and boat workshop in the Council adopted, *Master Plan Head of Gunnamatta Bay*, dated May 2012. The Master Plan supports that the current and ongoing use of the site is for the purpose of a privately owned commercial marina.

As previously stated in the original submission and also discussed in the Council Officer's Report is that the rezoning of the land would be consistent with the Department of Planning's LEP practice notes PN 07-001 and PN 11-002, respectively. It is noted that this approach has been taken by other Council's in the preparation of their new Comprehensive LEPs, such as the *Mosman Local Environmental Plan 2012* in respect of the commercial marinas and clubs at The Spit and the *Draft Pittwater Local Environmental Plan 2013* for marinas located on the Pittwater foreshore areas.

On behalf of our client, we seek your favourable re-consideration of our request that Council amend the proposed zoning of that portion of this site only from RE1 Public Recreation to **RE2 Private Recreation**.

If there is any aspect of this request that you wish to discuss, please do not hesitate to contact me on 8456 7385.

Yours faithfully,  
**WorleyParsons**

Sofie Mason-Jones  
Principal Environmental Planner