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15 April 2016

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Manager Planning and Development Services  
North Sydney Council  
200 Miller Street

NORTH SYDNEY, NSW 2060

Attention: Mr George Youhanna

#### **DEVELOPMENT APPLICATION - BERRYS BAY MARINA**

As you are aware a meeting of the Sydney East Joint Regional Planning Panel (JRPP) was held on 7 April 2016. The meeting was convened to consider the Development Application (Ref No: 010.2015.260.001) for the proposed marina development and associated facilities at Balls Head Road, Waverton and the adjacent waterways within Berrys Bay.

At the meeting the JRPP queried the proposed access to the Dolphin Wharf, and made reference to the Council's assessment report that raised concerns about conflicts that could potentially arise from buggies and goods being transported to the Dolphin Wharf via the public walkway through Carradah Park. These concerns were also echoed by some members of the public who addressed the JRPP at the meeting.

In addition the issue of landowners consent for Lot 22 in DP1048933 (commonly referred to as Carradah Park) was also raised by the JRPP and Council as being a potential obstacle to approving the development application in its current form (should that be the determination).

Following consideration of the above the applicant proposes that the most appropriate way to address these concerns is to make a minor amendment to the design of the marina so that access to the Dolphin Wharf is no longer provided through Carradah Park, but is instead achieved via a new floating walkway link from Marina Arm C.

Pursuant to clause 55(1) of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg), we therefore wish to amend the development application as outlined above and accordingly provide Council with the following documentation:

- Updated Architectural Drawings prepared by Altis Architecture, specifically:
  - DA0002 – Proposed Site Plan
  - DA1111 – Proposed Marina Plan Zone 1A
  - DA1112 – Proposed Marina Plan Zone 1B
  - DA4000 – Site Plan – Presentation DA
- Supplementary Statement prepared by Clouston Associates; and
- Letter prepared by Addisons Lawyers.

It is noted that updated Technical Marina Drawings are also being prepared by Stenaid Services to reflect the proposed amendments, and will be provided to Council early week beginning 18<sup>th</sup> April 2016.

The amended plans attached to this letter are to replace the like for like plans previously lodged with Council as part of the development application, and which formed the basis of the material issued to the JRPP for the meeting on the 7 April 2016.

Section 4.5 of the North Sydney Council Development Control Plan 2013 relates to notification of amended plans. It states that *“where the amendments, in the Council’s opinion, do not increase or lessen the adverse effect on adjoining or neighbouring land, Council may choose not to renotify or readvertise the application.”*

The proposed amendment will result in a minor isolated change to the design of the proposed development, specifically the removal of the existing access point in Carradah Park and replacement with a new floating walkway linking Marina Arm C with the Dolphin Wharf. In accordance with Section 4.5 of the North Sydney DCP 2013 we consider that re-notification is not required for the following reasons:

- The proposed amendment removes the need for any use of Carradah Park as a means of accessing the Dolphin Wharf, thereby eliminating the possibility of any conflict between users of the marina and recreational users of public park.
- The new linked gangway will provide for a more low profile link to the Dolphin Wharf and will remove the need for a ramp descending down from a higher and more visually prominent point within Carradah Park. The accompanying statement from Clouston Associates confirms that the proposed amendment does not alter the conclusions of their Visual impact Assessment. Further, Clouston Associates conclude that the amendments will actually provide a beneficial outcome with regard to visual impact.
- While new piles will be required to anchor the new floating walkway link between Marina Arm C and the Dolphin Wharf, environmental and construction management measures proposed for the rest of the marina will equally apply to these new piles. There is therefore already a framework and strategy in place to appropriately manage and mitigate any environmental impacts associated with this minor amendment.
- All other environmental impacts associated with the proposed development will remain consistent with that of the development as previously proposed.
- The minor nature of the amendment is such that it is unlikely to trigger new objections to the proposal from people who have not already made a submission, nor does the proposed change alter the grounds for objection that have been raised in the submissions received to date.
- The proposed amended design solution provides for a more integrated marina with less points of access from the land, thus supporting improved safety and security arrangements.
- The proposed amendment has been made in direct response to comments and concerns raised by the JRPP, Council, and the local community.

In addition to delivering the above improvements the proposed amendment resolves the issue associated with need for landowners consent in relation to Carradah Park (i.e. Lot 22 in DP1048933) to the application. The attached letter from Addisons Lawyers sets out the power of Council to accept and assess the amended proposal.

I trust this is what you require at this stage however should you have any queries then please do not hesitate to contact me on (02) 9956 6962 or bcraig@jbaurban.com.au.

Yours faithfully



Benjamin Craig  
Associate