

**ITEM MAYORAL MINUTE: REZONING OF KENDALL BAY:
REJECTION OF PLANNING PROPOSAL BY MINISTER
FOR PLANNING AND INFRASTRUCTURE**

Department Executive

Author Initials: AT

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area: 1.1.1 Engage with the community on local issues and planning.

REPORT

The rezoning of Kendall Bay has become a very important community issue. The Planning Assessment Commission in its determination of the part 3A Development Application for a 172 berth commercial marina and associated infrastructure in Kendall Bay included in its recommendation the following statement;

The Commission considers the impacts of the proposal are unacceptable across a range of important factors. The Commission also considers that the site-specific constraints of contaminated sediments, lack of direct access for vehicles and lack of any buffering for existing and proposed residential development would make Kendall Bay an unsuitable location for any commercial marina. The Commission recommends that the project be refused.”

Given the strong recommendation from PAC, our community, including the Breakfast Point Residents Group, is demanding that Kendall Bay never be subjected again to such or similar development proposal and they want certainty about the future use of the Bay.

In response to our communities concerns Council resolved to prepare the planning proposal to rezone Kendall Bay to W2 Environmental Protection. The submission was lodged with the Department of Planning and Infrastructure on 18 May, 2012.

On the 28th September in response to Council’s Planning Proposal the Minister of Planning and Infrastructure wrote to Council advising he will not support the rezoning of Kendall Bay from W1 Maritime Waters to W2 Environmental Protection under the Sydney Regional Environmental Plan.

In giving reasons for his decision he cites;

- 1. This is a piecemeal amendment to the Harbour REP that is not underpinned by any strategic considerations. Rather, the Planning Proposal is responding to an outcome of a development application*

2. *There has not been sufficient analysis to consider the wider implications of the proposed rezoning. For instance, the rezoning would not only prohibit commercial marinas, but also aviation facilities, boat lifts, boat repair facilities, charter and tourism facilities, commercial port facilities and skids*
3. *There is no evidence smaller marinas or indeed other currently permissible land uses, (with appropriate treatment of contaminated land) would not be suitable in this location*
4. *The new Planning System is likely to consolidate the current SEPP's and deemed SEPP's where possible. Reviewing spot rezoning under the Harbour REP is therefore not currently a priority, and*
5. *The Roads and Maritime Services do not support the Planning Proposal.*

Council had previously received correspondence from Roads and Maritime Services that also rejects the Planning Proposal submitted to rezone Kendall Bay stating;

“.....RMS is not supportive of spot rezoning applications over land covered by SREP 2005 including Council’s proposal to rezone Kendall Bay.

This position is not acceptable and the suggested potential uses of Kendall Bay contained in the Minister’s letter are outrageous.

The residential communities of Breakfast Point and Cabarita who live in close proximity to Kendall Bay want certainty about the future use of The Bay.

The proposed rezoning of Kendall Bay to W2 Environmental Protection provides that certainty.

I seek Council’s support in continuing to strongly advocate on behalf of our community to have the Minister for Planning and Environment rezone Kendall Bay.

RECOMMENDATION

1. THAT Council write to the Minister Planning and Infrastructure and the Minister Roads and Maritime and the State Member for Drummoyne and request that the decision to reject the Planning proposal to rezone Kendall Bay be reconsidered as a matter of urgency.
2. THAT Council write to the residents of Breakfast Point, Cabarita and Mortlake and advise them of the Minister for Planning and Infrastructure’s decision and Council’s continued effort to have the decision reviewed and a W2 Environment Protection Zone established for Kendall Bay.
3. THAT the General Manager, Mayor and Cr Megna request a meeting with the Minister to discuss the rezoning of Kendall Bay.

Attachments:

1. Rezoning of Kendall Bay report attachments

Rezoning of Kendall Bay report attachments