



## **PRESERVING OUR HERITAGE**

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Mr Steve Kourepis  
Director Town Planning  
Hunters Hill Council  
22 Alexandra Street  
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Via email: [info@huntershill.nsw.gov.au](mailto:info@huntershill.nsw.gov.au)  
Cc: General Manager & All Councillors

Dear Mr Kourepis

### **Submission to DA2023-0094 Woolwich Marina - Amended Development Proposal**

We are writing to object most strongly to the above that will relocate the expanded Woolwich Marina across a large width of the historic Kelly's Bush foreshore and effectively occupy approximately 24,000sqm of waterway, in order to cater for private interests at the expense of the public amenity.

This DA seeks to more than double the number of marina berths to 79, where more than half of the new berths will be for larger vessels, 18 metres and over, with some multi storied and up to 25m in length. Whilst berthing such vessels may be commercially lucrative, this will be affordable by only a select clientele, so the argument cannot be made that this proposal will somehow provide a public benefit.

Sydney Harbour is not 'owned' and the public good has precedence over private interests and this development severely impacts the historic precinct and waterways and the public will lose the current expansive vistas from the State Heritage Listed Kelly's Bush to the UNESCO World Heritage Listed Cockatoo Island and views southward and westward to Spectacle and Snapper Islands.

Our specific objections are as follows:

#### **1. Heritage Significance & Conservation**

The site is located in the vicinity of a number of Heritage Significant items, in particular State Heritage Listed Kelly's Bush and UNESCO World Heritage Listed Cockatoo Island. This site has been described as being of high natural, historical, cultural, social and aesthetic importance due to the point of confluence of the River with the Harbour and the substantial contribution it makes as a place of outstanding national and international phenomena in the location of Cockatoo, Snapper and Spectacle Islands.

No heritage impact assessment of the amended proposal has been presented by the Applicant, so without this vital component, the new amendment cannot be properly assessed. The original heritage impact assessment provided with the development application is fundamentally flawed in that:

- The heritage significance of this area has been undervalued. The Site is surrounded by items listed on World, State, Federal and Local Heritage Registers. Some of the suburb's most significant historic homes are located in the adjoining streets, including one of the oldest known homes in the Hunters Hill LGA ("Woodstock") which will be adversely affected by the additional traffic and street parking demands.
- The site is within the Parramatta River Harbour Landscape Conservation Area listed on the National Trust Register and within the Foreshores and Waterways Area of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (BC SEPP).

In addition, Item 6.28 of the Environmental Impact Statement - Development in Foreshores and Waterways Area, General, states:

In deciding whether to grant development consent to development in the Foreshores and Waterways Area, the consent authority must consider the following:

(a) whether the development is consistent with the following principle:

- (i) Sydney Harbour is a public resource, owned by the public, to be protected for the public good,
- (ii) the public good has precedence over the private good,
- (iii) the protection of the natural assets of Sydney Harbour has precedence over all other interests

(b) whether the development will promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft.

(c) whether the development will have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area.

- The different ways in which the public enjoy the heritage values of Kelly's Bush Park and the adjoining heritage items has not been considered. These areas are used for picnics (seated on the ground) and camping (in the case of Cockatoo Island). The statement that the areas of public foreshore like Kelly's Bush foreshore park, Clarkes Point including Woolwich Parklands and the Horse Paddock (Sydney Harbour Federation Trust) will be largely unaffected by the proposals is patently untrue. All these areas are incredibly well used in particular on weekends and public holidays.
- The inadequate extra parking spaces proposed will not cater for maintenance vehicles, professional boat crews and the numerous guests who will be using the larger vessels planned for the Marina. This will place an unacceptable burden on local residents, with street parking only feasible on one side of Alfred Street and an awkward clifftop access via Edgecliff Road. The current small Alfred Street car park at Kelly's Bush Lookout for use of visitors could be severely compromised, with spaces potentially commandeered by marina users.
- There has been no assessment of the impact of the extended Marina's night time illumination on the foreshore of Kelly's Bush Park and its aesthetic bushland values or wildlife.

The reason that we have this precious site at all is through the efforts of a previous generation - the Kelly's Bush Battlers and the community minded Unionists - who fought to keep this area protected and saved for the nation so that future generations could enjoy the peace and serenity of this haven on the harbour foreshore. We as a community need to cherish and respect this heritage and not allow private interests to take precedence over public good.

## **2. Visual Impact**

What has not been acknowledged in this proposal, and which cannot be escaped, is that Kelly's Bush is the largest area of near natural bushland on the Woolwich peninsula and one of only two remaining bush headlands west of the Harbour Bridge. The adverse visual impact on the current expansive vistas from the Kelly's Bush foreshore and up and down the length of the Parramatta River Catchment Area is unacceptable. The Trust's specific concerns are:

- The proposed development will diminish the unique visual qualities of the foreshores and waterways area and its islands, in particular, Cockatoo, Spectacle and Snapper Islands.
- The proposed development will significantly alter the existing aesthetic values and setting of Kelly's Bush Park and surrounding heritage items and obstruct vistas to and from Cockatoo Island and views southward and westward to Spectacle and Snapper Islands. Partial vistas, the inclusion of "view corridors" and "fragmentation" of design do not compensate for loss of current panoramic views.

- The far larger numbers and dimensions of the boats to be catered for will obliterate the open water and views from the foreshore public pathways in and around Kelly's Bush and the Woolwich Parklands. Hunters Hill Council's own Development Control Plan states that any development must: '*Protect landscape, character of visually sensitive areas*' and '*maintain the distinct, bush and water views from roads*'.
- The proximity and size of the vessels proposed to be berthed within 30m of the grassy foreshore of Kelly's Bush Park is given insufficient weight in the assessment.
- The assertion that a 250m long Marina effectively occupying close to 24,000sqm would only be "glimpsed" from a moving boat is patently untrue; views from ferries will be severely impacted with a wall of boats preventing views of the foreshore.
- The photos provided in the Visual Impact Assessment are misleading for example:
  - The images of yachts, depicted with thin masks in low level water, is not reflective of the reality of the motor boats, some multi storey, that would be moored here.
  - The identification of the extent of obstruction at each of the nominated vantage points has not been undertaken consistently with the planning principles articulated in *Rose Bay Marina Pty Ltd v Woollahra Municipal Council* (2013).
  - The largest vessels are depicted furthest away on the moorings but this will have a much greater visual impact at ground level from Kelly's Bush foreshore.

In addition, the Landscape Assessment provided does not give appropriate weight to the heritage values and natural setting adjoining the proposed development. The proposal will replace a few swing moorings with small yachts, with a dense commercial private boat parking lot for large vessels including six 25m vessels (longer than a Parramatta River Class ferry) and 21 vessels (18m – 20m).

### **3. Fire Risk**

The proximity of the proposed development to Kelly's Bush presents a very real fire danger, a risk which has become much more frequent on luxury vessels over the past few years. In September 2023, the super yacht *Andiamo*, was destroyed by fire at Woolwich dock just a short distance away. This is not an isolated incident with super yachts carrying increased fuel loads and new technologies. The access to the Marina site for fire fighting vehicles is restricted to one road along the peninsula and then via narrow streets with parking on both sides. This route could be difficult for fire engines to navigate quickly in an emergency and potentially, this historic site of the world's first Green Ban could be severely damaged.

### **Conclusion**

In conclusion, the Trust is reflecting the community's concern that this unique part of Sydney Harbour must not be allowed to become a permanent parking station for over-sized boats catering for the privileged few, obscuring public views and sight-lines to important heritage items of outstanding natural beauty. The alienation of this busy stretch of water is unacceptable to residents.

Hunters Hill Council and the Sydney North Planning Panel unanimously rejected this Development Application. The Hunters Hill Trust fully supports Council's legal challenge in the Land & Environment Court and sincerely hopes that this historically unique, environmentally sensitive waterway and landmark on Sydney Harbour will continue to be protected for generations to come.



Annette Gallard  
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