

CAREEL BAY

25/06/09

Mr ROB STOKES (Pittwater) [6.08 p.m.]: Careel Bay is an idyllic nook in Pittwater. It is a place alive with beauty and history. In fact, reading and listening to some of the stories about Careel Bay reminds me of Mark Twain's reflection on Australian history, "It is almost always picturesque. It does not read like history, but like the most beautiful lies. And all of a fresh new sort, no mouldy old stale ones. It is full of surprises and adventures, and incongruities, and contradictions, and incredibility's; but they are all true, they all happened." It is a funny thing about humans that when we find a beautiful place, the first thing we do is destroy it. In the 1960s a tip was established on the eastern side of Careel Creek causing damage to the wetlands and mangroves of the bay. In the early 1970s a massive marina was proposed, but fortunately defeated by an alert and organised local community passionate about the bay.

The latest threat to Careel Bay began in late 2003, when the Department of Lands granted a 25-year lease over the quaint boatshed and slipway to Austral Monsoon Industries. On 10 June 2005 Austral Monsoon lodged a development application with the Minister for a 37-berth marina, accommodating 34 power boats up to 18 metres long and three yachts up to 12 metres long, a concrete hardstand, a 75-tonne travel lift or ship lift, the replacement of the existing buildings with two new buildings, with one being two storeys to host offices, shops and workshops.

Following huge pressure from the local community and across the political spectrum, former Minister for Planning, Frank Sartor, rejected the development application in February 2006 for its unacceptable environmental impacts. Almost a year later, and almost out of time, the developer lodged an appeal against the Minister's decision. With the consent of the court, Austral Monsoon amended its development application, which is strongly opposed by the community for containing exactly the same flaws as the original development application.

On 3 May 2007 the Minister called in the development under State environmental planning policy—state significant development. Pittwater Council subsequently commenced class 4 proceedings in the Land and Environment Court seeking a declaration that the Minister's opinion was invalid. Justice Lloyd held that the Minister's opinion related to the original development application, not the amended development application; therefore, it was of no effect and the consent authority was the council, not the Minister. Austral appealed, and the council and the Minister cross-appealed. In *Austral Monsoon Industries Pty Limited v Pittwater Council* the Court of Appeal last Friday determined that the Minister's opinion was, in fact, valid, so the Minister remains the consent authority.

This convoluted, long and expensive process is yet another indictment of the State's planning laws, and shows yet again that we need a complete overhaul of planning laws, which give huge arbitrary powers to the Minister for Planning at the expense of local communities. Nonetheless, the reality now is, depending on what action the court takes, the Minister is placed in the position of being the consent authority. The other reality is that the development

application now before the Minister is effectively the same development as rejected by her predecessor. It is still uncertain as to whether the consent authority is now the court, given that the developer originally commenced action in the court, or the Minister herself. Nevertheless, the Minister has carriage in the court of this development application, so it is to her that I direct these comments.

The amended development application remains a proposal for a massive marina development for Careel Bay, including a 24-berth floating marina able to accommodate large power boats, taking up a large area of water; a large concrete hardstand able to accommodate at least four large vessels at once; a 45-tonne ship lift; and new buildings, including a two-storey structure containing a caretaker's flat, offices, shops, and several workshops, most being on concrete piles over the lease area. A crucial point is that if any consent is given, the development genie will be let out of the bottle, so that future development of the bay through incremental extensions to the marina and intensification of industrial land use will be virtually inevitable.

Therefore, on behalf of the community, I call on the Minister and, if it is possible in this place, the court to reject this unsustainable development for the same reasons that the Minister's predecessor rejected it, including the fundamental inconsistency of the proposal with principles of ecologically sustainable development, the New South Wales coastal policy and State Environmental Planning Policy 71—coastal protection. The development of any large marina complex in Careel Bay will, by definition, involve destroying the ecological values of much of this precious waterway, threatening the vital wetlands that support so many rare and threatened birds, plants and sea creatures. In 1973 the Careel Bay mangroves and tidal flats were saved from marina development by strong advocacy from the local community. At the time the *Manly Daily* reported:

Only continued vigilance and determination of local residents will prevent Careel Bay from going the way of all other similar inlets on the eastern side of Pittwater.

Once again, the local community is standing up for its environment, and are advocating for a sensitive redevelopment that is consistent with the scale, history and ecology of Careel Bay, not for a development that will destroy the very values that make Careel Bay such a desirable place for families, fishers, boaties and dreamers. I commend the Careel Bay Pittwater Protection Group, including Paul and Carol Davison, David Poppleton, Kristine Martin, the Bardsleys, the Cooks, the Seatons and the 4,000 other local residents who stood up against the original development application. I thank also Pittwater Council for standing up for the environment and the people of Pittwater against unreasonable development that benefits the few at the cost of the many.