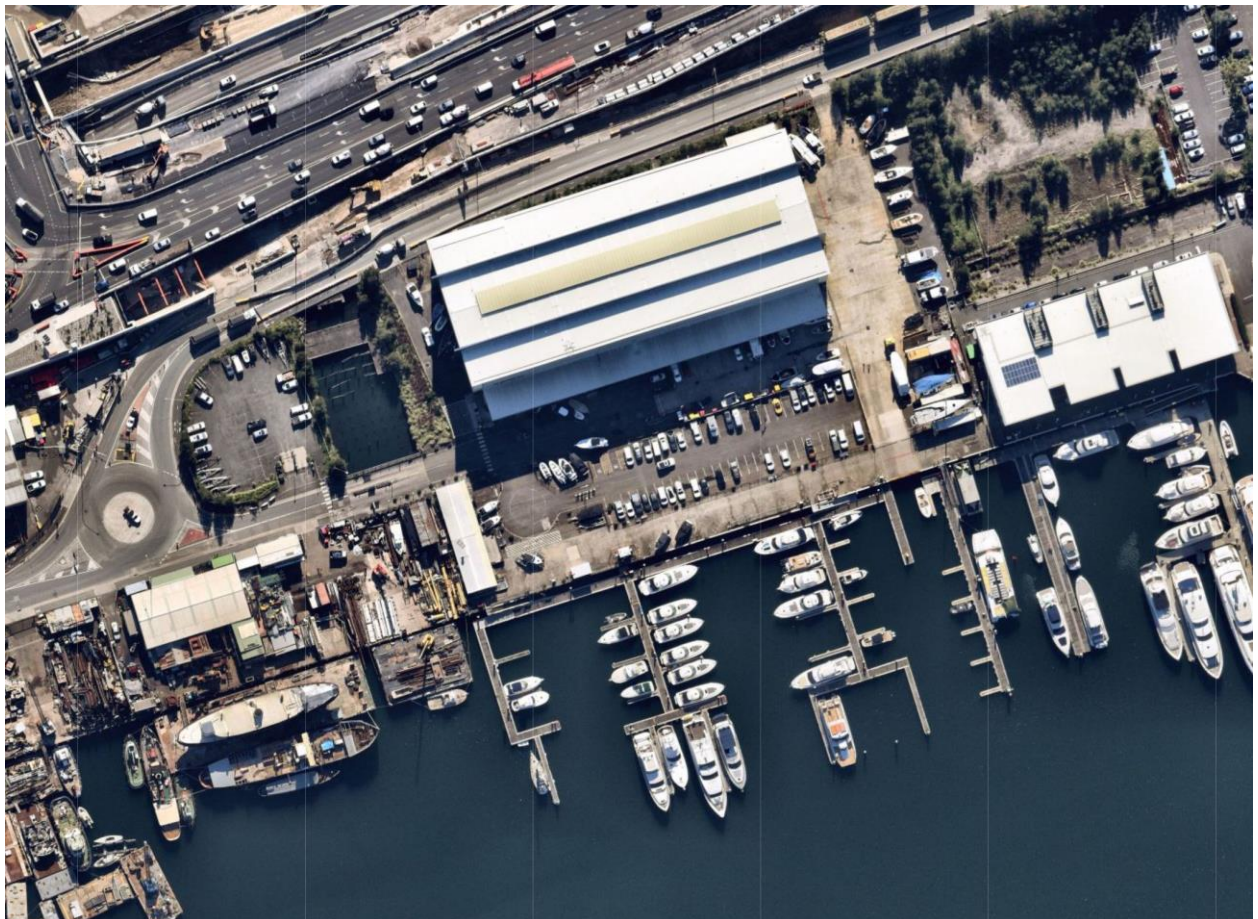




Sydney Boathouse – New marine diesel dispenser with associated structures

Development Application Assessment (DA 22/6729)

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Cover image: *Aerial view of Sydney Boathouse (Source: Nearmap)*

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Glossary

| Abbreviation | Definition |
|----------------------------|---|
| Applicant | Sydney Boathouse |
| CIV | Capital Investment Value |
| Council | Inner West Council |
| DA | Development Application |
| Department | Department of Planning and Environment |
| EPA | Environment Protection Authority |
| EP&A Act | Environmental Planning and Assessment Act 1979 |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2021 |
| EPBC Act | Environment Protection and Biodiversity Conservation Act 1999 |
| EPI | Environmental Planning Instrument |
| EPL | Environment Protection Licence |
| ESD | Ecologically Sustainable Development |
| GSRP | Greater Sydney Region Plan |
| HDPE | High Density Polyethylene |
| LEP | Local Environmental Plan |
| LGA | Local Government Area |
| Minister | Minister for Planning |
| Planning Secretary | Secretary of the Department of Planning and Environment |
| SEE | Statement of Environmental Effects |
| SEPP | State Environmental Planning Policy |
| TfNSW | Transport for NSW |

Executive Summary

Introduction

This report provides an assessment of a Development Application (DA 22/6729) lodged by Sydney Boathouse (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application seeks consent for a new marine diesel dispenser and associated structures at Sydney Boathouse in Rozelle Bay.

Engagement

The Department publicly exhibited the application for 14 days from 22 June 2022 to 5 July 2022. The Department received one submission from the NSW Environment Protection Authority (EPA) who advised that the site operates under an existing environment protection licence (EPL) and no variation to the EPL is required.

The Department did not receive a submission from Inner West Council or any public submissions.

Assessment

The Department considers the proposal is acceptable for the following reasons:

- it would improve the operational efficiency of the facility by reducing the need for vessel movements to refuel
- it would not increase the capacity of the existing fuel bowser and, therefore, would not require a variation to the existing EPL
- the operation of the new marine diesel dispenser would not increase the quantity of vessels. The Department recommends limiting use of the new marine diesel dispenser to vessels registered, stored at, or to be stored at the site and locally based vessels from Rozelle Bay as this is consistent with the existing approval for the site
- the proposal can operate safely and will be subject to an Operational Vessel Refuelling Plan to reduce the potential for spills
- the recommended hours of operation are consistent with the existing hours of operation for boat maintenance activities and, therefore, would not result in any additional amenity impacts. The recommended hours of operation are:
 - Monday to Saturday between 7:00 am to 6:00 pm
 - Sundays between 8:00 am to 4:00 pm
- EPA and Council did not raise any concerns regarding the proposal.

Conclusion

The Department's assessment concludes the proposal is in the public interest and should be approved, subject to the recommended conditions.

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1 Introduction

1.1 Background

This report provides an assessment of a Development Application (DA 22/6729) lodged by Sydney Boathouse (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Applicant seeks approval for a new marine diesel dispenser and associated structures at Sydney Boathouse in Rozelle.

1.2 Site Context

The site is known as Sydney Boathouse and is located in Rozelle within the Inner West Council local government area (LGA). The site is surrounded by James Craig Road to the north, Transport for NSW (TfNSW) offices and the ANZAC bridge to the east, Sydney Superyacht Marina to the south and south-east, Rozelle Bay to the south, and a TfNSW depot and shipyards/wharfs to the west.

The site and surrounding context are shown in **Figure 1**.



Figure 1 | Site context (Base source: Nearmap)

1.3 The Site

The site is located at 21 James Craig Road, Rozelle NSW and comprises land-based components (Lot 29 DP 1151746) and water-based components (Lot 5 DP 1209992). The site is owned by Transport for NSW (TfNSW) and leased to the Sydney Boathouse (refer to **Figure 2** and **Figure 3**).

The site currently contains a multi-storey dry boat store building, surface level dry boat storage, car parking, a marina on Rozelle Bay, a single storey demountable office building, and an existing diesel fuel delivery system located on the concrete hardstand area with capacity for 16,000 Litres.

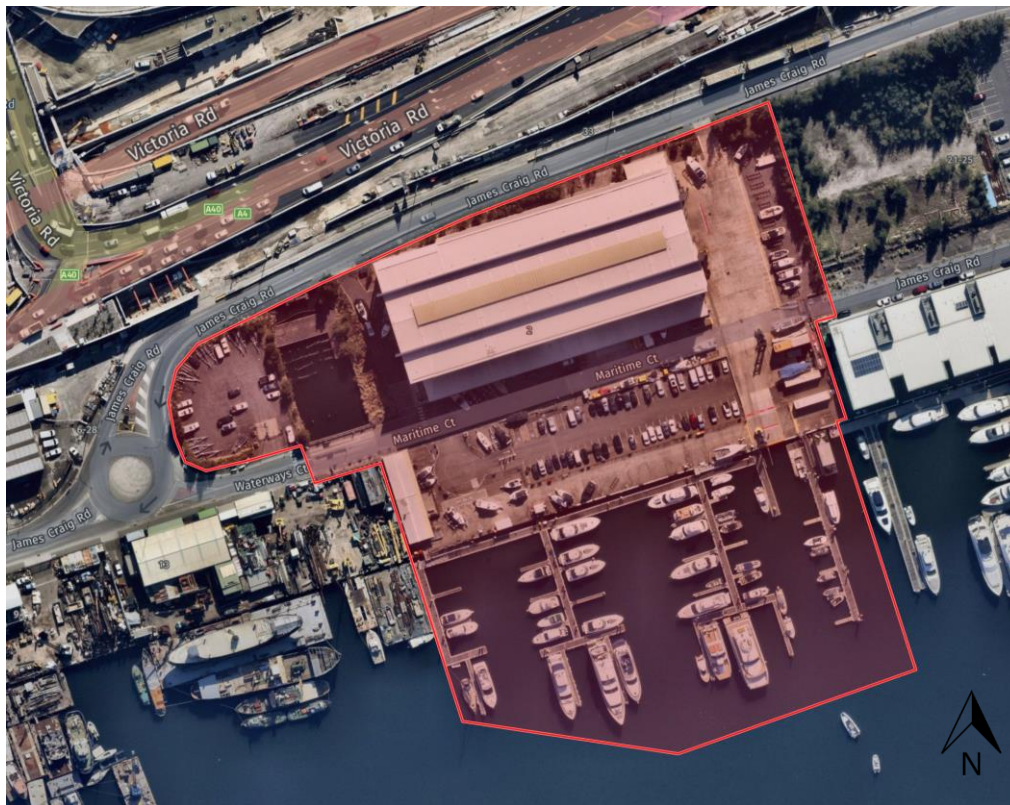


Figure 2 | The site (outlined in red) (Base source: Nearmap)



Figure 3 | Existing fuel bowser (Source: Applicant's SEE)

1.4 Approval History

On 21 May 2007, the former Minister for Planning approved the use of the site as a dry boat storage and marine facility under Part 3A of the EP&A Act (MP06_0210). The development consent has been modified on eight occasions as summarised in **Table 1**.

The proposal is for a new development application under Part 4 of the EP&A Act for a new marine diesel dispenser and associated structures at the site. Notwithstanding this, it utilises the same location and operational parameters as the approved diesel dispenser. The current hours of operation for the site are outlined in **Table 2**.

Table 1 | Summary of modifications

| MOD No. | Summary of Modifications | Approval Authority | Type | Approval Date |
|--------------|---|--------------------|-------------|-------------------|
| Mod 1 | Extension of the period of approval from three to four years. | Director | Section 75W | 31 March 2010 |
| Mod 2 | Design variations including a reduction in the height and size of the multi-storey car park, amendments to allow for staged construction, amended hours of operation and inclusion of temporary boat storage and demountable office building. | Director | Section 75W | 16 September 2010 |
| Mod 3 | Inclusion of an additional phase of development within Stage 1, provision of interim dry boat and car parking provision and use of a temporary mobile crane. | Director | Section 75W | 27 March 2012 |
| Mod 4 | Amendments to the design, layout and roof profile of the western and eastern dry boat stores and reduction in height of the eastern dry boat store. | Executive Director | Section 75W | 19 August 2012 |
| Mod 5 | Extend the use of Lot 29 for temporary car parking and the demountable building for office use until the completion of Phase 2 of Stage 1. | Director | Section 75W | 19 March 2014 |
| Mod 6 | Introduce a mezzanine level to the western dry boat store building. | Director | Section 75W | 13 November 2014 |
| Mod 7 | Amendment to the marina including design changes, additional berths and the temporary use of berths. | Director | Section 75W | 5 February 2015 |
| Mod 8 | Retention of the temporary building, the use of the building as a café and office space and the installation of additional business identification signage. | Executive Director | Section 75W | 20 April 2018 |

Table 2 | Current hours of operation for the site

| Activity | Day | Time |
|--|-------------------------------|---|
| Construction | Monday – Friday | 7:00 am to 7:00 pm |
| | Saturday | 7:00 am to 3:00 pm |
| | Sunday and Public Holidays | Nil |
| Boat Handling Activities including loading and unloading of vessels | Monday - Friday | 7:00 am to 6:00 pm (1 May to 31 August) |
| | | 7:00 am to 7:00 pm (1 September to 30 April) |
| Marine chandlery, brokerage and retail outlets | Saturday and Sunday | 7:00 am to 6:00 pm (1 May to 31 August) |
| | | 7:00 am to 8:00 pm (1 September to 30 April) |
| Boat departures (including boats that may be loaded into the water on a prior day) | All days | 7:00 am to 5:30 am (1 February to 30 September) |
| | | No restriction (1 October to 31 January) |
| Restaurant/Café/Take-away food premises | Sunday – Wednesday | 7:00 am to 10:30 pm |
| | Thursday, Friday and Saturday | 7:00 am to 11:00 pm |
| Boat Maintenance Activities | Monday – Saturday | 7:00 am to 6:00 pm |
| | Sunday | 8:00 am to 4:00 pm |
| Commercial office space tenancies | All days | Any time |

2 Project

The development application seeks approval for a new marine diesel dispenser and associated structures. The Applicant notes the current arrangement for refuelling vessels involves mooring vessels adjacent to the existing fuel bowser and then manually unreeling and carrying a hose onto the pontoon. This requires constantly rearranging vessels and manoeuvring the hose onto the pontoon, which has the potential to result in spillage. The new marine diesel dispenser would allow boats to be refuelled from any part of the pontoon.

The new marine diesel dispenser would be connected to the existing fuel bowser via a fuel pipe. The proposal contains land-based components and water-based components which are outlined below and shown in **Figure 4** to **Figure 6**.

Land-based components:

- a tee and directional valve connected to the existing fuel bowser
- a stainless-steel pipe from the directional valve to an isolation valve located on the hardstand area.

Water-based components:

- a high-density polyethylene (HDPE) pipe connecting the isolation valve on the hardstand area to the new marine diesel dispenser
- a 3 m tidal compensator
- a new marine diesel dispenser located on a 2.2 m by 2.4 m wide section of the pontoon
- a stainless steel containment sump for the new marine diesel dispenser
- an electrical distribution box
- a 20 m hose retainer with nozzle holster and drip tray position on a stainless steel hold down plate
- approximately 25 m of HDPE flexible fuel pipe laid in the service ducting of the pontoon.

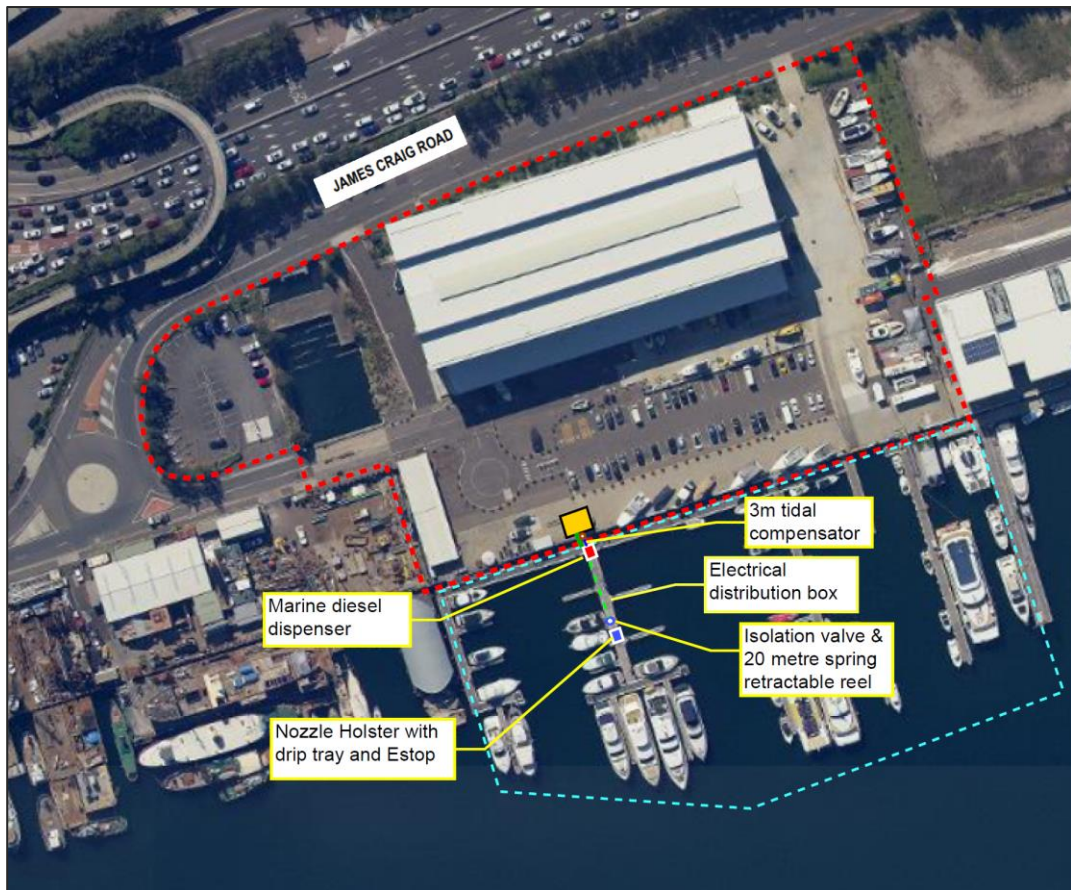


Figure 4 | Proposed new marine diesel dispenser and associated structures (Source: Applicant's Response to Additional Information Request)

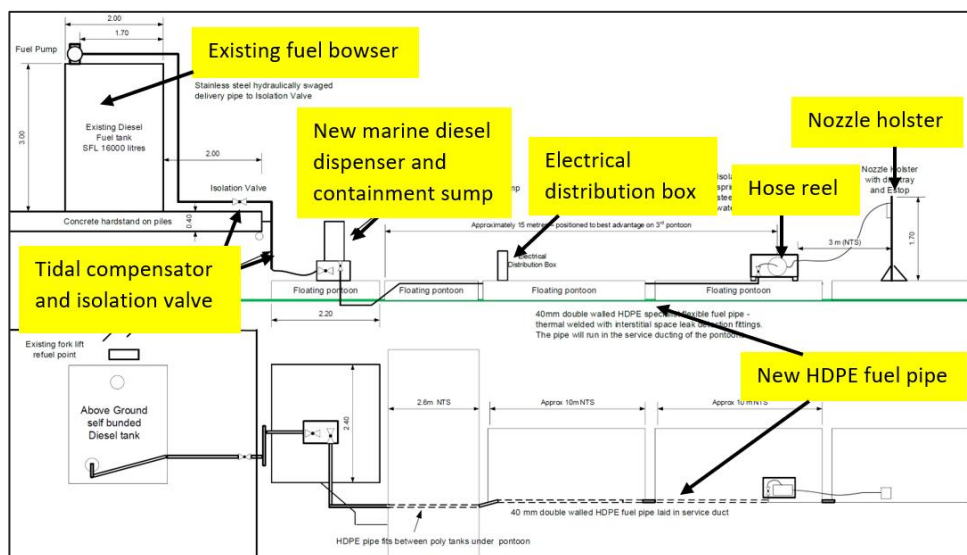


Figure 5 | Proposed site layout (Base source: Applicant's SEE)



3 Strategic context

3.1 Greater Sydney Region Plan and Eastern City District Plan

The Greater Sydney Region Plan (GSRP) outlines how Greater Sydney will manage growth and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney to be implemented at local level through District Plans. The site is located in the Eastern City District. The GSRP identifies the Bays Precinct as industrial and urban services land, stating it should be retained because there is a shortage of such land in the Eastern Harbour City.

The proposal supports the directions and objectives of the GRSP and Eastern City District Plan by allowing the site to continue to provide a range of commercial maritime facilities and is compatible with the site's existing use as a dry boat storage facility and marina.

3.2 Bays West Place Strategy

The Department's Bays West Place Strategy (Place Strategy) was finalised on 15 November 2021 and has been adopted through a Ministerial Direction under Section 9.1 of the EP&A Act. The Place Strategy builds upon previous urban renewal work in the Bays Precinct and creates a long-term vision for Bays West, to be delivered in stages.

One of the key directions of the Place Strategy is to "retain, manage and allow the essential strategic port and maritime industry uses to grow and evolve, to ensure they continue to support the NSW economy".

The Place Strategy identifies that the existing working harbour at Rozelle Bay will remain through the transformation of the Bays West area. The proposed development, therefore, supports this function and is consistent with the desired future character of the Bays Precinct.

4 Statutory Context

4.1 Consent authority

The proposal contains land-based components that are subject to the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 (Precincts – Eastern Harbour City SEPP) and water-based components subject to the State Environmental Planning Policy (Biodiversity and Conservation 2021) (Biodiversity and Conservation SEPP).

The application has been submitted on behalf of Sydney Boathouse and the land-based components are located in an area identified as Rozelle Bay with a capital investment value less than \$10 million. Therefore, the Minister for Planning is the consent authority for the application in accordance with Clause 2.8 of the (Precincts – Eastern Harbour City SEPP).

The Biodiversity and Conservation SEPP identifies the Minister for Planning as the consent authority if the development is not located within a local LGA and if another EPI specifies the Minister for Planning as the consent authority if the same development were to be carried out on the nearest land. As identified above, the Minister for Planning is the consent authority for the works occurring on the nearest land in accordance with the Precincts – Eastern Harbour City SEPP and, therefore, the Minister would also be the consent authority for the water-based components in accordance with Clause 10.4(3) of the Biodiversity and Conservation SEPP.

However, the Minister has delegated the decision-making powers to the Director, Key Sites Assessments where:

- a political disclosure statement has not been made
- there are less than 15 public submissions in the nature of objections
- Council has not made an objection under the mandatory requirements for community participation in Schedule 1 of the EP&A Act.

4.2 Permissibility

The proposal includes both land-based (the existing fuel bowser, valves and delivery pipe) and water-based (the marine diesel dispenser and associated structures) components. Ultimately no change of use is proposed for the site as part of this application, which supports the operation of the existing approved dry boat storage and marine facility.

The land based components are zoned Waterfront Use under the Precincts-Eastern Harbour City SEPP and the water-based components are zoned W1 Maritime Waters under the Biodiversity and Conservation SEPP.

The proposal would allow the site to continue to provide a range of commercial maritime facilities and is compatible with the site's use as a dry boat storage facility and marina. The proposal is generally consistent with the objectives of the Waterfront Use zone under the Precincts-Eastern Harbour City SEPP and is therefore permissible with consent under clause 4.20 of this SEPP.

The proposal is for the purposes of refuelling and therefore would be defined as being part of the existing and approved commercial marina, which is permitted with consent in the W1 Maritime Waters zone under clause 10.15 of the Biodiversity and Conservation SEPP.

4.3 Mandatory Matters for Consideration

The following are the relevant mandatory matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- relevant environmental planning instruments (EPIs)
- objects of the EP&A Act
- Ecological Sustainable Development
- Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 6** and **Appendix C**.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from Wednesday 22 June 2022 to Tuesday 5 July (14 days).

The application was made publicly available on the Department's website, and the Department notified adjoining landholders, Inner West Council (Council) and the NSW Environment Protection Authority (EPA) in writing. All notification and public participation statutory obligations have been satisfied.

5.2 Summary of submissions

The Department received one submission from the EPA who advised that the site operates under an existing environment protection licence (EPL) and, as the proposal would not increase the capacity or operation of the facility, no variation to the EPL is required.

The Department did not receive a submission from Council or any public submissions.

6 Assessment

The Applicant seeks approval for a new marine diesel dispenser and associated structures. The current arrangement for refuelling vessels involves mooring vessels adjacent to the existing fuel bowser and then manually unreeling and carrying a hose onto the pontoon. This requires constantly rearranging vessels and manoeuvring the hose onto the pontoon, which has the potential to result in spillage.

The new marine diesel dispenser would allow boats to be refuelled from any part of the pontoon. The Applicant provided an updated Safe Operating Refuelling Procedure which includes operational procedures for:

- pre-start checks including visual inspections, completing relevant documentation and daily fuel dips
- refuelling vessels including conducting refuelling by two people, operational requirements and stopping refuelling during extreme weather conditions
- shutdown procedures once vessels are refuelled
- spillages which involve a six step process including initial response, control, containment, absorbent selection, disposal methods and reporting and restocking.

The EPA did not raise any concerns regarding the proposal, and no submissions from Council or the public were received. The EPA confirmed that the the proposal would not increase the capacity or operation of the facility, no variation to the EPL is required.

The Department considers the proposal is acceptable as:

- it would improve the operational efficiency of the facility by reducing the need for vessel movements to refuel and therefore would be less likely to result in spills compared to existing facility
- it would not increase the capacity of the existing fuel bowser and, therefore, would not require a variation to the existing EPL
- the operation of the new marine diesel dispenser would not increase the quantity of vessels. The Department recommends limiting the use of the new marine diesel dispenser to vessels registered, stored at, or to be stored at the site and locally based vessels from Rozelle Bay as this is consistent with the existing approval for the site
- the proposal would operate safely as outlined in the site's Safe Operating Refuelling Procedure, noting that a further Refuelling Plan will be prepared in consultation with the EPA to reduce the potential for spills
- the recommended hours of operation are consistent with the existing hours of operation for boat maintenance activities and, therefore, would not result in any additional amenity impacts. The recommended hours of operation are:
 - Monday to Saturday between 7:00 am to 6:00 pm
 - Sundays between 8:00 am to 4:00 pm
- EPA and Council did not raise any concerns regarding the proposal.

The Department recommends:

- use of the new marine diesel dispenser is limited to vessels registered, stored at, or to be stored at the site and locally based vessels from Rozelle Bay to align with the conditions imposed on the existing facility

- that the hours of operation are from Monday to Saturday between 7:00 am to 6:00 pm and Sundays between 8:00 am to 4:00 pm, utilising the existing boat maintenance hours for the existing facility, and
- that the Applicant develop an Operational Vessel Refuelling Plan in consultation with the EPA to manage the handling and storage of volatile organic compounds and reduce the potential for spills in addition to the site's Safe Operating Refuelling Procedure.

The Department therefore considers the proposal is acceptable, subject to the recommended conditions of consent.

7 Evaluation

The Department considers the proposal is acceptable for the following reasons:

- it would improve the operational efficiency of the facility by reducing the need for vessel movements to refuel and can operate safely subject to an Operational Vessel Refuelling Plan
- it would not increase the capacity of the existing fuel bowser to require a variation to the existing EPL, and would also not increase the quantity of vessels using the marina
- the recommended hours of operation are consistent with the existing hours of operation for boat maintenance activities and, therefore, would not result in any additional amenity impacts
- EPA and Council did not raise any concerns regarding the proposal.

The Department's assessment concludes the development is in the public interest and should be approved, subject to conditions (**Appendix D**).

8 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 22/6729, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see **Attachment D**).

Prepared by:



Minoshi Weerasinghe
Senior Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

9 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:

A handwritten signature in dark ink, appearing to read 'Anthony Witherdin', is written over a light blue horizontal line.

Anthony Witherdin

Director

Key Sites Assessments

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

Statement of Environmental Effects

<https://www.planningportal.nsw.gov.au/daex/under-consideration/sydney-boathouse-changes-fuel-delivery-system-da-226729>

Appendix B – Community Views for Draft Notice of Decision

The Department did not receive any submissions from the public or Council.

Appendix C – Statutory Considerations

In line with the requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Department's assessment of the proposal has included detailed consideration of a number of statutory requirements. These include:

- the objects found in section 1.3 of the EP&A Act; and
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.

The Department has considered all of these matters in its assessment and has provided a summary in **Tables 1** and **2** below.

Table 1 | Consideration of the objects of the EP&A Act

| Objects of section 1.3 of the EP&A Act | Department's response |
|---|--|
| (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, | The proposal would not adversely impact on natural or other resources. |
| b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, | The proposal is consistent with ESD principles (see below). The impacts of the proposal can be appropriately mitigated or conditioned (Section 6 and Appendix D). |
| c) to promote the orderly and economic use and development of land, | The proposal is generally consistent with the objectives of the Waterfront Use and W1 Maritime Water zones, and is permissible with consent. The proposal would continue to provide a range of commercial maritime facilities and is compatible with the site's existing use as a dry boat storage facility and marina. |
| (d) to promote the delivery and maintenance of affordable housing, | Not applicable. |
| e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, | The proposal would not adversely impact on the natural environment. |
| (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), | The proposal would not adversely impact on any heritage items. |
| (g) to promote good design and amenity of the built environment, | The proposal would not adversely impact on the amenity of the built environment. |
| (h) to promote the proper construction and maintenance of buildings, including | Not applicable. |

the protection of the health and safety of their occupants

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

The Minister is the consent authority for this application. The Department has consulted with Council and relevant government agencies (**Section 5**).

(j) to provide increased opportunity for community participation in environmental planning and assessment.

Section 5 sets out the details of the Department's public exhibition of the DA.

Table 2 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

| Section 4.15(1) Matters for consideration | The Department's assessment |
|---|--|
| (a)(i) any environmental planning instrument | The proposal complies with the relevant legislation as addressed in Section 4 and Appendix C . |
| (a)(ii) any proposed instrument | Consideration of proposed instruments is provided below. |
| (a)(iii) any development control plan | The site is not subject to the Leichhardt Development Control Plan 2013. |
| (a)(iia) any planning agreement | Not applicable. |
| (a)(iv) the regulations | The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification and fees. |
| (a)(v) (repealed) | Not applicable. |
| (b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, | The Department has assessed the likely impacts of the development and considers they are acceptable and/or have been appropriately managed by recommended conditions (Section 6 and Appendix D). |
| (c) the suitability of the site for the development | The site is suitable for the development (Section 6). |
| (d) any submissions | Consideration has been given to the submissions received during the exhibition period (Sections 5 and Appendix B) |
| (e) the public interest | The Department considers the proposal to be in the public interest (Section 6). |

Protection of the Environment Operations Act 1997 (POEO Act)

The NSW *Protection of the Environment and Operations Act 1997* (POEO Act) requires the regulation of environmental pollutions (ie noise, air and water pollution) from scheduled activities via an Environment Protection Licence (EPL).

The site is regulated by EPL 12781, for the scheduled activity of marinas and boat repairs. EPA advised that proposal would not change the capacity of operation of the facility and therefore no variation to the EPL is required.

Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs, DCP and guidelines were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021).

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

The Precincts – Eastern Harbour City SEPP seeks to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State (State Significant Precincts) for the benefit of the State.

Part 2.2, clause 2.8 of the Eastern Harbour City SEPP identifies the site (land-based components) is located within the Sydney Harbour Port and Employment Related Lands area. Any development in this area with a capital investment value (CIV) below \$10 million requires development consent from the Minister when the development is carried out by a person other than a public authority.

The CIV for this development is less than \$10 million and, therefore, the Minister for Planning is the consent authority under the Precincts – Eastern Harbour City SEPP.

Chapter 4, Part 4.2 of the Precincts – Eastern Harbour City SEPP provides planning principles for development within the area identified as City West. The site is located within the Bays Precinct part of the City West area, and the Department has considered the relevant provisions of the Eastern Harbour City SEPP in **Table 3**.

Table 3 | Chapter 4 – City West, Precincts – Eastern Harbour City SEPP

| Criteria | Department's Consideration |
|--|---|
| Clause 4.1 Areas covered by this Chapter <ul style="list-style-type: none"> • This plan applies to the land shown on Map. • This plan does not apply to land to which the Sydney Local Environmental Plan 2012 applies. | The site is located on land shown on Map 1 of the City West area. |
| Clause 4.2 Precincts The City West area incorporates four precincts | The site is located within the "Bays Precinct". |
| Clause 4.3 Aims of this Chapter This plan aims to establish planning principles and controls and promote the orderly and economic use and development of land. | The proposal is consistent with the orderly and economic use of the land as the site is zoned Waterfront Use and would allow the site to continue to provide a range of commercial maritime facilities. |
| Clause 4.8 Planning principles of regional significance for City West | The proposal would allow the site to continue to provide a range of commercial maritime facilities and |

| | |
|---|---|
| Provides a set of planning principles for land within City West. | would not have any adverse environmental impact (Section 6). |
| <p>Clause 4.13 Planning principles of regional significance for Precincts</p> <p>Provides a set of planning principles for land within the Bays Precinct.</p> | <p>The proposal is consistent with the Bays Precinct planning principles as it:</p> <ul style="list-style-type: none"> • is consistent with the site existing use as a dry boat storage facility and marina • would provide a mix of land uses in Rozelle Bay • would not have adverse environmental impacts (Section 6). |
| <p>Clause 4.14 How Land is zoned</p> <p>The zoning of the land is shown on Map 2.</p> | The site is located on land zoned Waterfront Use as identified on Map 2. |
| <p>Clause 4.20 Waterfront Use Zone</p> <p>Only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible.</p> <p>The objectives of the Waterfront Use Zone are:</p> <ul style="list-style-type: none"> • provide for development of water-based commercial and recreational activities, including facilities for the servicing, mooring, launching and storage of boats, and • to allow a range of commercial maritime facilities (such as boating industry facilities, marinas, waterfront service operations, waterfront commercial and tourism facilities and uses associated with the servicing, temporary mooring, launching and storage of boats and uses ancillary to these), which will take advantage of the harbour location, and • to provide public access within and across the zone and to facilitate the extension of the Ultimo-Pyrmont foreshore promenade from Blackwattle Bay to Rozelle Bay and link with public access networks surrounding the precinct, and • to create, retain and enhance views and links between Wentworth Park and the foreshores of Blackwattle Bay. • Uses such as hotels, hotel apartments and tourist resort development will not be permitted. | The proposal is consistent with the relevant objectives and is, therefore, permissible within the zone as it would facilitate the continued operation of a range of commercial maritime facilities in Rozelle Bay. |
| <p>Clause 4.38 Duty of consent authority</p> <p>Before granting consent to any such development, the consent authority must consider:</p> <ul style="list-style-type: none"> • the heritage significance of the heritage item or conservation area, and • the impact that the proposed development will have on the heritage significance of the heritage item and its setting or the conservation area, and • the measures proposed to conserve the heritage significance of the heritage item and its setting or the conservation area, and • whether any archaeological site or potential archaeological site would be adversely affected. | The proposal is not located near any heritage items or conservation areas identified on Map 4 and in Schedule 4. The proposal is located on an existing dry boat storage facility and marina and, therefore, would not impact any archaeological sites. |

Clause 4.48 Requirement for and use of Master Plans

The consent authority must consider the relevant Master Plan.

The proposal is consistent with the Rozelle and Blackwattle Bay Maritime Precincts Master Plan, which supports facilities for the servicing of boats on this location.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour catchment area and is in the foreshores and waterways area. No items of heritage significance are identified in the site. The Department has considered the relevant provision of the Biodiversity and Conservation SEPP in **Table 4**.

Table 4 | Biodiversity and Conservation SEPP

| Criteria | Department's Consideration |
|--|--|
| Clause 10.1 Aims of Chapter The Biodiversity and Conservation SEPP provides aims in relation to Sydney Harbour Catchment and Foreshores and Waterway Area. | The proposal is consistent with the aims of the Sydney Harbour Catchment and Foreshores and Waterway Area as: <ul style="list-style-type: none">it would not result in any adverse impacts to Sydney Harbourit would reduce the potential for fuel spills by reducing the need to vessel movements, |
| Clause 10.4 Consent Authority The consent authority of land-based development and land/water interface development is the Minister if (a) the land on which the development is proposed to be carried out is within a local government area, and (b) another environmental planning instrument specifies the Minister as the consent authority for the same kind of development if it were to be carried out on that land. | The Minister is the consent authority in accordance with Clause 2.8(4) of Precincts – Eastern Harbour City SEPP, as the development pertains to land at Rozelle Bay with a capital investment value of less than \$10 million. |
| Clause 10.10 Sydney Harbour Catchment The Biodiversity and Conservation SEPP provides planning principles for land within the Sydney Harbour Catchment. | The proposal is consistent with the planning principles for land within the Sydney Harbour Catchment as: <ul style="list-style-type: none">it would not result in any adverse impacts to Sydney Harbourit would reduce the potential for fuel spills by reducing the need to vessel movements. |
| Clause 10.11 Foreshores and Waterways Area The Biodiversity and Conservation SEPP provides planning principles for land within Foreshores and Waterways Area. | The proposal is consistent with the planning principles for land within the Foreshores and Waterways Area as: <ul style="list-style-type: none">it would not result in any adverse impacts to Sydney Harbour |

- it would reduce the potential for fuel spills by reducing the need to vessel movements
- it would allow the site to continue to provide a range of commercial maritime facilities.

Clause 10.13 Zones indicated on Zoning Map

The water-based component of the site is located in the W1 Maritime Waters zone.

Clause 10.14 Zoning objectives

The objectives of the W1 zone are as follows:

- to give preference to and protect waters required for the effective and efficient movement of commercial shipping, public water transport and maritime industrial operations generally,
- to allow development only where it is demonstrated that it is compatible with, and will not adversely affect the effective and efficient movement of, commercial shipping, public water transport and maritime industry operations,
- to promote equitable use of the waterway, including use by passive recreation craft.

The proposal is consistent with these objectives as it would allow the site to continue to provide a range of commercial maritime facilities and is compatible with the site's use as a dry boat storage facility and marina.

Division 2 Matters for consideration

The proposal is consistent with the relevant matters for considerations for land within the foreshores and waterways area as it:

- would not have any significant adverse impact on the biodiversity or ecology of the area
 - would not impact public access of the foreshores and waterways
 - is compatible with the site's use as a dry boat storage facility and marina
 - would not result in any significant adverse visual impacts
 - would allow the site to continue to provide a range of commercial maritime facilities.
-

Other Policies

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes. The Department has considered the project in relation to ESD principles. The precautionary and inter-generational equity principles have been implemented throughout the decision-making process and assessment of the DA's environmental impacts are detailed in **Section 6**.

Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for notification and fees have been complied with.

Appendix D– Recommended Instrument of Consent

The recommended conditions of consent can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/sydney-boathouse-changes-fuel-delivery-system-da-226729>