

**CRUISING YACHT CLUB OF AUSTRALIA (CYCA)  
1 NEW BEACH ROAD, DARLING POINT  
DA441/2009/1**

**SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR  
CATCHMENT) 2005 (SHREP)  
(deemed State Environmental Planning Policy (SEPP))**

**ASSESSMENT TABLE**

*[SHREP (Sydney Harbour Catchment) 2005 was made on 28/09/05 with the following aims:*

- (a) to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained:
  - (i) as an outstanding natural asset, and
  - (ii) as a public asset of national and heritage significance, for existing and future generations,
- (b) to ensure a healthy, sustainable environment on land and water,
- (c) to achieve a high quality and ecologically sustainable urban environment,
- (d) to ensure a prosperous working harbour and an effective transport corridor,
- (e) to encourage a culturally rich and vibrant place for people,
- (f) to ensure accessibility to and along Sydney Harbour and its foreshores,
- (g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,
- (h) to provide a consolidated, simplified and updated legislative framework for future planning.

For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, the plan adopts the following principles:

- (a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,
- (b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,
- (c) protection of the natural assets of Sydney Harbour has precedence over all other interests.]

<b>SREP (SYDNEY HARBOUR CATCHMENT) 2005</b>	
<b>Aims (cl.2)</b>	<b>Comment</b>
(a) to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained: <ul style="list-style-type: none"><li>(i) as an outstanding natural asset, and</li><li>(ii) as a public asset of national and heritage significance, for existing and future generations</li></ul>	The proposal is consistent with this aim.
(b) to ensure a healthy, sustainable environment on land and water	The proposal is consistent with this aim.
(c) to achieve a high quality and ecologically sustainable urban environment	The proposal is consistent with this aim.
(d) to ensure a prosperous working harbour and an effective transport corridor	Maintenance of a marina operation will contribute to the prosperity of the Harbour as a working harbour. The proposal is consistent with this aim.
(e) to encourage a culturally rich and vibrant place for people,	A marina is part of the culture of this location. The proposal is consistent with this aim.
(f) to ensure accessibility to and along Sydney Harbour and its foreshores	The proposal will improve boat storage capacity and improve foreshore access. The proposal is consistent with this aim.

(g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity	The proposal is consistent with this aim.
(h) to provide a consolidated, simplified and updated legislative framework for future planning	Noted
<b>Zone W5 Objectives (cl.17)</b>	<b>Comment</b>
(a) to give preference to and increase public water-dependent development so that people can enjoy and freely access the waters of Sydney Harbour and its tributaries,	The marina is a water dependent development. It facilitates access to the water. The proposal will increase boat storage capacity and improve public access to the foreshore. The proposal is consistent with this objective.
(b) to allow development only where it is demonstrated that the public use of waters in this zone is enhanced and will not be compromised now or in the future,	The public use of waters will be improved through increased boat storage capacity and improved public access to the foreshore. The proposal is consistent with this objective.
(c) to minimise the number, scale and extent of artificial structures consistent with their function,	The number, scale and extent of artificial structures, i.e. primarily floating pontoons, are consistent with their boat storage function. Redesign of the new building is considered necessary and feasible. The proposal is consistent with this objective.
(d) to allow commercial water-dependent development, but only where it is demonstrated that it meets a justified demand, provides benefits to the general and boating public and results in a visual outcome that harmonises with the planned character of the locality,	Information contained in the EIS demonstrates that there is a justifiable demand for the proposed increase in the boat storage capacity of the marina; it will provide benefits to the public through improved access to the foreshore; the visual outcome is considered to harmonise with the planned character of the locality. The proposal is consistent with this objective.
(e) to minimise congestion of and conflict between people using waters in this zone and the foreshore,	Congestion in terms of parking and traffic is considered to be satisfactory; visual impacts are considered to be satisfactory subject to conditions regarding the views from private residences. The proposal is consistent with this objective.
(f) to protect and preserve beach environments and ensure they are free from artificial structures,	There is no beach environment in the vicinity of the marina. The proposal is consistent with this objective.
(g) to ensure that the scale and size of development are appropriate to the locality, and protect and improve the natural assets and natural and cultural scenic quality of the surrounding area, particularly when viewed from waters in this zone or from areas of public access.	The scale and size of the water based component is considered to be satisfactory. While the proposal will impact on some views from New Beach Road it will not adversely impact on natural assets and the natural and scenic quality of the surrounding area. The proposal is consistent with this objective.
<b>MATTERS FOR CONSIDERATION (part 3, division 2)</b>	
<b>Biodiversity, ecology and environment protection (cl.21)</b>	
(a) development should have a neutral or beneficial effect on the quality of water entering the waterways,	Provision is made for the treatment of waters from the site before entering the harbour. Conditions to manage water disposal are also recommended.
(b) development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),	Measures to mitigate against the migration of suspended particles during the construction phase are proposed, e.g. use of silt curtains. Additional 'wettted' surfaces will provide additional habitat for marine flora.
(c) development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),	The relationship between aquatic vegetation will be maintained.

(d) development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access,	Indirect impacts on aquatic vegetation are not anticipated particularly with the amendment to the DA to remove the encroachment into Rushcutters Bay.
(e) development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation,	The intertidal foreshore areas and landforms are reclaimed rather than natural.
(f) development should retain, rehabilitate and restore riparian land,	Riparian land will not be impacted.
(g) development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetative buffer to protect the wetlands,	The development is not on land adjoining a wetlands protection area. Migration of sediments during the construction phase can be managed through conditions of development consent.
(h) the cumulative environmental impact of development,	The cumulative environmental impacts of the development, including ESD and climate change, are considered to be satisfactory.
(i) whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance	There are contaminated sediments and means to minimise their disturbance are proposed.

#### **Public access to, and use of, foreshores and waterways (cl.22)**

(a) development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation,	The development will improve public access to the foreshore through the provision of a walkway through the site without adversely impacting on the waters of Rushcutters Bay. Wetlands, riparian lands and remnant vegetation are not affected.
(b) development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation,	The proposal will improve access to the waterway but increasing the boat storage capacity of the marina without adversely impacting on the waters of Rushcutters Bay. Wetlands, riparian lands and remnant vegetation are not affected.
(c) if foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land,	A condition is recommended to safeguard public access to the proposed public walkway.
(d) the undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can otherwise be provided,	The proposal does not include boardwalks.
(e) the need to minimise disturbance of contaminated sediments.	Containment measures for sediments during the construction phase are considered to be appropriate.

#### **Maintenance of a working harbour (cl.23)**

(a) foreshore sites should be retained so as to preserve the character and functions of a working harbour, in relation to both current and future demand,	The marina constitutes part of the working harbour. It is designed to facilitate demand for increased boat storage and ancillary facilities. The existing slipway to be removed disused and has been for some time.
(b) consideration should be given to integrating facilities for maritime activities in any development,	Noted.
(c) in the case of development on land that adjoins land used for industrial and commercial maritime purposes, development should be compatible with the use of the adjoining land for those purposes,	The land does not adjoin land use for industrial or commercial maritime purposes apart from the d'Albora Marina. The development will be compatible with the use of the adjoining land by d'Albora Marina.
(d) in the case of development for industrial and commercial maritime purposes, development should provide and maintain public access to and along the foreshore where such access does not interfere with the use of the land for those purposes.	The proposal will improve public foreshore access in a way which will not impact on the commercial maritime purpose.

<b>Interrelationship of waterway and foreshore uses (cl.24)</b>	
(a) development should promote equitable use of the waterway, including use by passive recreation craft,	The proposal will not compromise equitable use of the waterway. The area of waterway to be occupied by the proposed extension to arm D is a confined, 'dead end' space which is not suited for use by passive recreation craft.
(b) development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses,	The component of the development proposed on foreshore land, i.e. the land based component of the proposal, will complement the commercial and recreational use of the waterway.
(c) development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore,	The proposal will not result in excessive traffic generation. With regard to the foreshore the car parking impacts will be potentially positive with additional provision of spaces in relation to the increased parking that the proposal will generate, thus potentially reducing the existing congested on-street parking in New Beach Road.
(d) water-dependent land uses should have priority over other uses,	The marina is a water dependent use.
(e) development should avoid conflict between the various uses in the waterways and along the foreshores.	<p>Subject to the recommended design changes to the 2 storey part of the new building the proposal will not unduly impact on the enjoyment of views from residential properties in New Beach Road.</p> <p>In terms of car parking impacts will be potentially positive with additional provision of spaces in relation to the increased parking that the proposal will generate, thus potentially reducing the existing congested on-street parking in New Beach Road.</p> <p>The proposal will not conflict with the use of Rushcutters Bay Park or the Plantation Reserve.</p>
<b>Foreshore and waterways scenic quality (cl.25)</b>	
(a) the scale, form, design and siting of any building should be based on an analysis of: (i) the land on which it is to be erected, and (ii) the adjoining land, and (iii) the likely future character of the locality,	Noted. The scale, form, design and siting of the building appears to have been based on a proper analysis of the land, adjoining land and the likely future character of the area.
(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,	The unique visual qualities of the Harbour and its features will not be compromised. Changes to the foreshore will be minimal.
(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.	Water-based development in this part of Rushcutters Bay is primarily boat storage related. The proposal will maintain that character with little change associated with the extension of arm to accommodate an additional 9 berths.
<b>Maintenance, protection and enhancement of views (cl.26)</b>	
(a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,	Views from residential properties in New Beach Road will be impacted to varying degrees. The impact warrants the 2 storey portion of the new building to be redesigned. The visual impact of the water based component on view to the harbour will be minor.
(b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,	Impacts on views to public places, landmarks and heritage items are discussed in part 17.1 of the report. They will not be unreasonable subject to the 2 storey portion of the new building being redesigned as recommended.

(c) the cumulative impact of development on views should be minimised.	The cumulative impact on views is considered to be acceptable.
<b>Boat storage facilities (cl.27)</b>	
(a) development should increase the number of public boat storage facilities and encourage the use of such facilities,	The proposal will increase the boat storage capacity of the existing marina.
(b) development should avoid the proliferation of boat sheds and other related buildings and structures below the mean high water mark,	The marina has the potential to reduce the need for boat sheds and other related structures.
(c) development should provide for the shared use of private boat storage facilities,	Noted. The proposal is not a private boat storage facility.
(d) development should avoid the proliferation of private boat storage facilities in and over the waterways by ensuring that all such facilities satisfy a demonstrated demand,	Noted. The proposal is not a private boat storage facility.
(e) boat storage facilities should be as visually unobtrusive as possible,	Floating pontoon berths are visually less obtrusive than other forms berthing facilities.
(f) in the case of permanent boat storage, the safety and utility of the development should not be adversely affected by the wave environment, and the development should avoid adverse impacts on safe navigation and single moorings.	The proposal is considered to be satisfactory in terms of safety and in relation to impacts on navigation and single moorings. The location of the proposed extension of arm D is a sheltered location in terms of the wave environment.
<b>HERITAGE PROVISIONS (PART 5)</b>	
<b>Development in the vicinity of heritage items (cl.59)</b>	
<p>(1) Before granting development consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item.</p> <p>(2) This clause extends to development:</p> <p>(a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or</p> <p>(b) that may undermine or otherwise cause physical damage to a heritage item, or</p> <p>(c) that will otherwise have any adverse impact on the heritage significance of a heritage item.</p>	The impacts on heritage items in the vicinity are considered to be acceptable. The proposal will not physically damage any heritage items. There are no other adverse impacts.
<b>WETLANDS PROTECTION (PART 6)</b> (matters to be taken into consideration)	
(a) the development should have a neutral or beneficial effect on the quality of water entering the waterways,	The proposal includes the treatment of water from the site entering the harbour. The effects should be beneficial.
<p>(b) the environmental effects of the development, including effects on:</p> <p>(i) the growth of native plant communities,</p> <p>(ii) the survival of native wildlife populations,</p> <p>(iii) the provision and quality of habitats for both indigenous and migratory species,</p> <p>(iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding areas, including salinity and water quality and whether the wetland ecosystems are groundwater dependent,</p>	The proposal is not considered to have unacceptable effects on growth, survival and habitats of flora and fauna, native or otherwise. The environmental effects are considered to be satisfactory.
(c) whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment,	The proposal includes safeguards to protect the environment during the construction phase.

(d) whether carrying out the development would be consistent with the principles set out in <i>The NSW Wetlands Management Policy</i> (as published in March 1996 by the then Department of Land and Water Conservation),	The DA is considered to appropriately consider impacts on the wetlands and the development is considered to be consistent with the relevant principles.
(e) whether the development adequately preserves and enhances local native vegetation,	Measures have been incorporated to prevent the migration of suspended particles during the construction phase (e.g. through the use of silt curtains). These measures are adequate in terms of protecting any native vegetation.
<p>(f) whether the development application adequately demonstrates:</p> <ul style="list-style-type: none"> <li>(i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and</li> <li>(ii) how the development will preserve and enhance the continuity and integrity of the wetlands, and</li> <li>(iii) how soil erosion and siltation will be minimised both while the development is being carried out and after it is completed, and</li> <li>(iv) how appropriate on-site measures are to be implemented to ensure that the intertidal zone is kept free from pollutants arising from the development, and</li> <li>(v) that the nutrient levels in the wetlands do not increase as a consequence of the development, and</li> <li>(vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and</li> <li>(vii) that the development minimises physical damage to aquatic ecological communities, and</li> <li>(viii) that the development does not cause physical damage to aquatic ecological communities,</li> </ul>	<p>Information submitted with the DA includes impacts on seagrass beds and other aquatic flora and fauna, preservation measures and possible biological benefits. Mitigation measures, e.g. use of silt curtains during the construction phase, are detailed.</p> <p>The proposal development is not within a wetlands protection area.</p> <p>The removal of contaminated material as part of the land based component will reduce the possibility of leaching into the waterway.</p> <p>The seagrass in the vicinity of the development comprises sparse beds of <i>Halophila</i>, which is unlikely to support any significant ecological communities of fish or invertebrates.</p> <p>The hardstand is graded and drained to that surface waters pass through a gross pollutant trap before discharge into the harbour.</p>
(g) whether conditions should be imposed on the carrying out of the development requiring the carrying out of works to preserve or enhance the value of any surrounding wetlands.	Notwithstanding that the adjoining water way is not a wetlands protection area, conditions should be imposed consistent with the NSW Industry & Investment and NSW Office of Water and as recommended by our Environment Health Officer, including a 'deferred commencement' condition regarding remediation works.