

APPENDIX F

COMPLIANCE TABLE: SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

	Requirements	Yes	No	Not Applicable	Compliance
Part 1 2 Aims of Plan	(1) Aims include: (a) To ensure that the catchment , foreshores, waterways and islands of Sydney Harbour are recognized, protected, enhanced and maintained: (i) As an outstanding natural asset; and (ii) as a public asset of national and heritage significance; for 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 community, (h) To provide a consolidated, simplified and updated legislative framework for future planning. (2) For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, this plan adopts the following principles: (a) Sydney Harbour is to be recognized 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.	✓			The proposal is consistent with these aims by - improving the facilities available for public use in the restaurant and café facilities - ensuring public access to the foreshore and areas around the buildings - encouraging a vibrant place for people to mix - ensuring a prosperous working harbour by providing chandlery, provisioning and brokerage facilities - by including ESD principles design and construction of the buildings
Part 2 Planning principles 12 Objective	(1) The objective of this Part is to provide a set of clear planning principles for land within the Sydney Harbour Catchment. (2) These principles should be considered and, where possible, achieved: (a) in the preparation of environmental planning instruments and development control plans under Part 3 of the Act, and (b) in the preparation of environmental studies and master plans for the purposes of the Act.	✓			Noted.

	Requirements	Yes	No	Not Applicable	Compliance
13 Sydney Harbour Catchment	The planning principles for land within the Sydney Harbour Catchment are as follows: (a) development is to protect and, where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends,	✓			The proposal does not propose to alter any of these matters in a substantial way. The project has provision for gross pollutant traps to protect the waterways
	(b) natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity,	✓			Apart from the adjoining waterway, there are no natural assets on the site which has been subject to reclamation
	(c) decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment,	✓			The environmental assessment considers potential impacts in addition to existing background levels.
	(d) action is to be taken to achieve the targets set out in <i>Water Quality and River Flow Interim Environmental Objectives for Sydney Harbour and Parramatta River Catchment</i> (published in October 1999 by the Environment Protection Authority), such action to be consistent with the guidelines set out in <i>Australian Water Quality Guidelines for Fresh and Marine Water</i> (published in November 2000 by the Australian and New Zealand Environment and Conservation Council),	✓			Section 4.4 Water quality will be managed during the construction phase and will not affect the quality of water or river flow into Sydney Harbour
	(e) development in the Sydney Harbour Catchment is to protect the functioning of natural drainage systems on floodplains and comply with the guidelines set out in the document titled <i>Floodplain Management Manual: the Management of Flood Liable Land</i> (published in January 2001 by the then Department of Land and Water Conservation),	✓			The proposal will not affect any of the drainage systems.
	(f) development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour,	✓			Section 4.11
	(g) the number of publicly accessible vantage points for viewing Sydney Harbour should be increased.	✓			The public access via the promenade will increase accessibility and vantage points to the Harbour

	Requirements	Yes	No	Not Applicable	Compliance
	(h) development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water,	✓			The development proposes a review of surrounding area stormwater runoff control procedures, including capturing, filtering and reuse of all stormwater/wash runoff for on site operations where possible
	(i) action is to be taken to achieve the objectives and targets set out in the <i>Sydney Harbour Catchment Blueprint</i> , as published in February 2003 by the then Department of Land and Water Conservation,	✓			The proposal will not affect terrestrial and aquatic biodiversity nor will it affect sensitive natural areas. Stormwater flows from the site will be appropriately managed with rainwater used on site for toilet flushing.
	(j) development is to protect and, if practicable, rehabilitate watercourses, wetlands, riparian corridors, remnant native vegetation and ecological connectivity within the catchment,	✓			The site has none of these, being largely reclaimed land
	(k) development is to protect and, if practicable, rehabilitate land from current and future urban salinity processes, and prevent or restore land degradation and reduced water quality resulting from urban salinity,	✓			The Site is outside the mapped area (section 5 Appendix K.)
	(l) development is to avoid or minimise disturbance of acid sulfate soils in accordance with the <i>Acid Sulfate Soil Manual</i> , as published in 1988 by the Acid Sulfate Soils Management Advisory Committee.	✓			No ASS on sit. (section 5 Appendix K)
14 Foreshores and Waterways Area	The planning principles for land within the Foreshores and Waterways Area are as follows: (a) development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores,	✓			The urban design principles set out in section 2, 3 and 4.11 achieve these goals
	(b) public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,	✓			Public access will be increased by the wide promenade which will have no impact on watercourses, wetlands, riparian lands or remnant vegetation

	Requirements	Yes	No	Not Applicable	Compliance
	(c) access to and from the waterways should be increased, maintained and improved for public recreational purposes (such as swimming, fishing and boating), while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,	✓			Current public access to the waterways will not be changed by the proposed development
	(d) development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores,	✓			See section 2 and 4.11
	(e) adequate provision should be made for the retention of foreshore land to meet existing and future demand for working harbor uses			✓	The proposal continues to service provision and marina facilities for working harbour uses
	(f) public access along foreshore land should be provided on land used for industrial or commercial maritime purposes where such access does not interfere with the use of the land for those purposes,	✓			Achieved by the promenade
	(g) the use of foreshore land adjacent to land used for industrial or commercial maritime purposes should be compatible with those purposes,	✓			Being adjacent to the proposed boat storage facility this proposal is compatible with those purposes
	(h) water-based public transport (such as ferries) should be encouraged to link with land-based public transport (such as buses and trains) at appropriate public spaces along the waterfront,			✓	This is not within the scope of this proposal, as the application does not relate to water based activities
	(i) the provision and use of public boating facilities along the waterfront should be encouraged.			✓	The marina is for commercial use by private owners of superyachts. Public boating access is not provided and this proposal does not alter any water based boating facilities.
15 Heritage conservation	The planning principles for heritage conservation are as follows: (a) Sydney Harbour and its islands and foreshores should be recognised and protected as places of exceptional heritage significance,	✓			The foreshores retain their significance as having a marine environment
	(b) the heritage significance of particular heritage items in and around Sydney Harbour should be recognised and conserved,	✓			The proposal does not impact on islands and foreshores listed as having heritage significance but the impact on nearby sites is insignificant

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	(c) an appreciation of the role of Sydney Harbour in the history of Aboriginal and European settlement should be encouraged,	✓			The foreshores retain their significance as having a marine environment.
	(d) the natural, scenic, environmental and cultural qualities of the Foreshores and Waterways Area should be protected	✓			The visual impact outlined in 4.11 indicates protection of these qualities is assured.
	(e) significant fabric, settings, relics and views associated with the heritage significance of heritage items should be conserved,	✓			The three bridges view and view corridors indicated in the Master Plan are preserved as shown in the montages set out in section 4.11
	(f) archaeological sites and places of Aboriginal heritage significance should be conserved.	✓			None are indicated or likely to be affected from investigations on a desktop review
Part 3 Foreshores and Waterways Area	Zones indicated on maps and zone objectives			N/A	The area is not zoned on the zoning map
Division 2 Matters for consideration	The matters referred to in this Division (together with any other relevant matters):	✓			Noted.
20 General	(a) are to be taken into consideration by consent authorities before granting consent to development under Part 4 of the Act, and (b) are to be taken into account by public authorities and others before they carry out activities to which Part 5 of the Act applies.				
21 Biodiversity, ecology and environment protection	The matters to be taken into consideration in relation to biodiversity, ecology and environment protection are as follows: (a) development should have a neutral or beneficial effect on the quality of water entering the waterways, (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), (c) development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities), (d) development should avoid indirect impacts on aquatic vegetation (such	✓			Water Quality is addressed in section 4.4 Terrestrial ecology is addressed in section 4.8 Marine Ecology is not impacted by this proposed development

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	as changes to flow, current and wave action and changes to water quality) as a result of increased access, (e) development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation, (f) development should retain, rehabilitate and restore riparian land, (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, (h) the cumulative environmental impact of development, (i) whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance.				
22 Public access to foreshores and waterways	The matters to be taken into consideration in relation to public access to, and use of, the foreshores and waterways are as follows: (a) development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation, (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, (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, (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, (e) the need to minimise disturbance of contaminated sediments.	✓			Public access to the foreshore is improved by the proposed promenade which is above the mean high water mark and does not impact upon watercourses, wetlands, riparian lands or remnant vegetation. Public access to the waterway for recreational purposes is not altered by the proposal. The foreshore land remains in public ownership and Public access is above the MHWM. No sediments will be disturbed as the development is wholly land based.
23 Maintenance of a working waterfront	The matters to be taken into consideration in relation to maintenance of a working waterfront are as follows: (a) foreshore sites should be retained so as to preserve the character and functions of a working harbor, in relation to both current and future demand, (b) consideration should be given to integrating facilities for maritime activities in any development,	✓			The proposal to provide services and recreational and tourism facilities integrates the maritime facilities and is compatible with the adjoining uses of a slipway and dry boat storage. It will refine a current working harbour facility, preserving the character and functions of a

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	(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, (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.				working harbour. Public access is maintained and enhanced along the foreshore.
24 Interrelationship of waterway and foreshore uses	The matters to be taken into consideration in relation to the interrelationship of waterway and foreshore uses are as follows: (a) development should promote equitable use of the waterway, including 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, (c) development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore, (d) water-dependent land uses should have priority over other uses, (e) development should avoid conflict between the various uses in the waterways and along the foreshores.	✓			Whilst the development will improve the facilities available to the marina users it does not intend to increase use of the waterway by the marina customers, hence will have minimal impact on passive recreation craft and other commercial and recreational users of the Bay. There will be a clear and positive relationship between the waterway and foreshore use by virtue of the service facilities for the marina.
25 Foreshore and waterways scenic quality	The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows: (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, (b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries, (c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.	✓			See section 2 and 4.11
26 Maintenance, protection and enhancement of views	The matters to be taken into consideration in relation to the maintenance, protection and enhancement of views are as follows: (a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour, (b) development should minimise any adverse impacts on views and vistas	✓			See section 2 and 4.11

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	to and from public places, landmarks and heritage items, (c) the cumulative impact of development on views should be minimised.				
27 Boat storage facilities	The matters to be taken into consideration in relation to boating facilities are as follows: (a) development should increase the number of public boat storage facilities and encourage the use of such facilities, (b) development should avoid the proliferation of boat sheds and other related buildings and structures below the mean high water mark, (c) development should provide for the shared use of private boat storage facilities, (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, (e) boat storage facilities should be as visually unobtrusive as possible, (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 will not affect any mooring or boat storage
Division 3 Foreshores and Waterways Planning and Development Advisory Committee 28 Foreshores and Waterways Planning and Development Advisory Committee	(1) There is constituted by this clause the Foreshores and Waterways Planning and Development Advisory Committee the functions of which are as follows: (a) to advise a consent authority on matters relevant to any decision required to be made by the consent authority under this plan or the Act, (b) to advise a public authority or person carrying out certain development that does not require development consent on relevant matters before such development is carried out, (c) to advise the Director-General of the Department of Environment and Conservation, at his or her request, on any matter relating to the preparation of a plan of management for land that is reserved under the <i>National Parks and Wildlife Act 1974</i>, (d) to advise the Director-General of the Department of Primary Industries on any matter relating to the preparation of a plan of management for any land whose development may have an impact on an aquatic reserve within the meaning of the <i>Fisheries Management Act 1994</i>, (e) to exercise any other functions conferred on it by this plan or any other environmental planning instrument. (2) The Advisory Committee is to consist of 3 members appointed by the Director-General.	✓			Noted.

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	(3) Of the members of the Advisory Committee: (a) one is to be an officer of the Waterways Authority nominated by the Authority, and (b) one is to be an officer of the Department selected by the Director-General, and (c) one is to be: (i) in respect of a function exercised by the Advisory Committee in relation to a matter for which the council of a local government area is the consent authority, a person nominated by the council, or (ii) in respect of a function exercised by the Advisory Committee in relation to a matter for which the Minister is the consent authority, a person nominated by the Minister. (4) If a function of the Advisory Committee is not being exercised in respect of land within a local government area, but is being exercised in respect of any land that is reserved under the <i>National Parks and Wildlife Act 1974</i>, the Advisory Committee is to include an officer of the Department of Environment and Conservation selected by the Director-General of that Department instead of the member referred to in subclause (3)(c). (5) The Director-General is to appoint one of the members of the Committee to be the Chairperson of the Advisory Committee. (6) The procedures for the calling of meetings of the Advisory Committee and for the conduct of business at those meetings are, subject to this plan and to any direction of the Director-General, to be as determined by the Advisory Committee.				
29 Consultation required for certain development applications	(1) The consent authority must not grant development consent to the carrying out in the Foreshores and Waterways Area of development listed in Schedule 2, unless: (a) it has referred the development application to the Foreshores and Waterways Planning and Development Advisory Committee, and (b) it has taken into consideration any submission received from the Committee within 30 days after the date on which the application was forwarded to the Committee. (2) In the case of an application to carry out development for more than one purpose, of which one or more is listed in Schedule 2 and one or more is not, the consent authority is only required to refer to the Committee that part	✓			As a commercial marina and it is anticipated that the proposal will be referred.

	Requirements	Yes	No	Not Applicable	Compliance
	of the application relating to development for a purpose so listed. (3) This clause does not apply to development that consists solely of alterations or additions to existing buildings or works and that, in the opinion of the consent authority, is minor and does not, to any significant extent, increase the scale, size or intensity of use of those buildings or works.				
30 Consultation available for other matters	(1) Repealed. (2) The Director-General should refer a copy of any draft development control plan for land to which this plan applies prepared by the Director-General to the Advisory Committee before it is adopted. (3) If the Department or any other government agency prepares any guidelines for development control affecting land having frontage to the waterway (whether or not the guidelines are in the form of a plan of management), the Director-General must, and the government agency should, refer a copy of the draft guidelines to the Advisory Committee before they are adopted. (4) The Director-General must, and a council or government agency concerned should, have regard to any submission received from the Advisory Committee within 30 days after the date on which the draft local environmental plan, draft development control plan, draft master plan or draft guidelines were forwarded to the Advisory Committee.			✓	
Division 4 Special provisions	Clauses 32-39 refer to land and zonings which do not relate to the Site			N/A	
Part 4 Strategic foreshore Sites	The site is not within a strategic foreshore site			N/A	
Part 5 Heritage provisions					
Division 1 General 52 General 52-60	The matters referred to in this Part (together with any other relevant matters): (a) Are to be taken into consideration by consent authorities before granting consent to development under Part 4 of the Act, and (b) Are to be taken into consideration by public authorities and others before they carry out activities to which Part 5 of the Act applies 			N/A	This is not a Part 4 or Part 5 application

	Requirements	Yes	No	Not Applicable	Compliance
Part 6 Wetlands protection 61 Objectives	The objectives of this plan in relation to wetlands are: (a) to preserve, protect and encourage the restoration and rehabilitation of wetlands, and (b) to maintain and restore the health and viability of wetlands, and (c) to prevent the fragmentation of wetlands, and (d) to preserve the scenic qualities of wetlands, and (e) to ensure that wetlands continue to perform their natural ecological functions (such as the provision of wetland habitat, the preservation of water quality, the control of flooding and erosion). Note. Attention is drawn to the provisions of the <i>National Parks and Wildlife Act 1974</i> under which approval under that Act may be required for certain activities (such as the disturbance of Aboriginal objects or places) whether or not development consent is required by this clause. Attention is also drawn to the requirements of the <i>Fisheries Management Act 1994</i> for all dredging proposals to be referred to the Minister administering that Act.			✓	The proposed development would not affect any wetland areas.
62 Requirement for development consent	(1) Development within a wetlands protection area may be carried out only with development consent. (2) Development consent is not required by this clause: (a) for anything (such as dredging) that is done for the sole purpose of maintaining an existing navigational channel, or (b) for any works that restore or enhance the natural values of wetlands (including works to restore or enhance plant communities, water levels, water flows or soil composition), being works: (i) that are carried out to rectify damage arising from a contravention of this plan, and (ii) that are not carried out in association with any other development, and (iii) that have no significant impact on the environment beyond the site on which they are carried out. (3) Development consent is not required by this clause for any other development if: (a) in the opinion of the consent authority: (i) the proposed development is of a minor nature, and (ii) the proposed development would not adversely affect the wetland or wetlands protection area, and (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that			✓	

	Requirements	Yes	No	Not Applicable	Compliance
	development consent is not otherwise required by this plan. (4) This clause does not apply to development carried out by or on behalf of the Maritime Authority of NSW of Sydney Ports Corporation. (5) This clause does not apply to development that is prohibited by any other environmental planning instrument.				
63 Matters for Consideration	(1) The matters referred to in this clause (together with any other relevant matters): (a) are to be taken into consideration by consent authorities before granting consent to development under Part 4 of the Act, and (b) are to be taken into consideration by public authorities and others before they carry out activities to which Part 5 of the Act applies. (2) The matters to be taken into consideration in relation to any development are as follows: (a) the development should have a neutral or beneficial effect on the quality of water entering the waterways, (b) the environmental effects of the development, including effects on: (i) the growth of native plant communities, (ii) the survival of native wildlife populations, (iii) the provision and quality of habitats for both indigenous and migratory species, (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, (c) whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment, (d) whether carrying out the development would be consistent with the principles set out in The NSW Wetlands Management Policy (as published in March 1996 by the then Department of Land and Water Conservation), (e) whether the development adequately preserves and enhances local native vegetation, (f) whether the development application adequately demonstrates: (i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and (ii) how the development will preserve and enhance the continuity and integrity of the wetlands, and (iii) how soil erosion and siltation will be minimised both while the			✓	This is neither a part 4 nor a part 5 application so the clause is not relevant.

	Requirements	Yes	No	Not Applicable	Compliance
	development is being carried out and after it is completed, and (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 (v) that the nutrient levels in the wetlands do not increase as a consequence of the development, and (vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and (vii) that the development minimises physical damage to aquatic ecological communities, and (viii) that the development does not cause physical damage to aquatic ecological communities, (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.				