

EXPLANATION OF INTENDED EFFECT

Amendment to Sydney Regional Environmental Plan No 26—City West

1.1. Introduction

The proposal is to modify the plan boundary, Waterfront Use zoning provisions and related provisions of Sydney Regional Environmental Plan No 26—City West (the SREP 26) to enable development of a new fish market as a permissible use.

The site of the new fish market is Lots 3 - 5 in DP 1064339, part of lot 107 in DP 1076596 (Blackwattle Bay) and part of Lot 1 in DP835794.

The proposed amendments to SREP 26 relate to the above land and are described below.

1.2. SREP 26 Amendments

Existing clause 2 of SREP 26.

2 Area covered by this plan

This plan applies to the land shown on Map 1 as the City West area, except such of that land as is shown as “excluded” on that map and such of that land as is within waters to which Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies.

The land to which this plan applies is part of the Sydney Region and is referred to in this plan as “City West”.

However, this plan does not apply to land to which Sydney Local Environmental Plan 2012 applies

This clause is to be amended to ensure that SREP 26 applies to the site..

Current Waterfront Use zoning to be amended (***bold italics***) as follows:

20B Waterfront Use Zone

Only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible within this zone.

The objectives of this zone are:

- to 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 **(including fish market and related commercial premises and retail premises)** 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.

While a fish market may already be permissible in the zoning, the above amendment removes doubt as to the permissibility of a fish market in the Waterfront Use zone.

The SREP map to be modified to reflect new zoning boundary is: -

- Map 2 Sheet 3—Bays Precinct—Land Use Zones

1.3. Policy effect of amendments

The amendments to SREP 26 extend a current zoning over a working part of Sydney Harbour and clarify permissible uses to enable development of a new fish market as a permissible use. The development of a new fish market is State Significant Development (SSD). The development is permissible with consent within the W1 Maritime Waters Zone under a SSD DA process. Section 89E(3) of Environmental Planning and Assessment Act allows the Minister to approve a part prohibited SSD DA, noting that the site includes Water Use zoned land where the works are permissible. The proposed development could be made without the proposed SREP 26 amendments. However, this process is sought to ensure that all development associated with the new fish market is permissible with consent including and local development in the future.

The amendments have a positive policy impact in facilitating State Significant Development.

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Amendment to Environmental Planning and Assessment Regulation 2000

The proposed amendment to SREP 26 requires no supporting amendments to the Regulations.

Amendment to SEPPs

Sydney Regional Environmental Plan Sydney Harbour Catchment 2005 and Draft State Environmental Planning Policy - SEPP Environment.

The parts of Blackwattle Bay to be rezoned are in a general maritime zone and managed by Roads and Maritime Services. Preliminary ecological assessment of this part of the Bay identified the land as 'minimally sensitive key fish habitat' and having a high resilience to disturbance.

Consequential amendments to these instruments may be required. The zoning maps to the final EPI for the subject land is it to reflect the expanded Waterfront Use zone.