

## Resolution of Local Planning Panel

22 February 2023

### Item 4

#### Development Application: 26-32 Pirrama Road, Pyrmont - D/2022/473

The Panel granted consent to Development Application No. D/2022/473 subject to the conditions set out in Attachment A to the subject report to the Local Planning Panel on 22 February 2023, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

#### (7) MATERIALS AND SAMPLES SCHEDULE

***The detailed design and a detailed materials, colours and finishes schedule keyed to each elevation of the proposed seven floating ancillary structures to be used for storage, an office and amenities*** must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The materials and samples schedule/board must not include generic material or colour descriptions, or use terminology such as 'or similar'.

#### Reason

To require the submission of a materials and samples board following assessment of the development.

#### (18) PLAN OF MANAGEMENT

(a) The Plan of Management, prepared by Environmental Dynamics, dated October 2022 is not approved.

(b) A revised Plan of Management is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate that addresses the conditions of this consent, including but not limited to the following:

(i) The hours of operation are limited to those permitted under Condition 17 (***noting that maritime operations must cease between 12 midnight and 7.00am, except for vessel arrival and departure from the facility***).

- (ii) Embarking and/or disembarking of passengers and patrons from commercial vessels is not permitted.
  - (iii) Speakers and/or noise amplification equipment must not be installed and music must not be played in outdoor areas.
  - (iv) ***Section 1.6 must be amended to state “No group congregations, outdoor music or parties to be held on the marina pontoons or onboard vessels while secured to the facility.”***
  - (v) ***No person or persons shall reside on any vessel berthed or moored at the marina facility.***
  - (vi) ***The plan must outline a mechanism for the receiving of and recording of complaints and regular reviewing the plan based on complaints received, in consultation with Council.***
- (c) The Plan of Management must be signed and dated and submitted to Council prior to the commencement of the use.
  - (d) The use must always be operated / managed in accordance with the Plan of Management approved by part (b) above. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

#### **Reason**

To ensure all parties are aware of the approved supporting documentation that applies to the development.

#### **(24) COMMERCIAL BERTHAGE**

Commercial berthage may only be occupied by vessels that have current permits, certificates, registrations and licenses issued by ***NSW Maritime Authority Australian Maritime Safety Authority*** (or its successor / ***international equivalent***) that verify they are a “commercial vessel”. At no times are commercial berths permitted to be occupied or used for private purposes. Reason To ensure all vessels at the marina have the required permits.

#### **Reason**

To ensure all vessels at the marina have the required permits.

#### **Reasons for Decision**

The application was approved for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.

- (B) The development is permissible in the zone in accordance with the requirements of the Sydney Local Environmental Plan 2012 and the State Environmental Planning Policy (Biodiversity and Conservation) 2021. The proposed alterations and additions to the existing marina are consistent with the objectives of the B3 - Commercial Core zone and Zone 1 - Maritime Waters.
- (C) The development is in accordance with the requirements of the Sydney Development Control Plan 2012 and the Sydney Harbour Foreshore and Waterways Area Development Control Plan 2005 and responds appropriately to heritage items on the site and in the vicinity.
- (D) The proposal demonstrates design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (E) The proposal has provided sufficient information to address the SEARs.
- (F) All other issues have been appropriately addressed by recommended conditions of consent.
- (G) Condition 7 was amended to ensure the detailed design and finishes are subject to review and approval.
- (H) Condition 18 was amended to update the requirements of the Plan of Management.
- (I) Condition 24 was amended to refer to the relevant authority and reference international vessels.

Carried unanimously.

D/2022/473