

NEPEAN BELLE PADDLEWHEELER
Penrith, NSW



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**STATEMENT OF
ENVIRONMENTAL EFFECTS**

**LOCAL
DEVELOPMENT APPLICATION
FOR
CHARTER & TOURISM BOATING FACILITY
PONTOON REPLACEMENT**

Bennett Cruising Pty Ltd T/As

Nepean Belle Paddlewheeler
Penrith Platypus Cruiser
Bennett's on the River

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BACKGROUND

This Statement of Environmental Effects has been prepared in relation to the proposed replacement of the existing Charter And Tourism Boating Facility (“pontoon”) on the Nepean River at Tench Reserve South in Regentville.

The proposal includes the use of the existing slipway storage berthing area that was purpose made for the operations of the Nepean Belle Paddlewheeler and is located adjacent to Tench Reserve (South) on land identified as Lot 1 DP 566392 and the Nepean River.

The Slipway storage berthing area was built by, licensed by Council to and used solely by Depagi Pty Ltd (John & Helen Wakeling), as the owners of the Nepean Belle Paddlewheeler and Penrith Platypus Cruiser from it’s inception in approximately 1980.



Figure 1: Slipway construction c.1981



Figure 2: Nepean Belle Launch c.1982

In October 2013 the Nepean Belle Paddlewheeler and Penrith Platypus Cruiser vessels and business were sold to locals Chris and Carol Bennett as a ‘Going Concern’.

At the time of the sale the licence between Depagi Pty Ltd (John & Helen Wakeling) and Penrith Council for the use of the Slipway berthing area was in force.

Depagi Pty Ltd (John & Helen Wakeling), then sub-licensed the slipway berthing area (encompassing the Nepean River) to Bennett’s, allowing Wakelings to retain control and ownership of the licence and charge for share occupancy of the slipway area. This was done without endorsement from Council. A copy of this (Council unendorsed) sub-licence is attached as **Appendix A**. The slipway licence between Council and Depagi (Wakelings) expired on 28 February 2015.

The Slipway Plan (**Figure 3** below), shows the existing berthing arrangements of the two vessels Nepean Belle Paddlewheeler and the Penrith Platypus Cruiser.

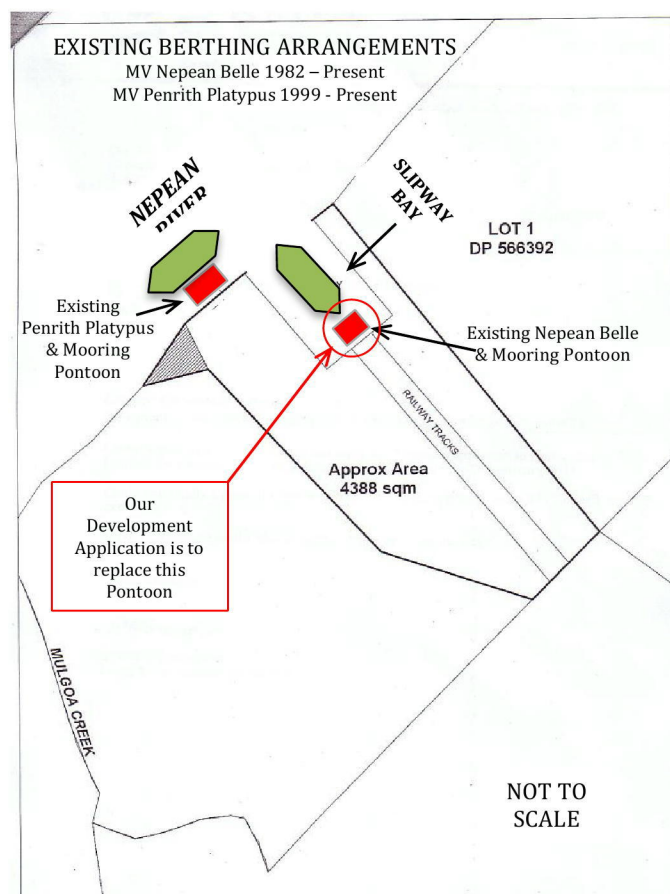


Figure 3: Lot 1 DP566392 - Existing Slipway Berthing Plan

Subsequent to mediation, on 20 February 2015 Council terminated the existing slipway licence and authorise Bennetts (Bennett Cruising Pty Ltd, Chris & Carol Bennett) use of the slipway on a month-to-month basis consistent with the terms set out in the Deed dated 28 June 2010 between The Council of the City of Penrith and Depagi Pty Ltd (a copy is included in **Appendix A**). The same authorisation was also provided to the Wakelings. A copy of this letter is provided as **Appendix B**.

In many meetings with Council and mediation conducted between Wakelings and Bennetts a compromise was reached in good faith where Bennetts and Wakelings will share the slipway. It was also agreed that Wakelings would sell to Bennetts the Pontoon and a letter of support from the Wakelings to Council in support of this Local Development is attached as **Appendix D**.

In order to comply with this undertaking Bennetts must now vacate the existing Penrith Platypus Cruiser mooring (to enable Wakelings use) and move the 2 substantial vessels (Nepean Belle Paddlewheeler and Penrith Platypus Cruiser) and moor them together in the existing slipway storage berthing area. This is shown as **Figure 4** below.

Roads and Maritime Services (RMS) were involved in the mediation process between Bennetts and Wakelings and at the time were supportive of the shared slipway and the concept of moving both the Nepean Belle Paddlewheeler and Penrith Platypus Cruiser to berth alongside each other in the slipway basin. Bennetts have since met with representatives of the RMS onsite at the Slipway and RMS have provided their support of this plan and pontoon replacement by way of a letter dated 11 March 2016. A copy of this letter is attached to this Development Application as **Appendix E**.

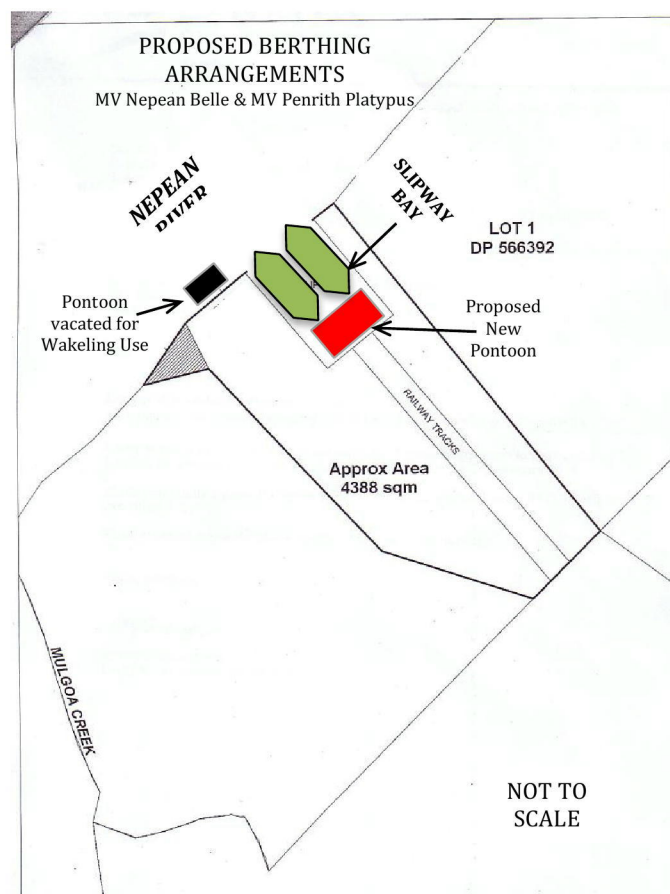


Figure 4: Lot 1 DP566392 - Revised Slipway Berthing Plan showing proposed Replacement Pontoon

In October 2015 works (endorsed by Council) were undertaken by the Bennetts (at their cost) to clean up and maintain the slipway storage berthing area to make room to allow the proposed replacement Charter & Tourism Boating Facility pontoon and two vessels to fit and moor safely on the banks of the Nepean River. See **Figure 5** below.



Figure 5: *Post Maintenance Western View of Slipway Berthing Area October 2015*

DESCRIPTION OF LOCAL DEVELOPMENT

This development application seeks to gain approval to replace the existing Charter & Tourism Boating Facility pontoon with a larger Charter & Tourism Boating Facility pontoon in the slipway storage berthing area to service both the Nepean Belle Paddlewheeler and Platypus Cruiser vessels in the one mooring area. This proposal is Local Development for the purposes of the Act.

The existing berthing pontoon was built c.1982 and is situated in the slipway storage berthing area. This Charter & Tourism Boating Facility Pontoon was made to service only a single vessel. This is a simple proposal to replace the existing Charter & Tourism Boating Facility (pontoon) with a larger facility pontoon to enable mooring of the two vessels within the storage berthing area. The replacement pontoon will also house storage of goods to service both vessels and will act as an ancillary office to the existing Nepean Belle Paddlewheeler and Penrith Platypus Cruiser Tourist businesses.

The replacement of the existing Charter & Tourism Boating Facility (pontoon) is integral to the future operation of the Nepean Belle Paddlewheeler. The Nepean Belle business is unique in that it operates and relies on the Nepean River both at the slipway berthing area at Regentville (the subject site) and the public landing jetty at Jamisontown. Catering to in excess of 40,000 people annually across both boats requires efficient storage and management within close proximity to the vessels.

This storage is currently located on a 5-acre property at 44-50 Tench Reserve in Jamisontown however in consultation with Council we have undertaken to vacate these premises at the end of the existing lease in September 2016 provided we are able to move over to this new Charter & Tourism Boating Facility (pontoon).

DESCRIPTION OF THE SITE

Tench Reserve (South) is a public riverside park on the Eastern banks of the Nepean River situated just south of Factory Road and is classified as community land. The proposed development is located on the Nepean River – the River being known as ‘the subject site’. The legal description of the land over which access to the River is provided is Lot 1 DP 566392.

This land is zoned E2 – Environmental Conservation.

We understand the access land is owned by the NSW Department of Planning and Infrastructure and control is vested in Penrith Council. Application has been made to Council for provision of Landowners Consent.

The ownership of the Nepean River rests with the Crown its care and control is under the Roads and Maritime Services.

This land is foreshore for the main area of the operation of our Marine Charter Tourism business, the Nepean River which is zoned W2 – Recreational Waterways

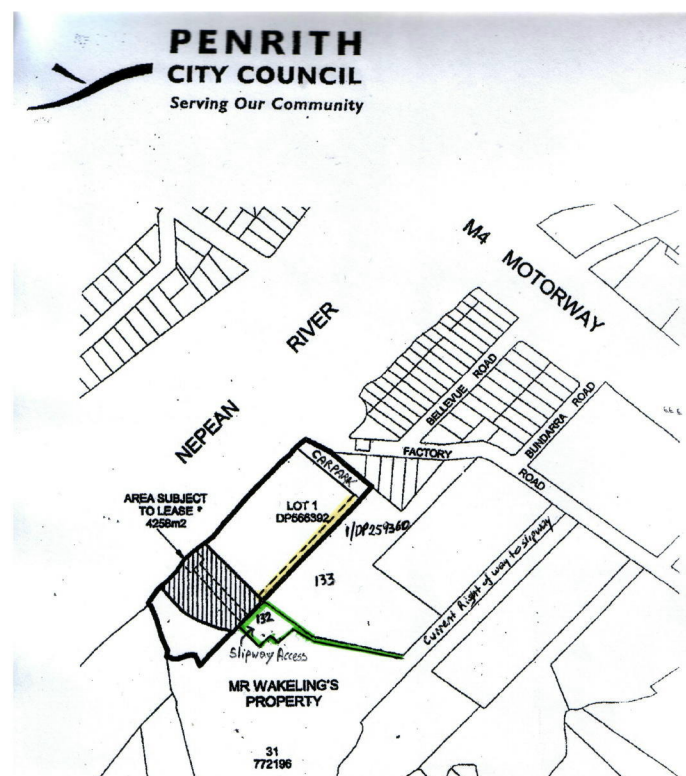


Figure 6: Lot 1 DP 566392 – Slipway Lot (shaded area)

The subject site on the Nepean River, known as the 'Slipway Berthing Area' has been used to berth vessels since 1982.



Figure 7: Eastern view of Slipway Berthing Area with the existing Charter & Tourism Boating Facility pontoon that will be replaced with the proposed pontoon.



Figure 8: Western view of Slipway Berthing Area from Eastern boundary of Lot 1 (note maintenance works on RHS of bay completed October 2015)

COMPLIANCE WITH RELEVANT PLANNING CONTROLS

This development proposal to replace the pontoon does not seek to vary provisions contained within the Penrith Local Environment Plan 2010 or any other relevant planning controls.

The land access is zoned E2 – Environment Conservation and is within 20 metres of the subject site the Nepean River which is zoned W2 – Recreational Waterways. This land is foreshore for the main area of the operation of our Marine Charter Tourism business, the Nepean River. Local Development consent is sought per:

Penrith Local Environment Plan 2010

Part 5 Miscellaneous Provisions:

Sub para 5.3 Development Near Zone Boundaries.

This Development Application satisfies the criteria of this provision, vis:

- The replacement of the existing Charter & Tourism Boating Facility (pontoon) is not inconsistent with the objectives for development in both zones; and
- As this development is simply a swap-in replacement, the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

We have been in consultation with RMS as the caretaker and Authority for the Nepean River and have conducted a number of meetings and site-planning visits. Roads and Maritime Services have advised they will support this proposed Local Development.

CONTEXT & SETTING

The replacement Charter & Tourism Boating Facility (Pontoon) is similar in design and colouring to that of the Nepean Belle Paddlewheeler, is not prominent within the natural surrounds and is aesthetically pleasing. The replacement Charter & Tourism Boating Facility (Pontoon) is cleaner and tidier and in much better condition than the existing Charter & Tourism Boating Facility (Pontoon) and will serve to increase the aesthetics of the Slipway Berthing area as a whole.



Figure 9: New pontoon side profile



Figure 10: New pontoon rear profile



Figure 11: View of proposed new Charter & Tourism Boating Facility Pontoon

CONSTRUCTION

The replacement Charter & Tourism Boating Facility (Pontoon) has been built on a steel catamaran hull and constructed using painted aluminium walls and handrails.

INTERIOR

The interior fit out of the replacement Charter & Tourism Boating Facility (Pontoon) is basic and minimal and consists of two interior walls. The pontoon will not be used for food preparation or food sales and therefore does not require compliant food regulation construction or preparation surfaces.

ACCESS, TRAFFIC & UTILITIES

On 18 August 2015 Penrith Council granted Bennetts a 12-month approval for Bennett Cruising to access the slipway (the subject site) via the Factory Road entrance of Tench Reserve South. The path of travel granted is along the Eastern boundary of the park (see **Figure 12**). This access will be reviewed in August 2016 with a view to incorporating it into the new Slipway licence between Council and Chris & Carol Bennett as owners of the vessels Nepean Belle Paddlewheeler and Penrith Platypus and associated business. A copy of this authority is attached as **Appendix C**.



Figure 12: Diagram of approved access from car park to Slipway Berthing Area

PARKING PROVISION

Ample parking is available at the entrance to Tench Reserve South at Factory Road, Regentville that caters for visitors to the park. This southern end of Tench Reserve is the least utilised recreation area along the Eastern banks of the Nepean River.

PONTOON ACCESS

Access to the Pontoon will be provided via a purpose built gangplank from the pontoon to the shore. The gangplank will be permanently attached to the pontoon with controlled incline and decline function for both ease of use and security. This same system is currently in use on the Nepean Belle Paddlewheeler (see **Figure 13** below) and was built to Australian Standard.



Figure 13: Example of the access gangway as attached to the Nepean Belle Paddlewheeler

ENVIRONMENTAL IMPACTS

The proposed development pontoon replacement will have zero impact on the environment and will not:

- Result in any form of air pollution;
- Result in any water pollution;
- Create noise above background noise levels;
- Require any excavation fill at the site; and
- Disturb any existing service, building, amenity or aboriginal artefact or relic.

FLORA & FAUNA IMPACTS

This development will not result in the removal or damage of any vegetation and does not impact on any threatened species or native habitat.

NATURAL HAZARDS

The Nepean River will flood and as per the arrangements for existing pontoon, the replacement pontoon will be included in Bennett Cruising's flood management plan. This plan encompasses the two large vessels Nepean Belle Paddlewheeler and Penrith Platypus Cruiser as well as the pontoon.

SOCIAL & ECONOMIC IMPACTS

The proposed development will not:

- have any economic consequences in the area;
- affect the amenity of the surrounding residences; or
- impact on any heritage item or item of cultural significance.

APPENDIX A

Copy of Slipway Sub-License Wakelings & Bennetts

(Includes a copy of the original Deed dated 28 June 2010.)

APPENDIX B

Letter from Penrith City Council to Bennetts dated 20 February 2015

Authority to use Slipway

APPENDIX C

Letter from Council to Bennetts dated 19 August 2015

Authority to use access to Slipway & Mooring through Council Land

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APPENDIX D

**Copy of Letter from Penrith River Cruises (Depagi Pty Ltd/John & Helen Wakeling)
to Penrith City Council dated 5 March 2016.**

Letter of Support for DA Proposal for this Local Development Application

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APPENDIX E

Copy of Letter from Roads & Maritime Services to Bennett Cruising Pty Ltd dated 11 March 2016.

Letter stating RMS agreement with proposed replacement pontoon and berthing plan of the Nepean Belle Paddlewheeler and Penrith Platypus.

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