

Stannards Marine Pty Ltd  
C/- Hamptons Property Services Pty Ltd  
PO Box 954  
EDGECLIFF NSW 2027

D57/19  
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
NOTICE OF DETERMINATION – Refusal**

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**Development Application Number:** 57/19

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**Land to which this applies:** 6 John Street, McMahons Point  
Lot No.: A, DP: 420377

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**Applicant:** Stannards Marine Pty Ltd

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**Proposal:** Demolition of existing water-based structures and installation and use of a new floating dry dock (FDD) for maintenance and repair of maritime vessels up to 750T in association with the existing boat building and repair facility.

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**Determination of Development Application:** At its meeting of 1 September 2020, the **Sydney North Planning Panel (SNPP)**, as the consent authority, considered 2019NH021 - North Sydney – Development Application No. **57/19** and the subject application has been refused for the reasons stated below.

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**Date of Determination:** 1 September 2020

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**Reason for approval/refusal:**

The Panel notes the site has a long history of use for boat repair, the business has operated with significant community support and the current zoning of the land and waterway permit this use. While acknowledging this current use, the proposal before the Panel represents significant expansion of the facility's capacity and operations.

The Panel concurred with the Independent Assessor's view that the proposal failed to adequately demonstrate it could be undertaken without an adverse impact on the surrounding environment. Accordingly, the Panel determined to refuse the application for the reasons outlined in the Independent Assessor's Report as outlined below:

1. The application failed to adequately address the potential air quality and noise impacts of the proposal as detailed in the letter from the Environment Protection Authority (EPA) dated 5 June 2020. In the absence of EPA's General Terms of Approval for the application, pursuant to Section 4.47 of the Environmental Planning and Assessment Act, development consent cannot be determined;
2. The application does not satisfy the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 in that the submitted Environmental Impact Statement (EIS) does not adequately address the Planning Secretary's Environmental Assessment Requirements (SEARs). In this regard, the requirements of the EPA have not been satisfied and the required consultation with all the relevant authorities referred to in the SEARs has not been undertaken;
3. In the absence of adequately demonstrating adverse air quality or acoustic impacts, the proposal is contrary to the provisions of Sydney Regional Environmental Plan (Sydney Harbour Catchment), 2005 Sydney Harbour Foreshore and Waterways Area Development Control Plan 2005 and North Sydney Local Environmental Plan 2013;
4. The application fails to adequately address the requirements of State Environmental Planning Policy No. 33 - Hazardous and Offensive Development in that a Preliminary Hazard Analysis has not been undertaken; and
5. The proposal is not in the public interest as it has not adequately demonstrated that the potential air quality impacts, acoustic impacts and impacts from hazardous materials can be suitably mitigated.

The current DA had been under assessment for the last eighteen months while the applicant sought to resolve the above outstanding issues. The FDD was also the subject of a previous DA submitted in January 2018 and withdrawn by the applicant in December 2018.

The Panel considered the applicant's request to defer determination but the Panel considered the outstanding issues too significant and unlikely to be quickly resolved.

**How community views were taken into account:**

Council had received 332 community submissions in early 2019 with 44 in support and 288 against the proposal. When the proposal was renotified in 2020, Council received 185 submissions with 14 in support and 171 against the proposal. In coming to its decision, the Panel considered the written submissions made during public exhibition and also heard from all those wishing to address the Panel during the public meeting.

Issues of concern included:

- Visual Impacts
- Impacts on property prices
- Excessive noise/acoustic issues
- Excessive pollution
- Construction impacts
- Private benefit, public loss of access and amenity
- History of EPA infringements
- Impacts on biodiversity

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- Cultural, character and heritage impacts
  - Greater waste generation
  - Environmental harm
  - Inappropriate zoning according to REP
  - Inconsistencies, distortions, errors and lack of detail in DA, EIS and supporting documentation
  - Danger of accidents and risk to residents and users of small craft such as kayaks
  - Inconsistency with Greater Sydney Commissions proposal of Green Grid
  - Parking problems and traffic issues
  - Economic justification
  - Applicant's lack of experience operating a Floating Dry Dock (FDD)
  - Over industrialisation of the precinct
  - Precedent
  - Impact of wash
  - Poor/lack of consultation with community
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**Review of determination and right of appeal:**

Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

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**Endorsed for and on behalf of North Sydney Council**

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DATE

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Signature on behalf of consent authority  
GEORGE YOUHANNA  
EXECUTIVE PLANNER

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