

Pattons Slipways Pty Ltd
C/- William Loader Architecture & Marine Design
76 McDougall Street
KIRRIBILLI NSW 2061

D313/19
GM (CIS)

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

Development Application Number: 313/19

Land to which this applies: 62 Willoughby Street, Kirribilli
Lot No.: 1, DP: 1095443

Applicant: Pattons Slipways Pty Ltd

Proposal: To carry out alterations and additions to an existing boat repair facility and marina including the removal of slip rails, timber jetties and mooring piles and construction of a boatshed, installation of a boat crane with the capacity for 35T vessels, installation of a floating pontoon to accommodate five (5) vessels, concrete hardstand, vehicular crossing and ancillary works.

Determination of Development Application: At its meeting of 23 September 2020, the **Sydney North Planning Panel (SNPP)**, as the consent authority, considered PPSSNH-30 – North Sydney – Development Application No. **313/19** and the subject application has been refused for the reasons stated below.

Date of Determination: 23 September 2020

Reason for Refusal:

While it was evident to the Panel that the existing boat repair and maintenance facility had operated with significant community support, the new proposal raised significant concerns identified by Council and the community. Many of the concerns have not been adequately addressed by the Applicant and the Panel concurs with the conclusion and recommendation of Council's Assessment Report.

The Panel noted the Applicant had raised further amendments to the proposal in the week before the public meeting but the amendments had not been assessed by Council.

Any changes to the proposal would need to be significant to make the proposal acceptable and would require renotification to the community and subsequent assessment by Council.

Consequently, the Panel determined to refuse the application for the reasons below:

1. The proposal is contrary to the aims of North Sydney Local Environmental Plan 2013; the zone objectives and Clause 6.8 of North Sydney Local Environmental Plan 2013.
2. The Environmental Impact Statement (EIS) inadequately describes the proposed development, in terms of the type, scale and frequency of works and activities during the operation of the proposed development, and inadequately analyses feasible alternatives to carrying out the proposed development including design, location and technological alternatives and the consequences of not carrying out the proposed development. Therefore, the EIS has not satisfied the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000.
3. The two- storey boatshed and storage of boats on the hardstand would have a significant adverse impact on public views and views from surrounding properties. The boatshed as proposed affects views from the Ensemble Theatre, the adjacent public viewing platform, the street and residences opposite the site. This is contrary to the provisions of the Sydney Regional Environmental Plan (Sydney Harbour Catchment), the Sydney Harbour Foreshore and Waterways Area Development Control Plan 2005 and North Sydney Local Environmental Plan 2013
4. The marina and the scale of the proposed hardstand would be an intensification of the use with respect to boat repairs carried out in the open that would result in adverse amenity impacts on the surrounding area.
5. The intensification of the use and additional building area creates a demand for parking that has not been provided on site.
6. The approval of the proposed development would be contrary to the public interest.

How community views were taken into account:

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel during the public meeting.

The Panel noted issues of concern included bulk and scale, traffic, parking, trading hours, amenity impacts, intensification of activities, loss of views, noise and air pollution.

Right of appeal:

Within 6 months after the date of notification of the decision, an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
GEOFF MOSSEMENEAR
EXECUTIVE PLANNER
