

1 July 2020

HPS Reference: 2017147

The General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Attention: Mr. George Youhanna

Dear Sir,

DA NUMBER: 57/19
ADDRESS: 6 JOHN STREET, MCMAHONS POINT
SUBJECT: EPA REQUEST FOR ADDITIONAL INFORMATION

We refer to the correspondence received from North Sydney Council (the Council) dated 12 June 2020.

As indicated in our email correspondence, we have reviewed the Council's letter in detail. While we appreciate that the extended timeframe has been difficult, this has not only been driven by the Applicant in attempting to respond to the requests for additional information, but by lengthy delays in liaison with external agencies through the integrated referral process. This is not a matter that the Applicant has control over, despite that there are statutory timeframes in place for the return of referrals, noting that these timeframes have not been adhered to.

For the Applicant to now be asked to provide additional information again by the Environment Protection Authority (EPA), demonstrates the EPA's willingness to resolve a way forward, not only in association with the application itself, but also to ensure best practice measures are in place that will enhance the amenity of the community. By affording the Applicant the opportunity to provide this information is well within the confines of the public interest, as set out at S. 4.15(e) of the Environmental Planning & Assessment Act 1979 (EP & A Act).

We note the remarks in Council's correspondence state the *noise and air quality issues as raised by the EPA should have been partly or entirely resolved prior to lodgement of the DA*. The information requested by the EPA has evolved in response to additional mitigation measures that have been agreed upon during their consideration of the application. These are not matters that are simply in a local environmental plan, or development control plan, that can simply be provided on a textbook basis.



The development application is not a typical application – it requires the resolution of environmental measures to ensure that the FDD is utilised in an environmentally efficient and sensitive manner that does not compromise the amenity of local residents and the community. It is in a location that permits the use of industrial waterfront land and is permitted with development consent. It is also in a location that must be carefully managed given the nearby residential context.

While we appreciate the suggestion by the Council of working with the EPA prior to lodging a new DA, the EPA does not offer a pre-lodgement service. Thus, the only means by which to resolve matters raised is once an application is lodged. Therefore, in no uncertain terms the Application is between a rock and a hard place in trying to resolve these matters.

In reviewing the correspondence from the EPA, it is clear that there is a way forward from an environmental perspective with the installation of the carbon filtration system representing improvements for the site not only in terms of the dock itself, but the operation of the site as whole. The indication of this being facilitated through GTAs is a sensible response and will further assist the concerns raised that are ongoing by local residents in terms of current operations.

In seeking to establish a way forward for the site, withdrawal of the application will serve no purpose other than the NSW LEC, which will be an unnecessary expense and outcome for all concerned when there is a reasonable way forward with the application, albeit that the application is yet to be assessed by the Council.

We acknowledge that Council may seek to renotify the application and there are additional fees payable for that to occur. However, given the EPA correspondence, we believe that the matters can be attended to.

As such, we would request that the applicant be permitted to submit the information requested by the EPA, no later than 31 August 2020, with every endeavour made to provide the information to the Council prior to that time.

If Council is not amenable to this approach, we would then ask that the assessment report be prepared and forwarded to the SNSP for determination, noting that we have still not received advice as to whether this matter will be presented to a public hearing prior.

We look forward to your response as soon as possible.

Yours sincerely,



Kristy Hodgkinson
Director

