

DATE OF DETERMINATION	23 September 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Ken Robinson, Kevin Alker
APOLOGIES	Virginia Waller
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 23 September 2020, opened at 10.05am and closed at 11.45pm.

MATTER DETERMINED

PPSSNH-30 – North Sydney – DA313/2019 at 62 Willoughby Street Kirribilli for alterations and additions to a marina (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

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.



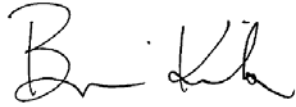

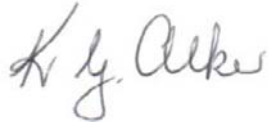
4. The marina and the scale of the proposed hardstand would be an intensification of the use with respect to boat repairs carried out in the open that would result in adverse amenity impacts on the surrounding area.
5. The intensification of the use and additional building area creates a demand for parking that has not been provided on site.
6. The approval of the proposed development would be contrary to the public interest.

CONDITIONS

Not applicable.

CONSIDERATION OF COMMUNITY VIEWS

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.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Ken Robinson
 Kevin Alker	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-30 – North Sydney – DA313/2019
2	PROPOSED DEVELOPMENT	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.
3	STREET ADDRESS	62 Willoughby Street Kirribilli
4	APPLICANT/OWNER	Pattons Slipway Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - marina or other related land and water shoreline facilities
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No.33 – Hazardous and Offensive Development ○ State Environmental Planning Policy No.55 – Remediation of Land ○ Sydney Regional Environmental Plan Sydney Harbour Catchment 2005 (Deemed SEPP) ○ North Sydney Local Environmental Plan 2013 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy Draft Remediation of Land ○ State Environmental Planning Policy Land Zone below MHWL – W1 – Maritime Land • Development control plans: <ul style="list-style-type: none"> ○ North Sydney Development Control Plan 2013 ○ Foreshores and Waterways Development Control Plan 2005 • Planning agreements: Nil • Protection of Environmental Operations Act • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development

7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 9 September 2020 • Applicant submission received: 18 September 2020 • Written submissions during public exhibition: 25 • Total unique submissions received by way of objection: 23 • Verbal submissions at the public meeting 23 September 2020: <ul style="list-style-type: none"> ○ Members of the community: Tony Moody, Stephen Grenville on behalf of Nelson Precinct, James Reynolds, Peter Jackson, Vilma Bowers, Jillian Christie, Ivan Wheen, Andrew Beniac, Christian Brook on behalf of the Sydney Flying Yacht Squadron, David Kettle ○ Council assessment officer – Geoff Mossemeneer ○ On behalf of the applicant – Kristy Hodgkinson, William Loader
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 12 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Ken Robinson, Kevin Alker ○ <u>Council assessment staff</u>: Geoff Mossemeneer • Final briefing to discuss council's recommendation: 23 September 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Ken Robinson, Kevin Alker ○ <u>Council assessment staff</u>: Geoff Mossemeneer
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report