



NSLPP MEETING HELD ON 06/08/2025

Attachments:

1. Architectural Plans
2. Acoustic Report
3. Air Quality Assessment

ADDRESS/WARD: 6 John Street, McMahons Point

APPLICATION No: DA368/24

PROPOSAL: Installation of a Carbon Filtration System and minor demolition work to Shed 3 with a connection to Shed 4 in association with the use of the existing marine repair facility.

PLANS REF:

Plan No.	Issue date/Rev	Description	Prepared by	Dated
A001	01	Site Plan	Crawford Architects	24.09.18
A003	01	Demolition Plan	Crawford Architects	24.09.18
A030	02	Shed 3 Plan & Section AA	Crawford Architects	24.11.20
A300	02	Filtration Plant Isometric	Crawford Architects	24.11.20

OWNER: Stannard Marine Pty Ltd

APPLICANT: NOAKES Group Pty Limited

AUTHOR: Damon Kenny, Executive Assessment Planner

DATE OF REPORT: 21 July 2025

DATE LODGED: 7 January 2025

AMENDED: N/A

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This development application seeks consent for Installation of a Carbon Filtration System and minor demolition work to Shed 3 in association with existing marine repair facility at 6 John Street, McMahon's Point.

The application is reported to the North Sydney Local Planning Panel for determination as the application has attracted more than 10 submissions by way of objection. A public determination meeting is required in accordance with the Ministers Direction.

Development for the purpose of ancillary development to a *boat building and repair facility* is permitted within the W4 Working Waterfront zone.

The matters for consideration as outlined in section 4.15(1) of the Act have been satisfied. The proposed development is permissible, meets the development standards and relevant provisions of NSLEP 2013.

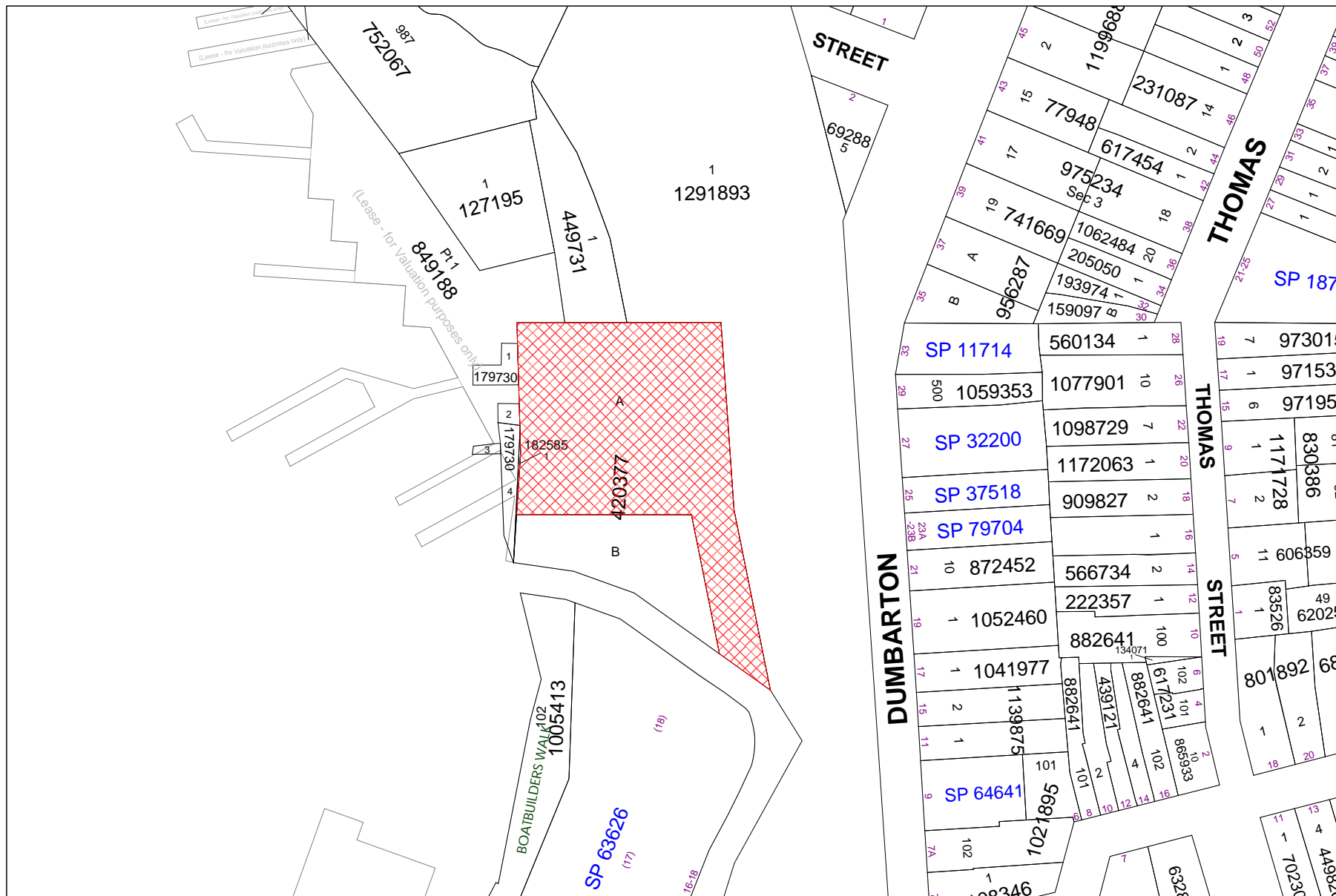
A total of 17 unique submissions were received raising objections regarding issues including the operation and existing operation, noise, information. Conditions are provided where relevant.

Having regard to the merits of the proposal, the application is recommended for approval subject to appropriate standard and site specific conditions/refusal for the reasons provided below.

Notification of the proposal has attracted seventeen (17) submissions raising particular concerns about operation and existing operation, noise, information. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

Following this assessment the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

LOCATION MAP



1

Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The development application seeks consent for the installation of a Carbon Filtration System (CFS) and minor demolition work to Shed 3 in association with existing marine repair facility on the site at 6 John Street, McMahon's Point. Specifically, the proposal comprises:

- The proposed system will connect to sheds 3 and 4 and facilitate the vertical discharge of treated emissions through a new stack system, replacing the existing exhaust system for Sheds 1, 3, and 4.
- The carbon filtration system will be located within shed 3 and will stand 4.035 meters above ground level within the shed which has a height of almost 10m. The system will also connect to Shed 4 via a 630mm-wide duct.
- The exhaust stack will pass through the roof of Shed 3, 10 m from the western end of the building and 1.2 m north of the roof centreline, as shown in figure 4. This is around 7 m southwest of the CFS stack location used in the 2021 AQRA modelling.
- The CFS stack release point is proposed to be approximately 1.5m above the roofline, which is higher than previously assumed, at approximately 11m above ground level.

The proposal will require minor demolition work to fit the piping connecting the CFS to boat shed No.4 and to fit the exhaust, including the removal of existing piping

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – W4 Working waterfront
- Item of Heritage – Yes (IO484)
- In Vicinity of Item of Heritage - Yes
- Conservation Area - No

Environmental Planning & Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

SEPP (Biodiversity and Conservation) 2021

SEPP (Resilience and Hazards) 2021

POLICY CONTROLS

NORTH SYDNEY DCP 2013

North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

The subject site is legally described as Lots A & B in DP420377, known as 6 John Street, McMahon's Point. The Noakes boat repair and maintenance facility is located over a larger property area including Lot 987 DP752067, Lot 2 DP77853, Lot 1 DP127195, Lot 1 DP449731, and Lot 1 - 4 DP179730. These properties are not the subject of the current development application as the CFS is to be located within boatshed No. 3, which is located on Lots A & B DP420377 only

Lots A & B DP420377 have a total area of 2,817m². Boatshed No.3 has a floor area of 228.85m², a height of 9.925m and is used for boat repair and maintenance activities. The CFS is proposed to be located at the rear eastern end of the shed.



Figure 1: location plan

The subject site is situated in McMahon's Point, within Sydney's Lower North Shore, and forms part of a mixed-use locality comprising residential and commercial development. Positioned adjacent to Berrys Bay, a water body within the Sydney Harbour system—the site accommodates maritime-related land uses, notably including the Noakes boat repair and maintenance facility. The area is well-served by public transport, with close proximity to both North Sydney and Milsons Point railway stations, as well as ferry services operating from McMahon's Point Wharf. The surrounding precinct features a varied urban fabric, including residential dwellings, commercial tenancies, and maritime industries.

Boat shed No. 3 is surrounded by boat shed No. 4 to the south, the wash bay and boat shed No. 2 to the north, a mooring facility and Berrys Bay to the west and the escarpment, rail line, Dumbarton Road and residential properties to the east. The railway line aligns the top of the escarpment and there is a substantial fall from this towards the subject site.

RELEVANT HISTORY

Summary of Previous Approved Applications

Date	Action
20.12.1990	Consent granted by North Sydney Council under Part 4 of the Environmental Planning and Assessment Act (EP&A Act) for a boat building and repair facility
15.07.1991	Modification of the above consent was granted (changes to various conditions)
16.09.1992	Modification of the above consent was granted (deletion of condition 44 requiring a public walkway)
29.06.2021	Development application DA13/21 for the use of an existing building as a caretakers unit was withdrawn.

08.08.2022	The NSW Land and Environment Court dismissed the appeal for DA57/19 for the mooring and use of a floating dry dock and associated infrastructure works.
05.09.2022	Development consent (DA456/21) was granted by NSW Land and Environment Court for the use of an existing relocatable shed and to install an air quality pollution control system. This consent has since lapsed.

Current Application

Date	Action
07.01.2025	The subject development application was lodged with Council.
10.02.2025	The application was notified as per Council's Community Participation Plan. The notification period ended on 28.03.2025.
12.05.2025	A Request for Information (RFI) Letter was sent to the Applicant.
24.05.2025	The Applicant submitted additional information via the Planning Portal.

INTERNAL REFERRALS

COMPLIANCE

The application has been referred to Council's Compliance Officer who provided the following comments:

"On 13 May 2024, Council issued a Stop Work Order in relation to the unauthorised building works associated with the construction of an externally located Carbon Filtration System (CFS). The operator of the boatyard has complied with the Stop Work Order.

A development application has been lodged to construct the CFS within the building. These are new building works.

The proposed development will not have an impact on the Stop Work Order, which only relates to the unauthorised CFS. It is anticipated the Stop Work Order will be revoked in the event the DA is approved to construct the CFS within the building.

No objection is provided to the proposed development."

HEALTH

The application has been referred to Council's Environmental Health Team who after reviewing the additional information, raised no objection to the proposal subject to conditions of consent.

HERITAGE

The application was discussed with Council's Heritage Team who advised that a formal referral is not required due to the minor nature of proposed works.

ENGINEERING

The application has been referred to Council's Development Engineers Team who raised no objection to the proposal and did not require any condition of consent.

EXTERNAL REFERRALS

No external referrals were required.

SUBMISSIONS

Original proposal

On 10 February 2025, Council notified adjoining properties and the Euroka Precinct of the proposed development seeking comment between 21 February 2025 to 28 March 2025. Council received seventeen (17) submissions.

The issues raised in the submissions are addressed later in this report. The original submissions may be viewed by way of DA tracking on Council's website https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs and are available for review by NSLPP members.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), are assessed under the following headings:

Environmental Planning and Assessment Regulations 2000

Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* identifies development types that may be considered Designated Development where they meet specified thresholds relating to scale and environmental impact. The proposed Carbon Filtration System (CFS) does not, in isolation, fall within any of the development categories set out in Part 2 of Schedule 3. However, it functions as an ancillary component to the existing boat maintenance and repair facility, which is itself classified as Designated Development.

Part 3 of Schedule 3 outlines exemptions from Designated Development classification for certain proposals, even where they would otherwise fall under Part 2. The intent of this provision is to provide clarity around circumstances where specific developments are excluded from the designated status, thereby ensuring that the application of regulatory controls remains proportionate to the likely environmental impacts or risks associated with the proposal.

Clause 48 specifically provides exemptions for certain alterations or additions to existing or approved developments under the following conditions:

48 *Alterations or additions to existing or approved development*

- (1) Development involving alterations or additions to development, whether existing or approved, is not designated development if, in the consent authority's opinion, the alterations or additions do not significantly increase the environmental impacts of the existing or approved development.*
- (2) In forming its opinion, a consent authority must consider the following—*
 - (a) the impact of the existing development, including the following—*
 - (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice,*
 - (ii) rehabilitation or restoration of any disturbed land,*
 - (iii) the number and nature of all past changes and their cumulative effects,*
 - (b) the likely impact of the proposed alterations or additions, including the following—*
 - (i) the scale, character or nature of the proposal in relation to the development,*
 - (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is, or will be, carried out and the surrounding locality,*
 - (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty,*
 - (iv) the capacity of the receiving environment to accommodate changes in environmental impacts,*
 - (c) proposals to mitigate the environmental impacts and manage residual risk,*
 - (d) proposals to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.*

It is acknowledged that the environmental management performance at the site has been less than ideal at times. However, it is considered that the Carbon Filtration System meets the criteria for exemption from designated development under clause 48 of Schedule 3, Part 3, as it:

- Constitutes an alteration/addition to an approved development.
- Is located within an existing structure with minimal external modifications.
- Does not result in increased environmental risks or impacts.
- Seeks to improve compliance with environmental regulations and aligns with the facility's existing operations.

The CFS installation qualifies as an alteration or addition to the existing boat repair and maintenance facility noting the follow facts:

- The primary use of the facility (boat repair and maintenance) remains unchanged.
- The CFS is a supporting feature designed to manage air emissions more effectively and ensure compliance with environmental standards, particularly odour and VOC emissions.

- The proposal does not increase the scale or intensity of the operations but instead introduces a system to enhance environmental performance, aligning with the objectives of sustainable industrial practices.

Clause 48 provides that alterations or additions to existing or approved developments listed in Schedule 3, Part 2 are not designated developments if:

- The alterations or additions do not significantly increase the environmental impacts of the development.
- The alterations or additions are located within an existing building or structure and do not involve significant changes in scale or activity.

The CFS satisfies these conditions:

- It is located within Boatshed No. 3, an existing structure, with minimal external alterations.
- The modifications (ducting and exhaust stack) are minor and do not involve substantial structural or aesthetic changes.
- The proposal reduces environmental impacts by improving air quality and emissions control, addressing existing concerns rather than introducing new risks.

The proposal's environmental considerations reinforce its exemption under clause 48:

- Improved Air Quality: The CFS mitigates emissions of odours and VOCs, benefitting the local environment and reducing potential nuisances for nearby residents and businesses.
- No Increase in Scale or Risk: The system does not expand the facility's operational footprint or introduce higher environmental risks.
- Compliance with Existing Licenses: The CFS is mandated under the facility's Environmental Protection Licence and supports compliance with air quality standards.

The installation of the CFS aligns with public interest by:

- Enhancing environmental safeguards.
- Supporting the continued operation of a maritime facility that contributes to local employment and economic activity.
- Mitigating impacts on nearby residential areas, thus maintaining harmony between industrial and residential uses.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

The proposal meets the objectives of the SEPP because there would be no clearance of native vegetation or any material impact on bushland (if any) in the vicinity of the subject site.

Chapter 6 - Water Catchments

Having regard to Chapter 6 of the SEPP (Biodiversity and Conservation) 2021 the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the CFS is located within an existing building. The only elements not located inside the shed are the duct connecting it to boat shed 4, and the exhaust cowl. The connecting ducts are located on the eastern side of the sheds, between the rear wall and sandstone cliff and are not visible from any public place.

The proposal will have no material effect on the quantity or quality of water entering Sydney Harbour as well as the ecology of the harbour and its foreshores.

Furthermore, the CFS will help protect the natural assets of Sydney Harbour by reducing harmful emissions and pollutants, ensuring the preservation of water and air quality for the public good, thereby prioritizing environmental protection over private interests.

The proposal will not compromise the equitable use of the Foreshores and Waterways Area, including any use by passive recreation craft. The proposed CFS will not have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area.

The proposal satisfies the requirements of the Policy.

SEPP (Resilience and Hazards) 2021

Part 2.2, Division 3, Section 2.10 of the SEPP deals with land identified as being within a Coastal Environment Area of which the subject site is impacted. This provision requires as follows:

Division 3 Coastal Environment Area - Section 2.10 Development within the Coastal Environment Area	Response
(1) <i>Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</i> (a) <i>the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	The proposed CFS is proposed to be located within boat shed No. 3 and will therefore not have any impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.
(b) <i>coastal environmental values and natural coastal processes,</i>	The proposed CFS will not impact the coastal environmental values or natural coastal processes.
(c) <i>the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i>	The proposed CFS will have no impacts on any marine estate waters.
(d) <i>marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands, and rock platforms,</i>	Native vegetation is to be impacted by the proposal.
(e) <i>existing public open space and safe access to and along the foreshore, beach, headland, or rock platform for members of the public, including persons with a disability,</i>	The proposal will not impact public space.
(f) <i>Aboriginal cultural heritage, practices, and places,</i>	The proposal will not impact on any known sites of aboriginal cultural heritage.
(g) <i>the use of the surf zone.</i>	Proposed works will not impact on the surf zone.

Part 2.2, Division 4, Section 2.11 of the SEPP deals with land identified as being within a Coastal Use Area of which the subject site is impacted. This provision requires as follows:

Coastal Management SEPP – Section 2.11 Development on land within Coastal Use Area	Response
<p>(1) <i>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—</i></p> <p>(a) <i>has considered whether the proposed development is likely to cause an adverse impact on the following—</i></p> <p>(i) <i>existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i></p> <p>(ii) <i>overshadowing, wind funnelling and the loss of views from public places to foreshores,</i></p> <p>(iii) <i>the visual amenity and scenic qualities of the coast, including coastal headlands,</i></p> <p>(iv) <i>Aboriginal cultural heritage, practices and places,</i></p> <p>(v) <i>cultural and built environment heritage, and</i></p>	<p>The proposed development will have no impact on existing access to and along any foreshore, beach, headland or rock platforms for members of the public.</p> <p>The proposed development will have no impact on overshadowing, wind funnelling or views.</p> <p>The proposed development will have no impact on the visual amenity of the area.</p> <p>The proposal will not impact on aboriginal cultural heritage.</p> <p>The proposal will have no impact on any item of European heritage.</p>
<p>(b) <i>is satisfied that—</i></p> <p>(i) <i>the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i></p> <p>(ii) <i>if that impact cannot be reasonably avoided— the development is designed, sited and will be managed to minimise that impact, or</i></p> <p>(iii) <i>if that impact cannot be minimised— the development will be managed to mitigate that impact, and</i></p>	<p>As shown above, the proposed development has been designed to avoid impacts on items listed in paragraph (a)</p>
<p>(c) <i>has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i></p>	<p>The proposal will not significantly alter the existing coastal and built environment.</p>

Part 2.2, Division 5 of the SEPP outlines general provisions relating to development within the Coastal Zone. Division 5 requires as follows:

Coastal SEPP General Provisions	Response
<p><i>Section 2.12 Development in coastal zone generally—development not to increase risk of coastal hazards</i></p> <p><i>Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.</i></p>	<p>The Coastal Management Act defines coastal hazards as follows: <i>coastal hazard means the following—</i></p> <ul style="list-style-type: none">(a) <i>beach erosion,</i>(b) <i>shoreline recession,</i>(c) <i>coastal lake or watercourse entrance instability,</i>(d) <i>coastal inundation,</i>(e) <i>coastal cliff or slope instability,</i>(f) <i>tidal inundation,</i>(g) <i>erosion and inundation of foreshores caused by tidal waters and the action of waves, including the interaction of those waters with catchment floodwaters.</i> <p>The proposal is located such that it will have no impact on Coastal hazards.</p>

Clause 4.6 of the SEPP (Resilience and Hazards) provides that Council must consider whether the land is contaminated prior to granting consent to the carrying out of any development, including uses on that land as follows:

- (i) whether the land is contaminated; and
- (ii) if the land is contaminated, whether the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (iii) if the land requires remediation to be made suitable for the proposed development, will the land be remediated before the land is used for that purpose.

Council must therefore be satisfied that the land is suitable for the intended use. If the land requires remediation to be undertaken, to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

The subject site has a long history of industrial use, and the application does not seek to change this use. The works are not likely to cause disturbance of soil or other potentially contaminated material. Therefore, the requirements of the SEPP have been satisfactorily addressed.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The proposed works can be defined as ancillary development to a *boat building and repair facility* and are permissible in the zone with development consent.

2. Objectives of the zone

The objectives for the W4 Working Waterfront zone are stated below:

- *To retain and encourage industrial and maritime activities on foreshores.*
- *To identify sites for maritime purposes and for activities requiring direct foreshore access.*
- *To ensure that development does not have an adverse impact on the environment and visual qualities of the foreshore.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of development on land uses in other zones.*

The proposed Carbon Filtration System (CFS) aligns with the objectives of the W4 Working Waterfront zone by supporting maritime and industrial operations in an environmentally sustainable manner. It enhances the environmental performance of the boat repair and maintenance facility by mitigating pollutant discharge, thereby contributing to the protection of the foreshore and the preservation of the area's visual amenity. Furthermore, the CFS enables the continued functioning of maritime activities that generate local employment, while effectively managing emissions to minimise potential impacts on adjoining land uses in surrounding zones.

Part 4 – Principal Development Standards

COMPLIANCE TABLE Principal Development Standards North Sydney Local Environmental Plan 2013			
	Proposed	Control	Complies
Clause 2.7 – Demolition requires consent	Consent is sought for the minor demolition works associated with fitting the ducting system to connect the CFS to boatshed No. 4 and the exhaust stack	The demolition of a building or work may be carried out only with development consent.	Yes
Clause 4.3 – Heights of buildings	2.83m – top of plant Flue excluded from building height as per NSLEP	10m	Yes
Clause 5.10 Heritage conservation	In terms of subclause (2), consent is sought for the minor demolition work to remove existing piping and fit the proposed new ducting/piping including the exhaust.	(2) Requirement for consent	Yes

	<p>In terms of subclause (4), the consent authority can conclude that the minor demolition work and proposed installation of the CFS and associated piping and exhaust system will not have an impact on the heritage significance of the item. This is because the demolition is not only minor, but to boatshed No.3 that does not have any heritage significance in its own right, and the pipework being removed is not visible. The CFS is to be located within the boatshed No. 3, so will not be visible and in any case supports the boat repair and maintenance facility operating from the site.</p> <p>In terms of subclause (5), given the minor and ancillary nature of the work, and for the reasons set out in the above dot point, a heritage management document is not warranted.</p> <p>In terms of subclause (6), given the minor and ancillary nature of the work, and for the reasons set out in the above dot points, a heritage conservation management plan is not warranted.</p>	<p>(4) Effect of proposed development on heritage</p> <p>(5) Heritage assessment</p> <p>(6) Heritage conservation management plans</p>	
<p>Clause 6.8 – Development on land within Zone W4</p>	<p>The proposed development is not inconsistent with these provisions as the CFS is located within an existing boatshed and is not visible with the exception of the flue.</p> <p>Further, the proposed CFS will not impact on public views and views from surrounding properties, or natural features on or adjoining the site, such as cliff lines, bushland and significant trees because it won't be visible except the</p>	<p>(a) the proposed development is inconsistent with—</p> <p>(i) the size of the site and the part of the waterway where the development is to be situated, particularly in relation to the number, size and draft of any boats to be moored, or</p> <p>(ii) the proximity, scale and height of surrounding development, or</p> <p>(iii) the scenic, environmental and cultural qualities of the site and its surrounding area, or</p>	Yes

	exhaust cowl which is minor in nature and consistent with the building structure and other structures and activities on the site.	(b) the proposed development is likely to have a significantly adverse effect on— (i) public views and views from surrounding properties, or (ii) natural features on or adjoining the site, such as cliff lines, bushland and significant trees.	
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NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposal has been assessment under the following heading within NSDCP 2013:

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 2- Commercial and Mixed Use Development			
		<i>complies</i>	<i>Comments</i>
2.3 Environmental Criteria			
2.3.1	Clean Air	Yes	The proposed CFS will improve air quality associated with the existing use.
2.3.2	Noise	Yes	Conditions imposed to ensure reasonable levels of acoustic amenity to nearby residents.

Waverton / Wollstonecraft Planning Area – Part C of NSDCP 2013

The Site is located within the John Street Waterfront Neighbourhood, the provisions mainly deal with visual impact issues. As this DA only relates to the installation of a Carbon Filtration System within an existing building, the proposal is considered satisfactory and will not detract from the intent of the controls.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. The contributions payable have been calculated in accordance with Council's Contributions Plan as follows:

Contribution amounts payable

Applicable contribution type		
s7.12 contribution details	Development cost:	\$380,000.00
<i>(payment amount subject to indexing at time of payment)</i>	Contribution:	\$3,800.00

Conditions requiring the payment of contributions at the appropriate time are included in the attached conditions.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL	CONSIDERED
1. Statutory Controls	Yes
2. Policy Controls	Yes
3. Design in relation to existing building and natural environment	Yes
4. Landscaping/Open Space Provision	N/A
5. Traffic generation and Carparking provision	N/A
6. Loading and Servicing facilities	N/A
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	Yes
9. All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Euroka precinct. Council received seventeen (17) where the following matters were raised:-

- *Adequacy of the carbon filtration system, lack of details, location, Compliance with Australian Standards*

Sufficient information was provided to enable assessment of the application including the potential to achieve compliance with Australian Standards. Conditions of consent are provided to ensure compliance.

- *Existing chemical emissions, existing operation, and non-compliances*

These are not matters for consideration for this development application noting the installation will significantly improve air borne emissions.

- *All boat shed to be connected to the CFS and request spray painting only to occur in shed provided with the CFS*

A condition is imposed prohibiting uses of sheds 1 and 2 for activities that require CFS.

- *Negative air pressure system and closed doors to contain emissions prior to CFS*

The application does not alter the approved use, conditions are provided in DA1164/90 and the Part 5 Approval. The use of the CFS is to be in accordance with the manufacturer's specifications.

- *Ongoing monitoring*

The application does not alter the existing operating provisions on the site, it is for the installation of a CFS only. Operating conditions are provided in DA1164/90 and the Part 5 Approval.

- *Request conditions imposed by the NSW LEC be imposed on this application*

Relevant conditions of consent have been provided. The NSW LEC approval conditions were for the use of a mobile shed which included a ventilation system. This consent was not taken up and has now lapsed. These conditions now have no force.

- *Noise and hours of operation*

Conditions are provided to ensure compliance with the Noise Report and hours of operation for the CFS.

- The CFS is connected to sheds 1,3 and 4

A condition is imposed prohibiting uses of sheds 1 and 2 for activities that require CFS. It is beyond the scope of this determination to impose conditions on activities which are not being sort or are otherwise approved.

- The EPA removes the licence condition that allows polluting work on the hardstand under encapsulation.

This is a matter for the EPA who are the regulatory authority for the site.

- That the Spray Painting definition includes air pressure and airless spraying.

The relevant condition has been expanded to include this definition.

- Any work causing air pollution must only occur in one of the workshops with the only exception being boats over 25 M or too wide for the Travelift can have air or noise polluting work done on the slipway with approved encapsulation or conditions.

Conditions can only be imposed which are directly relevant to the application which is for the installation and use of the CFS.

- The LEC judgement conditions apply.

There were two recent applications before the Land and Environment Court:

DA 57/19 which was for the use of a floating dry dock in association with the boatyard use. This application was subject to an appeal and subsequently refused.

DA 456/21 which was for the use of a relocatable shed. This application was subject to an appeal and was granted deferred commencement consent which has since lapsed. Any conditions imposed are therefore not relevant to the site.

- The Conditions of Consent in 1990 must be complied with subject to any updating necessary to avoid ambiguity.

The applicant has been encouraged to revisit the 1990 consent to ensure that it is relevant to the current use of the site. To date they have declined to do so.

A number of submissions have raised compliance issues which have been or are currently being investigated. These matters have been drawn to the attention of the relevant area for appropriate investigation.

PUBLIC INTEREST

The proposal is considered to be in the public interest for the reasons stated throughout this report. The public interest will be well served by improved air quality of the boat repair operation.

SUITABILITY OF THE SITE

The proposal is located in the W4 – Working waterfront where ancillary development to a *boat building and repair facility* is a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Euroka precinct where a number of issues were raised that have been addressed in this report where appropriate conditions of consent have been recommended.

CONCLUSION

The matters for consideration as outlined in section 4.15(1) of the Act have been satisfied. The proposed development is permissible, meets the development standards and relevant provisions of NSLEP 2013.

A total of 17 unique submissions were received raising objections regarding issues including the operation and existing operation, noise, information. Conditions are provided where relevant.

Having regard to the merits of the proposal, the application is recommended for approval subject to appropriate standard and site specific conditions/refusal for the reasons provided below.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 368/24 for the installation of a Carbon Filtration System and minor demolition work to Shed 3 in association with existing marine repair facility on land at 6 John Street, McMahon's Point subject to the following conditions:-

DAMON KENNY
EXECUTIVE ASSESSMENT OFFICER

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
6 JOHN STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 368/24

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the tables to this condition, or cited by other conditions, and as amended by other conditions of this consent.

Plans

Plan No.	Issue	Title	Drawn by	Date
A001	01	Site Plan	Crawford Architects	24.09.18
A003	01	Demolition Plan	Crawford Architects	24.09.18
A030	02	Shed 3 Plan & Section AA	Crawford Architects	24.11.20
A300	02	Filtration Plant Isometric	Crawford Architects	24.11.20

Documents

Title/Rev	Author	Date
SLR Project No.: 610.19179.00403 Marine Repair Facility – McMahons Point – Carbon Filtration System Noise Review	SLR	8.11.24
SLR Project No.: 610.031897.00002 Marine Repair Facility – McMahons Point Carbon Filtration System Development Application – Air Quality Impacts	SLR	14.11.24

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Plans on Site

- A2. A copy of all plans endorsed with Council's approval stamp, specifications and documents must be always kept on site and be readily available for perusal by an officer of Council or the Principal Certifier.

**6 JOHN STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 368/24**

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All documents kept on site in accordance with this condition must be provided to any officer of the Council upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

D. Prior to the Commencement of any Works (and continuing where indicated)**Asbestos Material Survey**

- D1. Prior to the commencement of any works, a report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination, and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

- a) the removal of asbestos must be undertaken by a SafeWork NSW licensed contractor;
- b) all removal must be in strict accordance with the requirements of the SafeWork NSW in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
- c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and
- d) Waste disposal receipts must be provided to the Principal Certifier as proof of correct disposal of asbestos-laden waste.

The report must be submitted to the North Sydney Council for approval prior to the works commencing.

(Reason: To ensure the long-term health of workers on site and occupants of the building is not put at risk unnecessarily)

Erosion and Sediment Control

- D2. Where any works authorised by this consent require disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication, Managing Urban Stormwater: Soils and Construction, (4th Edition, Landcom, 2004) commonly referred to as the "Blue Book," or a suitable and effective alternative method.

**6 JOHN STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 368/24**

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An Erosion and Sediment Control Plan must be prepared and implemented prior to any works commencing. The Erosion and Sediment Control Plan must be consistent with the Blue Book and disclose:

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained;
- f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Erosion and Sediment Control Plan.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Waste Management Plan

D3. A Waste Management Plan prepared in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013. The plan must include, but not be limited to:

- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
- b) The design of the on-site waste storage and recycling area; and
- c) Administrative arrangements for waste and recycling management during the construction process.

The Waste Management Plan must be complied with at all times in the carrying out of the development.

(Reason: To encourage the minimisation of waste and recycling of building waste)

**6 JOHN STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 368/24**

Page 4 of 10

Local Infrastructure Contributions

- D4. A monetary contribution pursuant to the provisions of section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Local Infrastructure Contributions Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$3,800.00.

Indexation

The monetary contribution required under this consent will be indexed between the date of the grant of the consent and the date on which the contribution is paid the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

The contribution must be paid to Council prior to any works commencing.

A copy of the *North Sydney Local Infrastructure Contribution Plan 2020* can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, NORTH SYDNEY, or downloaded via Council's website at www.northsydney.nsw.gov.au.

(Reason: To provide for local infrastructure identified in the *North Sydney Council Local Infrastructure Contributions Plan 2020*)

Security Deposit/Guarantee Schedule

- D5. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to works commencing:

Note: The following fees applicable

Fees	
Local Infrastructure Contributions	\$3,800.00
TOTAL FEES	\$3,800.00

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

**6 JOHN STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 368/24**

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Commencement of Works' Notice

- D6. Works in accordance with this development consent must not be commenced until the Applicant has given at least two days' notice to North Sydney Council of the person's intention to commence works in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

E. During Demolition and Building Work

Dust Emission and Air Quality

- E1. The following must be complied with at all times:

- a) Materials must not be burnt on the site.
- b) Vehicles entering and leaving the site with soil or fill material must be covered.
- c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with *the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction*.
- d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

Noise and Vibration

- E2. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

Work Hours (All Other Zones)

- E3. Works approved under this consent must be restricted to within the hours stipulated in the following table:

Standard Construction Hours	
Day	Hours
Monday - Friday	7.00am - 5.00pm
Saturday	8.00am - 1.00pm
Sunday Public holiday	No work permitted

**6 JOHN STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 368/24**

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Activities for development approved under this consent must be carried out in accordance with the standard construction hours above, *the EPA Noise Policy for Industry 2017* and any Construction Noise Management Plan required under this consent.

In the event of breach to the approved hours of construction, Council take may take enforcement action under Part 9 of *the Environmental Planning and Assessment Act 1979* and in accordance with Council's adopted Compliance and Enforcement Policy.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Site Amenities and Facilities

- E4. Where work involved in the erection and/or demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au

(Reason: To ensure the health and safety of the community and workers on the site)

Health and Safety

- E5. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.safework.nsw.gov.au.

(Reason: To ensure the health and safety of the community and workers on the site)

Waste Disposal

- E6. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environment Protection Authority.

(Reason: To ensure the lawful disposal of construction and demolition waste)

**6 JOHN STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 368/24**

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Asbestos Removal

- E7. All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Asbestos or "Demolition Licence," and a current SafeWork NSW "Class 2 (Restricted) Asbestos Licence" (or equivalent). Removal must be carried out in accordance with National Occupational Health and Safety Commission requirements.

(Reason: To ensure works are carried out in accordance with relevant SafeWork NSW requirements)

F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation**Excavation/Demolition**

- F1. Excavation and demolition shall be carried out as follows:

- a) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b) All excavation associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- c) Demolition work must be undertaken in accordance with the provisions of AS2601 - Demolition of Structures.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

Site Sign

- F2. 1) A sign must be erected in a prominent position on the site:
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifier for the work.

**6 JOHN STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 368/24**

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- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. Prior to the Use of an Occupation Certificate**Verification Testing Report**

- G1. Following installation of the Carbon Filtering System, and prior to the use, the Applicant must submit to North Sydney Council a Verification Testing Report which outlines the results of the testing and demonstrate that the Carbon Filtering System achieves the performance outcomes outlined in the Fowlertex Activated Carbon Filter Performance Summary provided to Council by Insite Town Planning dated 20 May 2025.

(Reason: To maintain air quality)

Ventilation and Pollution Control System

- G2. The existing ventilation and pollution control system for the Existing Sheds 3 and 4 shall continue to operate for surface preparation, painting, blasting and grinding activities, surface coating and welding, until such time as the replacement Carbon Filtering System has been installed and verified and the Occupation Certificate has been issued.

(Reason: To maintain air quality)

Noise from Plant and Equipment

- G3. The use of the Air Quality Pollution Control System installed on the premises must comply with the Project Trigger Noise Level contained in the Noise Review prepared by SLR and dated 8 November 2024, pertaining to this development.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Noise Certification

- G4. Prior to the use, a certificate from an appropriately qualified acoustical consultant* is to be submitted to, and approved by, North Sydney Council certifying that the noise and vibration from use of the development complies with the conditions of consent here-in.

(Reason: To ensure acoustic amenity)

** Appropriately qualified Acoustical consultant means a consultant who is an employee of a member firm of the Association of Australasian Acoustical Consultants (grade of member firm), or an individual who is a member of the Australian Acoustical Society, or Institution of Engineers (grade of member).*

**6 JOHN STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 368/24**

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Asbestos Clearance Certificate

G5. For works where asbestos-based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by North Sydney Council for the work prior to the use. The asbestos clearance certificate must certify the following:

- a) the building/land is free of asbestos; or
- b) the building/land has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au.

(Reason: To ensure that building works involving asbestos-based products are safe for occupation and will pose no health risks to occupants)

I. Ongoing/Operational Conditions**Use of Premises**

I1. The use of the premises is to be in accordance with DA1164/90 and the Part 5 Approval. Except all surface preparation, painting, blasting activities including sandblasting, grinding activities, surface coating and welding within sheds 3 and 4 must be conducted with the ventilation and Carbon Filtering System operational.

Sandblasting and spray painting of vessels as permitted must only be carried out in one single shed at any one time.

All surface preparation, painting, surface coating, blasting or grinding activities, or welding must be conducted between the **hours of 9am and 3pm**. The ventilation and Carbon Filtering System must continue to operate for a minimum period of 1 hour following surface preparation, spray painting or surface coatings to ensure any residual emissions are treated in the Pollution Control System. The ventilation system must not operate after 6pm.

(Reason: To ensure that this consent is not inconsistent with the 1990 Consent and the Part 5 Approval, to maintain air quality and to ensure performance of the Carbon Filtering System)

**6 JOHN STREET, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 368/24**Page 10 of 10

Ongoing Testing

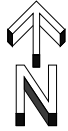
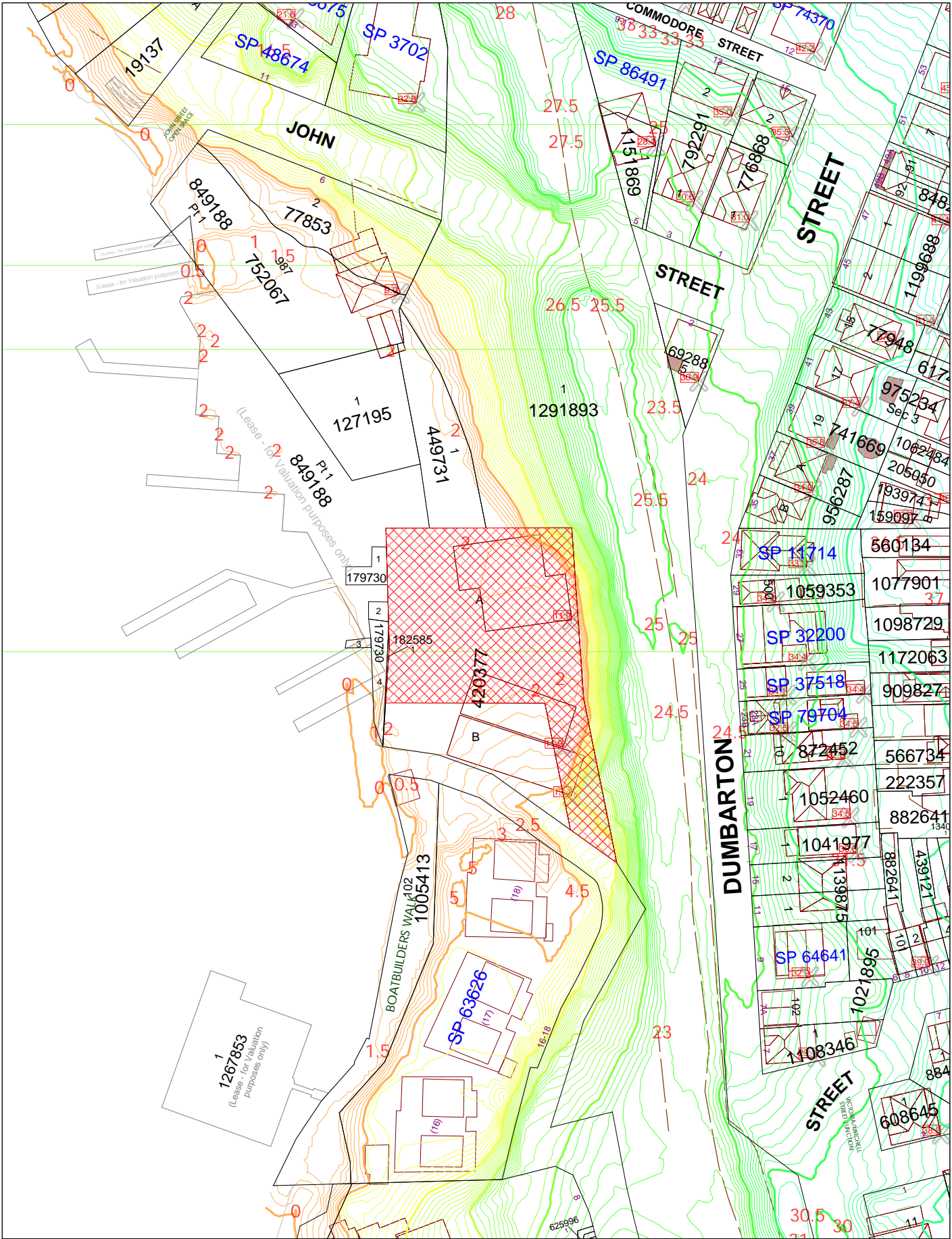
12. The performance of the Carbon Filtering System must be tested annually to ensure the conditions outlined in G1 are being achieved. A copy of the testing report must be provided to Council upon request.

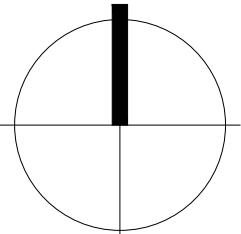
(Reason: To ensure performance of the Carbon Filtering System)

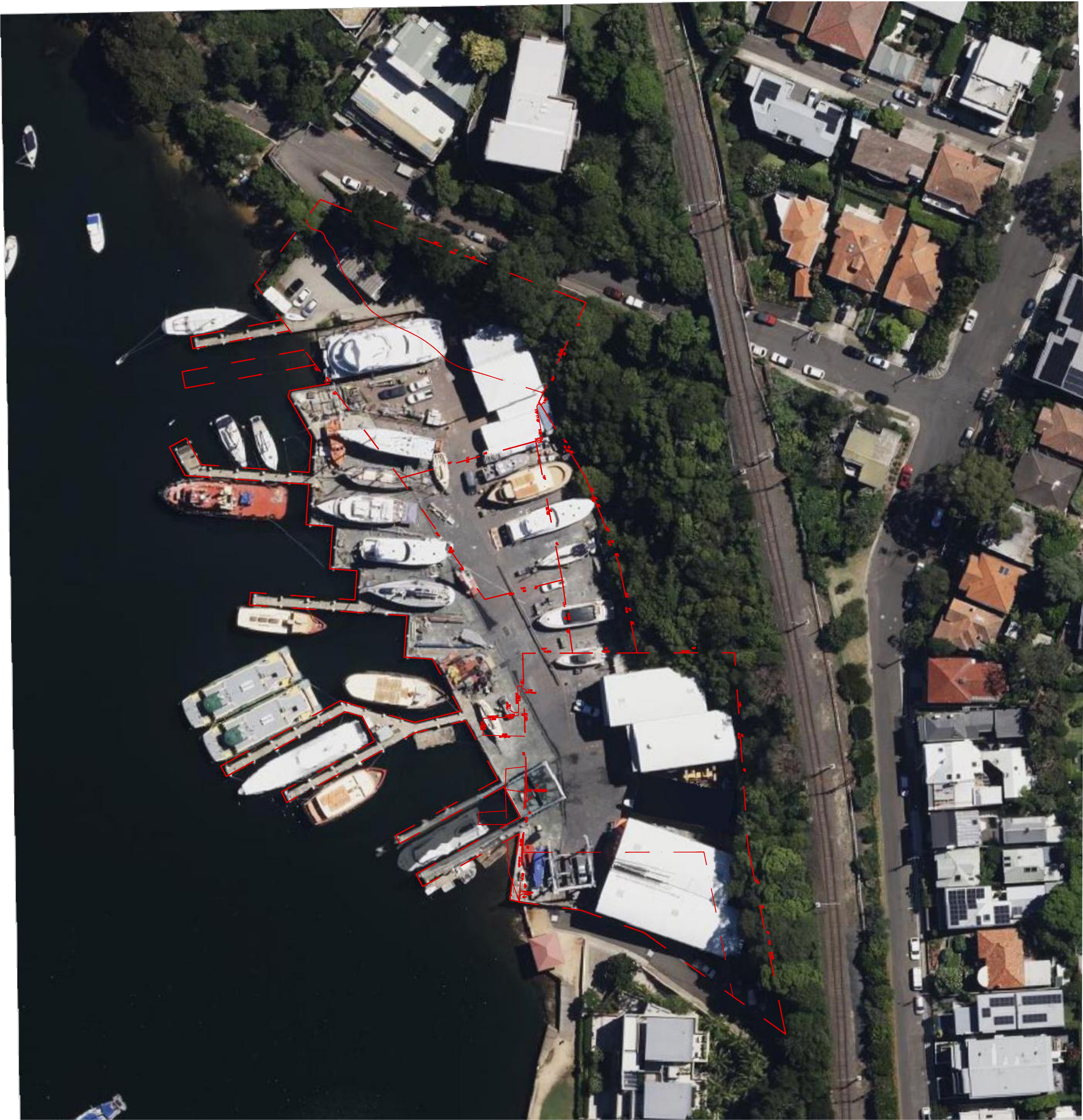
Noise and Vibration Impact

13. The on-going use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)







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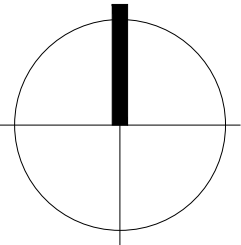
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ISSUE	DATE	AMENDMENTS

CLIENT
NOAKES GROUP

6 JOHN STREET, MCMAHONS POINT NSW 2060

PROJECT
NOAKES SHIPYARD NEIGHBOURING PROPERTY PLAN

6 JOHN STREET, MCMAHONS POINT NSW 2060



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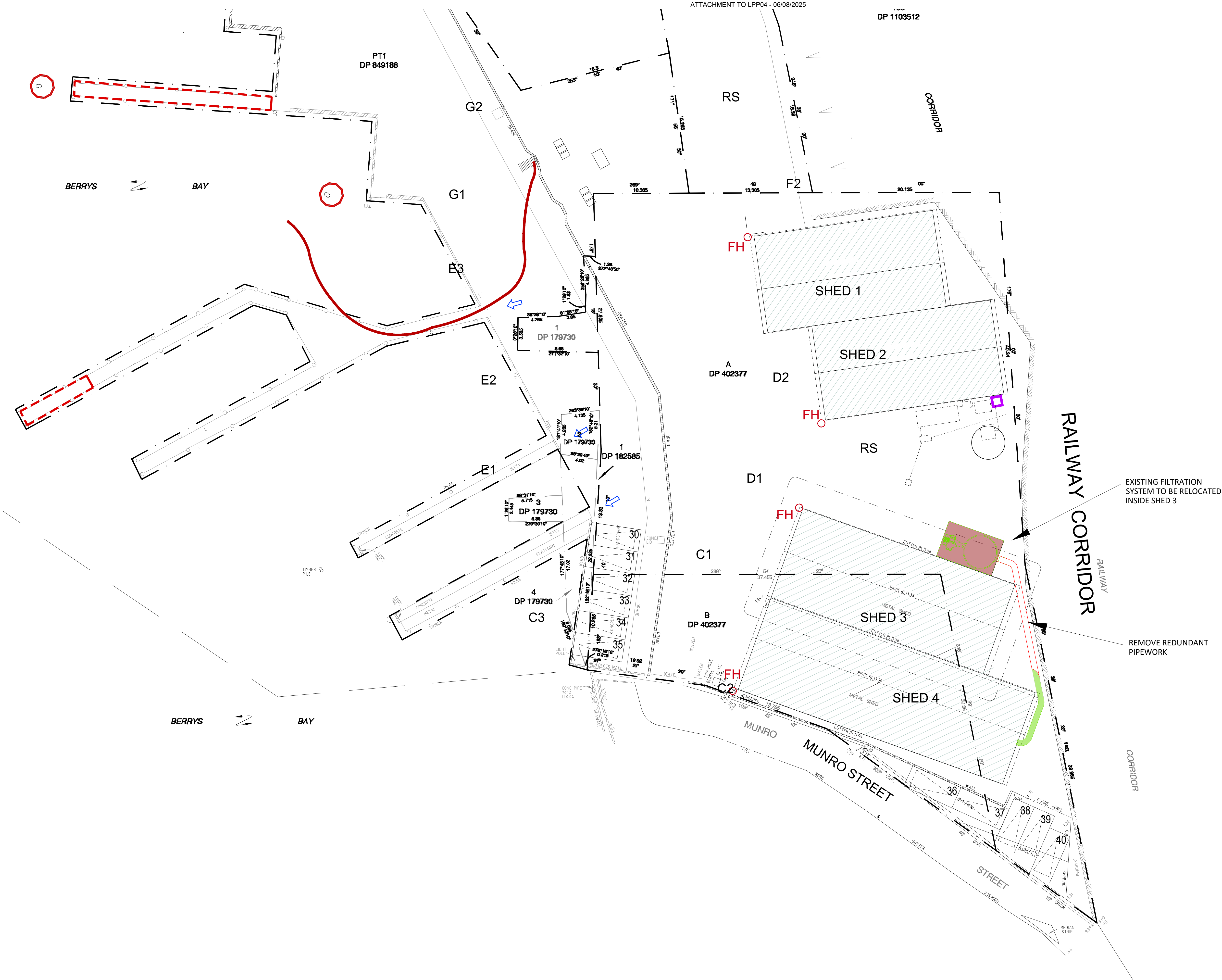
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PROJECT NUMBER 24041
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01	24.08.18	DA ISSUE
ISSUE	DATE	AMENDMENTS

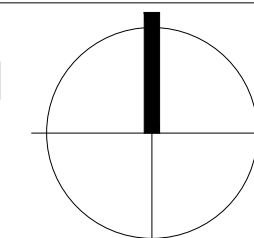
CLIENT
NOAKES GROUP

6 JOHN STREET, MCMAHONS POINT NSW 2060

PROJECT
NOAKES SHIPYARD

6 JOHN STREET, MCMAHONS POINT NSW 2060

TITLE
DEMOLITION PLAN



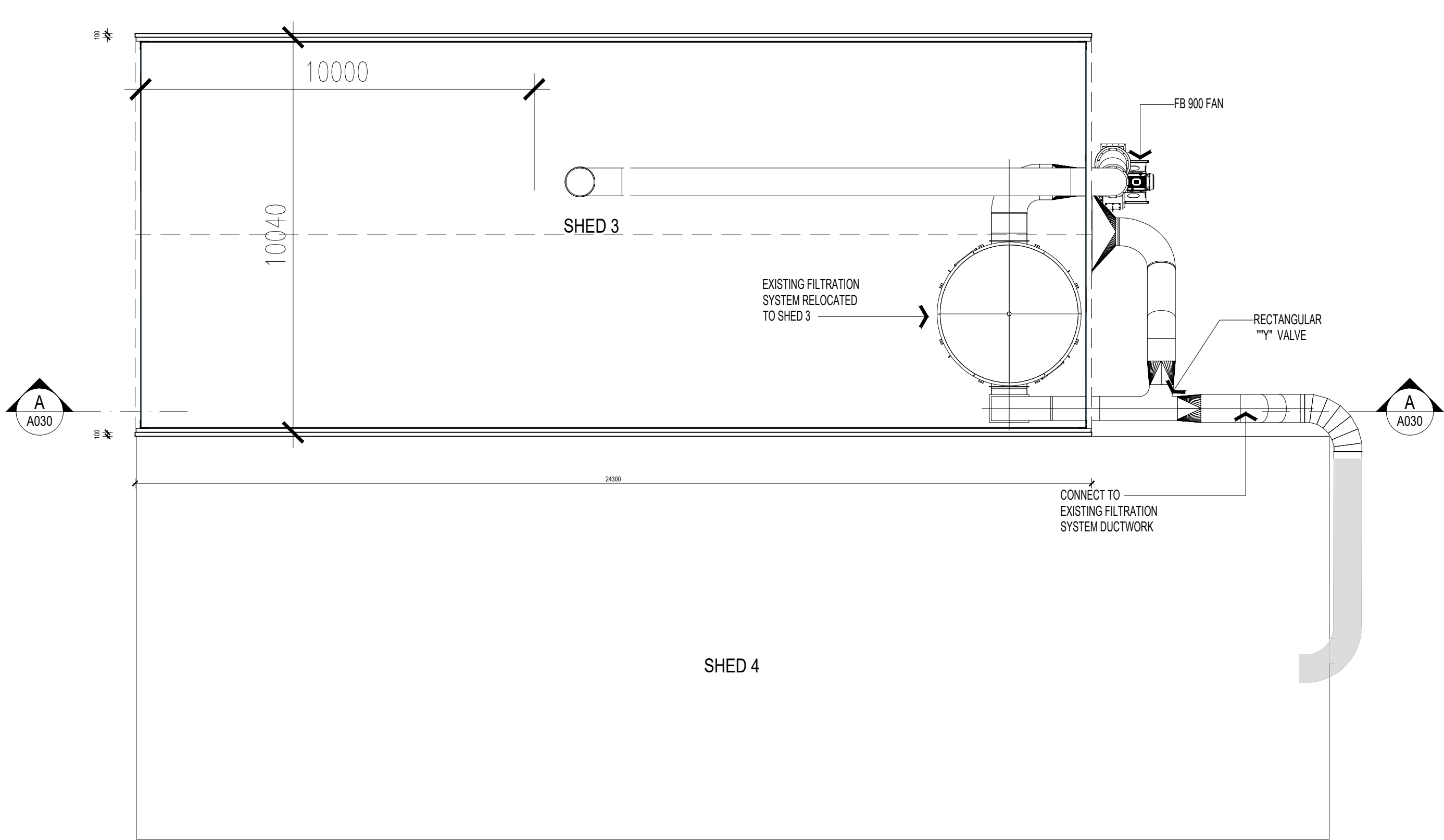
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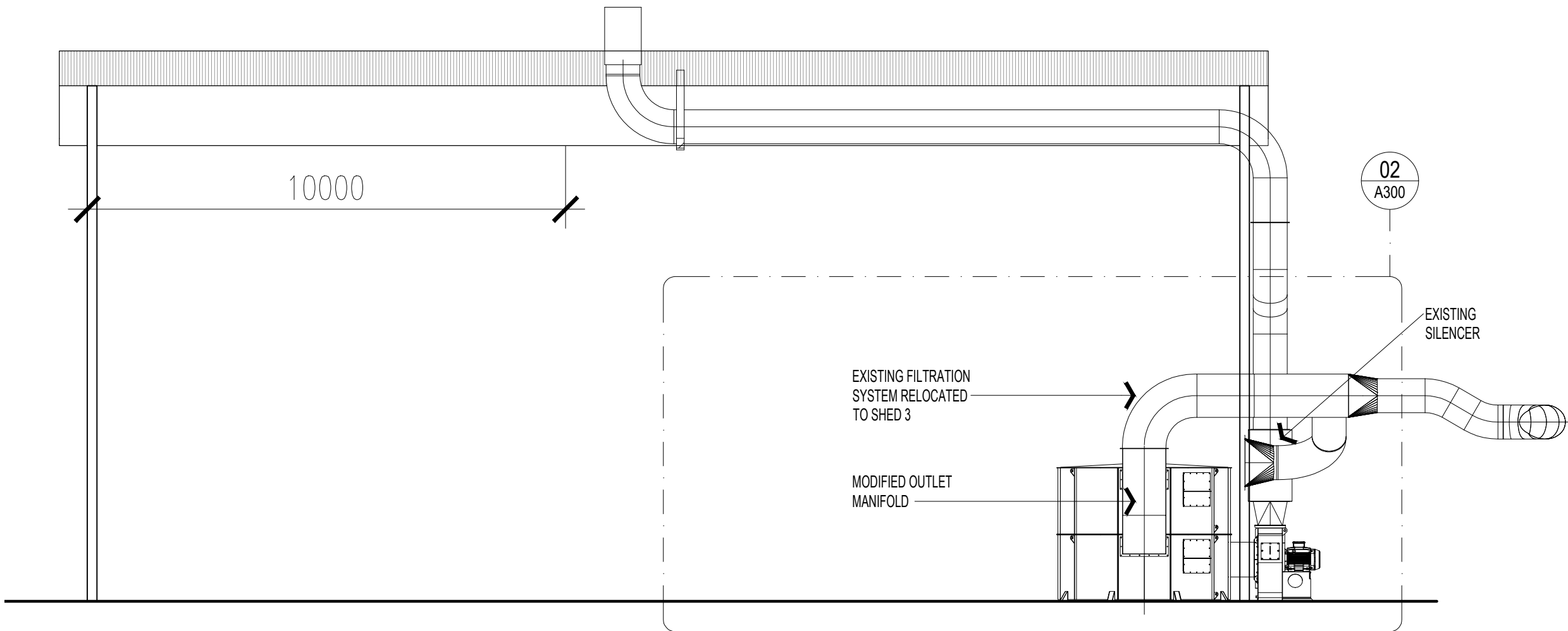
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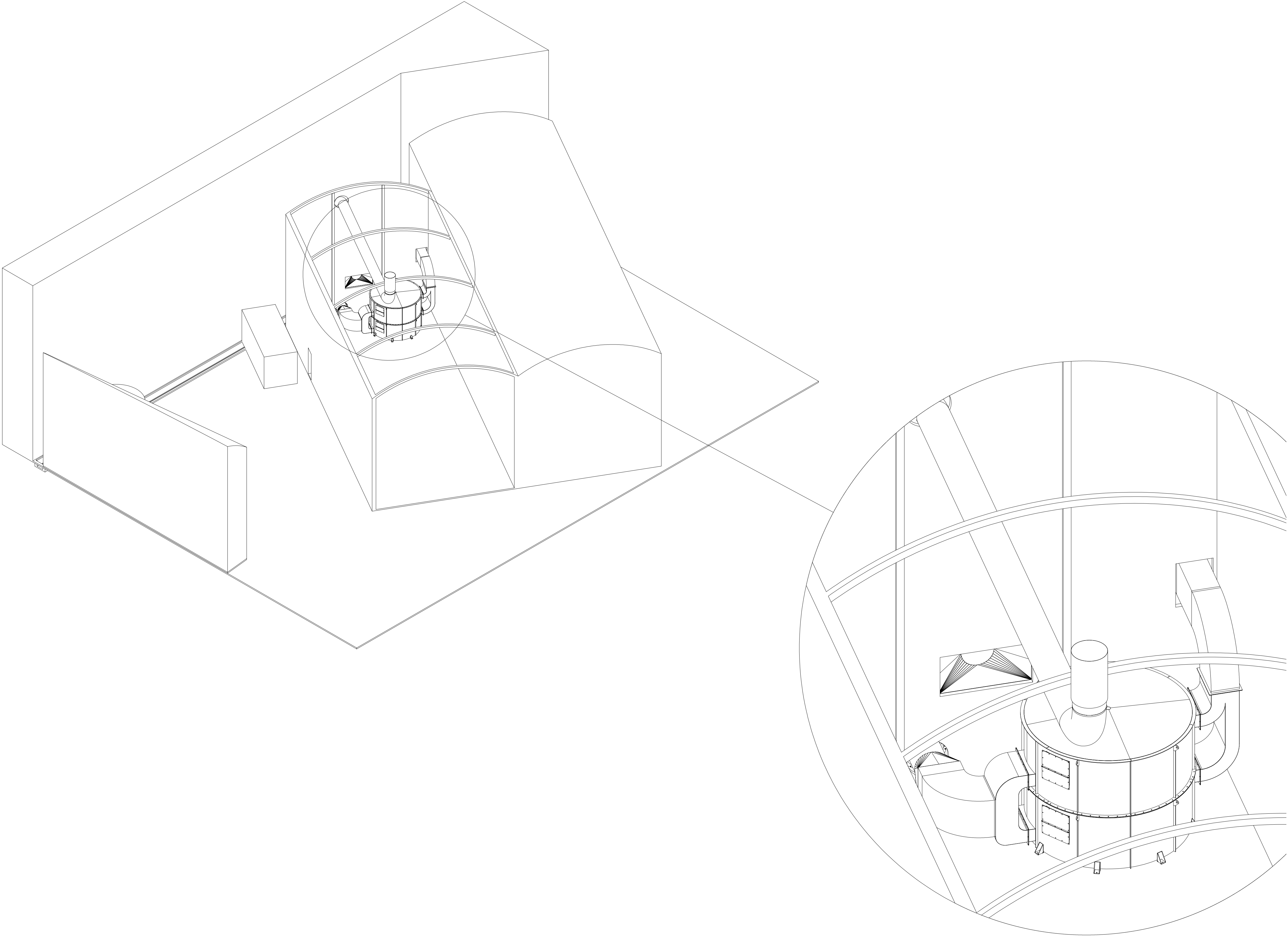




01 SHED 3 FLOOR PLAN



02 SECTION AA



01 ISOMETRIC VIEWS

Select SLR entity.

10 Kings Road, New Lambton NSW 2305, Australia



8 November 2024

SLR Ref No.: 610.19179.00403-L01v0.1-20241108.docx

Attention: Stephen Leathley
Noakes Group Pty Ltd
6 John Street
McMahons Point, NSW 2060

SLR Project No.: 610.19179.00403

Client Reference No.:

**RE: Marine Repair Facility – McMahons Point – Carbon Filtration System
Noise Review**

1.0 Introduction

SLR Consulting Australia Pty Ltd (SLR) has been commissioned by Noakes Group Pty Ltd (Noakes) to conduct a noise review for the proposed relocation and installation of an upgraded ventilation and carbon filtration system as part of ongoing environmental improvements under Environment Protection License 10893 (EPL 10893) to the marine repair facility at 6 John Street, McMahons Point NSW (the Site).

This report provides a synopsis of potential noise impacts arising from the operation of the upgraded carbon filtration system.

2.0 Proposed Carbon Filtration System

As part of a pollution reduction program required in EPL 10893 (completed in April 2021 as noted in G2.1 of the EPL) a noise management plan was prepared detailing Project Noise Trigger Levels (PTNLs) and procedures for minimising, managing and monitoring noise impacts from the Site (refer SLR Report 610.19179.00200-R02-v1.0-20210423 6 John Street, McMahons Point – Noise Management Plan – EPL 10893 Condition U2 dated 23 April).

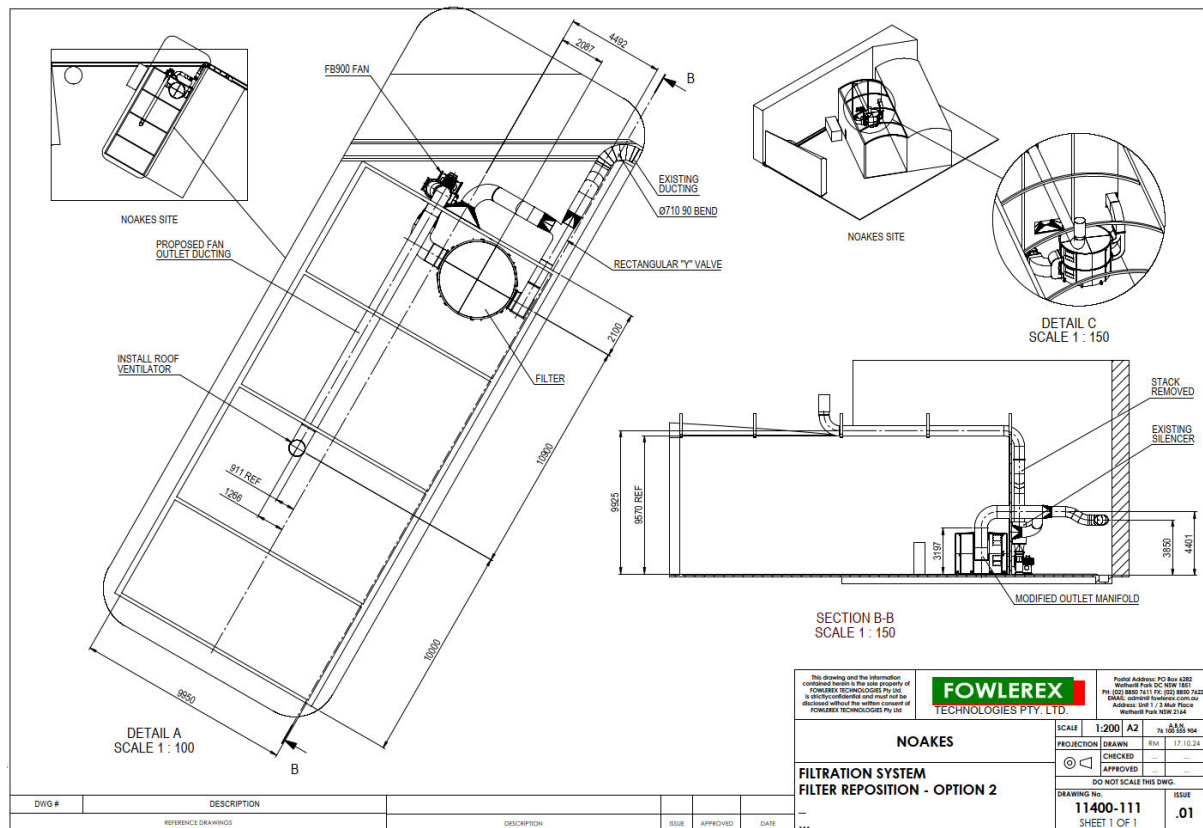
As part of the recommended noise mitigation, along with other measures, upgraded ventilation ductwork was proposed. To aid with the implementation of other air quality improvements to the site it is proposed to install an upgraded carbon filtration system and associated mechanical plant.

The general arrangement and proposed location of the carbon filtration system is shown in **Figure 1**.

Noakes Group Pty Ltd
Marine Repair Facility – McMahon's Point – Carbon Filtration
System

8 November 2024
SLR Project No.: 610.19179.00403
SLR Ref No.: 610.19179.00403-L01v0.1-
20241108.docx

Figure 1 General Arrangement and Location of Proposed Carbon Filtration System



Source – Fowlerex

3.0 Carbon Filtration System Noise Assessment and Methodology

3.1 Project Noise Trigger Level

The NSW Noise Policy for Industry (NPfI) notes the following with regard to determining Project Noise Trigger Levels (PNTLs) for existing industry:

There is no 'one-size fits-all' approach to determine the impact from an existing industry. The following governing principles should be applied when determining the project noise trigger levels and/or assessment requirements for existing industry:

- *Where a development proposal involves a discrete process, and premises-wide mitigation has or is to be considered outside of the development proposal, a project noise trigger level for noise from new/modified components (not the whole site) of the operation may be set at 10 dB(A) or more below existing site noise levels or requirements.*

Given that the addition of the carbon filtration system consists of a discrete system and is part of premises wide noise mitigation, it is considered appropriate to apply the above assessment methodology to the proposed carbon filtration system. PNTLs for the total Site of 53 dBA LAeq(15minute) have been developed, resulting in a PNTL for the carbon filtration system of 43 dBA.



3.2 Noise Model and Predicted Operating Noise Levels

A computer model was used to predict noise emissions from the operation of the carbon filtration system. The noise modelling was undertaken using the CONCAWE algorithms within SoundPLAN v8.2 software. A three dimensional digital terrain map providing relevant topographic information was used in the modelling process. The model used this map, together with noise source data, ground cover, shielding by barriers and/or adjacent buildings and atmospheric information to predict noise levels at the nearest potentially affected receivers

The prediction of carbon filtration system operating noise levels were carried out under standard meteorological conditions.

Sound Power Levels (SWLs) of the carbon filtration system are provided in **Table 1**.

Table 1: Acoustically significant Plant and Equipment – Carbon Filtration System

Carbon Filtration System Component	Data Source	LAeq Sound Power Level
Stack Exhaust	Fowlerex	88 dBA
Motor Casing Breakout	Fowlerex	93 dBA

Predicted noise levels from the carbon filtration system at the nearest residential receivers is provided in **Table 2**.

Table 2: Predicted Noise Levels – Carbon Filtration System

Receiver Location	Predicted Noise Level – LAeq(15minute)	Carbon Filtration System PNTL LAeq(15minute)
John Street	37 dBA	43 dBA
Dumbarton Street	44 dBA	43 dBA
Munro Street	42 dBA	43 dBA

It is noted that an exceedance of the PNTL of up to 1 dBA is predicted at the nearest receiver on Dumbarton Street, predominantly from the carbon filtration stack outlet.

It is understood that the carbon filtration fan design includes an allowance for the provision for an additional silencer if required. With the addition of an additional 2D silencer noise levels are predicted to be within the PNTLs at all receivers. As such it is recommended that commissioning noise testing be conducted to confirm predicted noise levels and, where required, the additional silencer be installed.



Noakes Group Pty Ltd
Marine Repair Facility – McMahon's Point – Carbon Filtration
System

8 November 2024
SLR Project No.: 610.19179.00403
SLR Ref No.: 610.19179.00403-L01v0.1-
20241108.docx

Closure

I trust the foregoing and subsequent assessment provides sufficient details for your current requirements. If you have any questions please do not hesitate to contact me on 02 4037 3240 or mdavenport@slrconsulting.com.

Regards,

SLR Consulting Australia



Martin Davenport
Principal – Noise and Vibration
mdavenport@slrconsulting.com

Checked/
Authorised by: MI



SLR Consulting Australia

202 Submarine School, Sub Base Platypus, High Street, North Sydney NSW 2060,
Australia



14 November 2024

SLR Ref No.: 610.19179-L04-v1.0-20241114.docx

Attention: Stephen Leathley
Noakes Group Pty Ltd
6 John Street,
McMahons Point, Sydney

SLR Project No.: 610.031897.00002

**RE: Marine Repair Facility – McMahons Point
Carbon Filtration System Development Application – Air Quality Impacts**

Introduction

In November 2021, SLR Consulting (Australia) Pty Ltd (SLR) prepared an air quality risk assessment report ('the 2021 AQRA') for the Noakes Group Pty Ltd (Noakes) marine repair facility located at 6 John Street in McMahons Point, Sydney (hereafter 'Site'). As an outcome of the 2021 AQRA, it was recommended that a Carbon Filtration System (CFS) be installed at the site to treat emissions of odour and volatile organic compounds (VOCs) from the sheds. Installation of the CFS was subsequently included as part of the required air quality mitigation works under U1.1e of the facility's Environmental Protection licence (EPL) Notice of Variation Number 10893 (EF13/3370), dated 31 October 2023)

Since the 2021 AQRA was completed, there have been a number of modifications to the facility buildings and operations, and while the CFS has been installed on site at the rear of the wash bay area, it has not yet been commissioned or tested. The wet scrubbers serving Boatsheds 3 and 4 remain in place as the main pollution control systems.

Noakes are now in the process of applying for a Development Application (DA) for the relocation and operation of the CFS inside Boatshed Number 3 (to eliminate visual impacts). This letter report has been prepared to provide a review of the 2021 AQRA methodology and findings, in light of the change to the CFS location, to confirm whether the previous findings are still relevant to the proposed site operations.

Background

The 2021 AQRA included:

- A detailed description of all activities occurring on the site
- A comprehensive inventory of all materials/ products used for performing the identified activities
- Identification of all potential sources of air pollutants (including dust, VOC's and odour) arising from activities undertaken and materials used on the site
- A risk evaluation and assessment of each emission source and their potential impact on air quality
- A description of all currently installed (at the time of writing) emission controls and an evaluation of their effectiveness (based on emission testing)
- Recommended options to reduce air quality impacts (including odour) from the facility

The AQRA included a plume dispersion modelling study, with the pollutant mass emission rates from the identified sources quantified using a combination of emission factors and emission monitoring results. Modelling was performed for particulate matter less than 10 microns in aerodynamic diameter (PM_{10}), particulate matter less than 2.5 microns in aerodynamic diameter ($PM_{2.5}$) and odour, as well as selected VOCs and heavy metals with the highest total emission rate to impact assessment criteria ratios (ie nickel, xylene and propylene oxide). Impacts for other pollutants with lower total emission rate to impact assessment criteria ratios can be expected to be lower than those modelled.

The existing emission sources included in the modelling were as follows, with their locations shown in **Figure 1**:

- Point sources (stacks):
 - Shed 1 & 4 exhaust
 - Shed 3 exhaust
- Fugitive emissions (volume sources):
 - Shed 4
 - Shed 3
 - Shed 1
 - Slipway
 - Encapsulated work area on Hardstand
 - Hardstand fugitive emissions

Figure 1 Emission Sources Modelled in the 2021 AQRA



The results of the 2021 AQRA modelling study concluded that the risk of adverse odour and human health impacts associated with VOC, metal and particulate matter emissions from the site could be reduced to 'Very Low/Negligible' levels through the following modifications:

- Upgrading Shed 1, 3 and 4 cladding and sealing roof vents to reduce openings to maintain a negative pressure in the ventilated space and remove the potential for fugitive emissions.
- Relocation of the shed exhausts to a more central location at the Site to provide increased distance between the emission release point and off-site sensitive receptors
- Treatment of Shed 1, 3 and 4 emissions using a centralised activated carbon adsorption filtration system (the CFS)
- Vertically releasing treated emissions to atmosphere at an increased velocity to provide additional vertical momentum and improved plume dispersion.

Modelling of the CFS exhaust emissions was performed based on the following design information provided by Fowlerex:

- VOC/odour removal efficiency: 95%
- Stack height: 8.0 m
- Stack exit diameter: 0.71 m
- Exhaust velocity: 16.2 m/s
- UTM co-ordinates (m): 333,525 m; 6,253,788 m

The proposed location of the CFS exhaust used in the modelling study is shown in **Figure 1**.

Site Changes

As noted in the Introduction, Noakes is proposing to install the CFS within Shed 3. The exhaust stack will pass through the roof of Shed 3, 10 m from the western end of the building and 1.2 m north of the roof centreline (approximately 333,519 mE, 6,253,784 mN), as shown in **Figure 2**. This is around 7 m southwest of the CFS stack location used in the 2021 AQRA modelling.

The CFS stack release point is proposed to be approximately 1.5 m above the roofline, which is higher than previously assumed, at approximately 11 m above ground level. As shown in **Figure 2**, the stack outlet will be fitted with a rain cowl that does not hinder the upward vertical exit velocity (which remains 16 m/s, as per the AQRA modelling).

Discussion and Conclusions

The 2021 AQRA modelling of emissions from the CFS stack concluded that with 95% control of VOC emissions provided by the activated carbon filter, and elimination of fugitive emissions from the sheds by maintaining negative internal pressures, the potential for off-site concentrations of particulate matter odour, nickel, xylene or propylene oxide concentrations would have a very low to negligible risk of impacts at the nearest sensitive receptors.

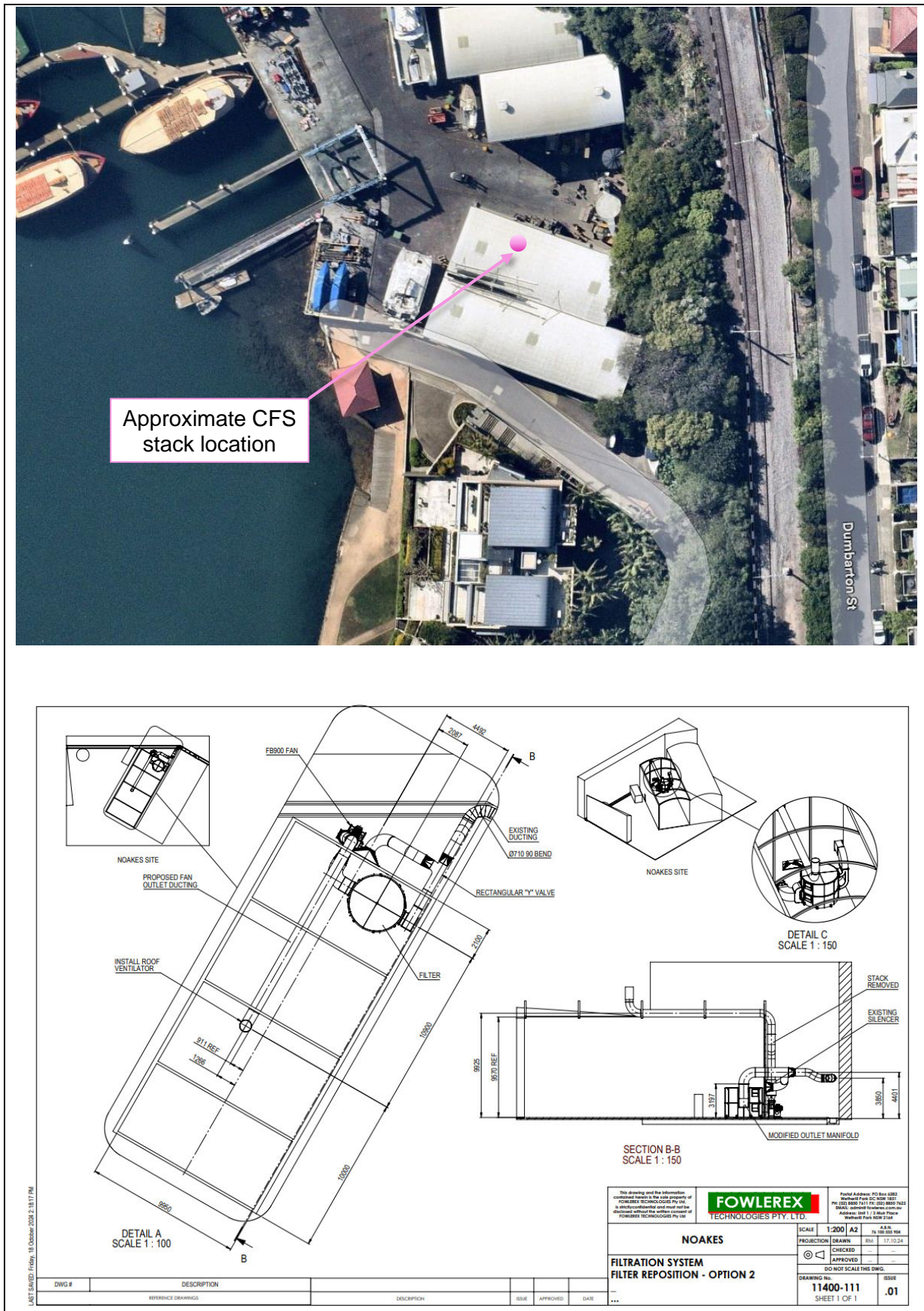
The slight change in the CFS stack outlet location to the southwest, and 3 m increase in the release height, should result in further reductions in potential off-site impacts, mainly due to the increased separation distance from the nearest houses, but possibly also with the improved dispersion afforded by the increased stack height.



Noakes Group Pty Ltd
Marine Repair Facility – McMahon's Point

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Figure 2 Proposed CFS Stack Location



It is noted that the sensitive receptors are at a higher elevation (approximately 20-25 m) than the discharge point. The 2021 AQRA modelling included discrete receptor locations surrounding the site at a range of heights above ground level to account for potential exposures within multi-storey dwellings as well as the complex topography. At all heights above ground, the CFS emission modelling predicted 'Very Low/Negligible' levels, hence the 3 m increase in stack height would not be expected to impact on this conclusion.

Given the above, and based on the information provided to SLR on the proposed CFS stack design, the conclusions of the 2021 AQRA are considered to remain valid for the proposal, the inclusion of the CFS is expected to significantly reduce the risk of odour and VOC impacts from site operations and no further modelling is deemed to be warranted.

Regards,

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