



DATE OF DETERMINATION	Wednesday 9 August 2017
PANEL MEMBERS	Deborah Dearing (Chair), John Roseth, Clare Brown, Michel Reymond, Veronique Marchandean
APOLOGIES	None
DECLARATIONS OF INTEREST	Sue Francis declared a non-pecuniary conflict of interest has a colleague is the applicant for this application.

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 9 August 2017, opened at 1:00 pm and closed at 2:35 pm.

MATTER DETERMINED

2016SNH001 – North Sydney – DA413/16 at 84-89 Atchison Street Crows Nest (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

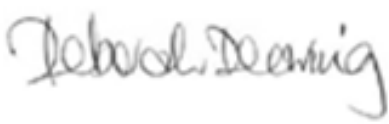


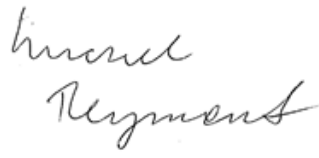

The decision was unanimous.

REASONS FOR THE DECISION

The application proposes a site cover of 57.4% which is a significant exceedance of the 45% site cover provision in the North Sydney DCP 2013. The Panel accepts that this provision is only a DCP control, however, in the absence of a statutory Floor Space Ratio control, the Panel gave this control in the DCP major weight. The exceedance of site cover has flow on effects and results in an inappropriate building scale and bulk. The Panel notes that the applicant justified its proposal by reference to a previous approval on the site. The Panel accepts the council assessment planner's view that that approval exceeded the site cover control only to a very minor extent (46%).

The proposal does not comply with the visual privacy requirements of the ADG in that setbacks of the fifth storey are inadequate along both the western and northern boundaries.

The Panel notes that amended drawings were tabled and briefly reviewed by the Council planner at the meeting. However the proposed amended layout of the fifth storey appears to present a worse configuration than the original proposal.

PANEL MEMBERS	
 Deborah Dearing (Chair)	 John Roseth
 Clare Brown	 Michel Reymond
 Veronique Marchand	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SNH001 – North Sydney – DA413/16
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a residential flat building.
3	STREET ADDRESS	84-89 Atchison Street Crows Nest
4	APPLICANT/OWNER	86 Dunning Avenue
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No.65 – Design Quality of Residential Apartment ○ State Environmental Planning Policy No.55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 ○ North Sydney Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ North Sydney Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Claus 92(b) • 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: 28 July 2017 • Written submissions during public exhibition: 17 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In objection: Janet Smith, Kathryn Ballard ○ On behalf of the applicant: David Ryan, Richard Huxley
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting: 10 May 2017 • Final briefing meeting to discuss council's recommendation, 9 August 2017 at 12:30 pm. Attendees: <ul style="list-style-type: none"> ○ Panel members: Deborah Dearing (Chair), John Roseth, Clare Brown, Michel Reymond, Veronique Marchandean ○ Council assessment staff: George Youhanna
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided