

DATE OF DETERMINATION	16 June 2022
DATE OF PANEL DECISION	15 June 2022
DATE OF PANEL MEETING	15 June 2022
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Ken Robinson and Kevin Alker
APOLOGIES	Virginia Waller
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 09 June 2022.

MATTER DETERMINED

PPSSNH-289 - DA 442/21 – North Sydney, 27-57 Falcon Street, Crows Nest, Construction of three residential flat buildings and nine townhouses, with three levels of basement parking (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 approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel's decision was unanimous.

REASONS FOR DECISION

The development application seeks approval to construct 74 apartments in 3 residential flat buildings, to a compliant maximum height of 21 metres, and 9 townhouses. The proposal includes 3 basement levels providing 94 car parking spaces, 95 bicycle parking spaces and 9 motorcycle spaces.

The rectangular project site has an area of 4,325 sq metres between Falcon Street and Hayberry and Alexander Lanes. It is located on the eastern side of the Crows Nest town centre, 1.3 kilometres north of the North Sydney CBD and 1 kilometre southwest of the St Leonard's town centre. The site is zoned R4 High Density Residential as a result of site-specific amendments to North Sydney's LEP 2013.

The final proposed design is the result of extensive consultation between Applicant, Council and Community and the Panel further notes that Council's Design Excellence Panel considered the proposal and the Panel's advice has largely been adopted in the revised development.

The Panel agrees the proposed development has been properly assessed with respect to the objects and relevant Sections of the EP&A Act, as well as the objectives, merit based considerations, development standards and prescriptive controls of various SEPPs, the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013.

The Panel concurs with Council that the proposed development is consistent with the form of development anticipated by the Planning Proposal process and provided for in the site-specific LEP and DCP provisions and that approval of the proposal would be in the public interest.






CONDITIONS

The Panel, Applicant and Council discussed amended conditions relating to acoustic treatment between apartments and fire hydrant concealment. The DA was approved subject to the revised conditions detailed in Council's email dated 15th June 2022.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 7 written submissions made during the public exhibition of the proposal. Issues raised included setbacks, non-compliances, pedestrian safety, traffic impacts, footpath width, building height, unit mix and parking.

The Panel considers concerns raised in submissions have been adequately addressed in the Assessment Report and in the amended conditions.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-289 - DA 442/21 – North Sydney
2	PROPOSED DEVELOPMENT	Construction of three residential flat buildings and nine townhouses, with three levels of basement parking
3	STREET ADDRESS	27-57 Falcon Street, Crows Nest
4	APPLICANT/OWNER	Crows Nest Development Property Limited
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value (CIV) over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Zoning – R4 High Density Residential SEPP (Resilience and Hazards) 2021 SEPP (Biodiversity and Conservation) 2021 North Sydney LEP 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>: 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 with draft conditions of consent Architectural Plans Landscape Plans Architectural Design Report (SEPP 65/ADG) Written submissions during public exhibition: 7 Council Assessment Officers – George Youhanna On behalf of the applicant – Leigh Manser, Andrew MacBride, Tom Goode, Ella Coleman, Brian Mariotti
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Briefing – 16 March 2022 E Determination – 15 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Ken Robinson and Kevin Alker <u>Council assessment staff</u>: George Youhanna <u>Applicant</u>: Leigh Manser, Andrew MacBride, Tom Goode, Ella

		Coleman and Brian Mariotti
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report