

Objection to the State Significant Development Application for a Mixed-Use Development at 270 Pacific Highway, Crows Nest (SSD-79658964)

1.0 Introduction

This submission is made in objection to the State Significant Development Application (SSDA) for a 16-storey mixed-use development at 270 Pacific Highway, Crows Nest.

While the proposal's strategic intent to deliver housing within a Transport Oriented Development (TOD) precinct is acknowledged, the application as submitted is:

1. premature,
2. contains significant internal inconsistencies, and
3. fails to comply with key procedural and environmental assessment requirements.

The supporting documentation is compromised by contradictory information and underdeveloped justifications for significant departures from established planning standards.

For these reasons, the proposal is not in the public interest and should be refused in its current form.

2.0 Grounds for Objection

2.1 The Application is Premature and Speculative

The fundamental basis of the application is illogical. The proposal relies entirely on a non-residential Floor Space Ratio (FSR) 1:1, which is not currently permitted on the site. The existing, legally enforceable control under the *North Sydney Local Environmental Plan 2013* is a non-residential FSR of 5.6:1, which prohibits the proposed residential component.

The applicant is seeking to change this control via a separate and as-yet-undetermined *Planning Report*. The Environmental Impact Statement (EIS) assesses a hypothetical scenario as if this change were already approved, failing to adequately address the significant planning risk that the FSR amendment may be refused or altered. This makes a proper assessment of the project impossible and renders the application premature.

2.2 Inadequate and Inconsistent Environmental Assessment

The integrity of the EIS is undermined by significant contradictions and flaws in its supporting technical documents.

- **Flawed Waste Management Assessment:** A major incongruity exists across all waste management documentation. Both the *Construction & Demolition Waste Management Plan* and the *Operational Waste Management Plan* describe the project as consisting of "two towers". This directly contradicts the main EIS and architectural plans, which detail a single, 16-storey building. This error indicates that the waste assessments are based on an outdated design, making their quantitative calculations for waste volumes, bin numbers, and collection frequencies fundamentally unreliable.
- **Inconsistent Economic and Costing Data:** The submission presents conflicting figures for the project's cost. The official *Estimated Development Cost (EDC) Report* states a value of \$176.670,000. However, the *Market and Economic Assessment* uses a different "total capital cost of \$159m" to conduct its economic impact analysis. This unexplained \$17.67 million discrepancy creates uncertainty and undermines the credibility of the project's economic justification.

2.3 Failure to Meet Key Development Standards and Local Policy Objectives

The proposal seeks approval for a design that departs significantly from established development standards and fails to meet local environmental goals, with underdeveloped justifications provided.

- **Unjustified Departure from Solar Access Standards:** The proposal acknowledges that only 19% of apartments will receive the minimum two hours of direct sunlight in mid-winter, a major departure from the 70% benchmark in the Apartment Design Guide (ADG). The justification - relying on flexibility for BTR projects and providing more communal open space - is underdeveloped given the sheer scale of the non-compliance. This represents a poor amenity outcome for a significant majority of future residents.
- **Significant Shortfall in Tree Canopy Provision:** The *Landscape Report* shows the proposal will achieve only 5% tree canopy cover. This is a significant shortfall when compared to the 15% canopy cover target for the area set by the *North Sydney Council Urban Forest Strategy 2019*. The application fails to adequately pursue a design that meets this important local environmental goal.
- **Illogical Justification for Excessive Car Parking:** The proposal includes 45 car parking spaces for the medical centre, a surplus of 38 spaces above the 7 required by the NSDCP 2013. The EIS justifies this surplus by citing an alternative DCP rate that is not applicable to the site. This represents an illogical justification for a significant over-provision of parking in a TOD precinct where reduced car dependency is a primary objective.

2.4 Non-Compliance with SEARs

The EIS has been prepared without proper adherence to the Planning Secretary's Environmental Assessment Requirements (SEARs), demonstrating significant procedural deficiencies.

- **SEAR 4 - Engagement:** The SEARs require that relevant government agencies *must* be consulted. The EIS justifies not re-engaging with key agencies like North Sydney Council and TfNSW by citing consultation undertaken for a previous, different development application for a wholly commercial building. This is not compliant. A new application for a mixed-use residential project warrants fresh consultation.
- **SEAR 5 - Design Quality:** The SEARs require a review by the State Design Review Panel (SDRP) to ensure design excellence. The EIS states that the proponent "voluntarily opted out of the SDRP process". Bypassing this formal, independent design review for a project of this scale represents a procedural weakness and a failure to robustly demonstrate design excellence.
- **SEAR 18 - Social Impact:** The SEARs require a full Social Impact Assessment (SIA) if significant social impacts are identified. Instead, the submission provides a "Social and Community Needs Assessment". A development of this scale in a rapidly changing precinct warrants the more rigorous analysis of a formal SIA as per the government's guideline.

3.0 Conclusion

While the objective of providing housing in a TOD precinct is supported in principle, this specific application is demonstrably flawed. It is a premature proposal that relies on an uncertain planning outcome, is supported by inconsistent and inaccurate technical assessments, and fails to comply with key procedural requirements set by the Secretary.

The number of inconsistencies and underdeveloped justifications prevents a proper and thorough assessment of the project's true impacts. Therefore, it is respectfully requested that the application (SSD-79658964) be refused. The application should not be reconsidered until the separate Planning Proposal for the site's FSR control has been determined and a revised, consistent, and compliant EIS is submitted for public exhibition.