



S U P P L E M E N T A R Y A S S E S S M E N T R E P O R T

TO: SYDNEY NORTH PLANNING PANEL

Chair: Peter Debnam

Panel Members: Brian Kirk (Panel Member), Sue Francis (Panel Member)

CC: STEPHEN BEATTIE, MANAGER DEVELOPMENT SERVICES & ISOBELLA LUCIC, TEAM LEADER ASSESSMENTS

FROM: THOMAS HOLMAN, SENIOR ASSESSMENT OFFICER

DATE: 31 July 2026

RE: **DA 360/25 – 70-76 ALEXANDER STREET, CROWS NEST – DEFERRAL OF DETERMINATION - NSLPP MEETING 05 AUGUST 2026**

BACKGROUND:

The above-mentioned development application was considered by the Sydney North Planning Panel (SNPP) at its meeting on 15 July 2026. Below are details concerning the matter deferred, reasons for referral and subsequent actions.

MATTER DEFERRED

PPSSNH – North Sydney – DA 360/2025 at 70-76 Alexander Street, Crows Nest NSW 2065 – Construction of a mixed use development (ILUs).

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the briefing listed at item 8 in Schedule 1.

As requested by the applicant, the Panel resolved to defer the determination of the matter until 5 August 2026. The matter was deferred to allow for the assessment of amended plans which were provided to Council by the Applicant this week.

The decision to defer the matter was unanimous.

ACTIONS

To allow the progression of the Development Application to determination, the Panel directed that:

1. The Applicant shall provide and upload all documentation including a formal written request to amend the application to the Planning Portal by 17 July;
2. The Panel will reconvene on 5 August to allow Council to provide the Panel with a preliminary assessment of the amendments, and the Panel will then determine the matter.

ASSESSMENT OF AMENDED PLANS

Amended Architectural Plans were received on 15 July 2026 for consideration, and an assessment has been considered as follows. Note the assessment is not comprehensive but primarily whether amendments

satisfy the previously recommended reasons for refusal presented to the Panel in the original Council Assessment Report.

1. Height of Building (Clause 4.3 Height of Building)

The amended architectural plans propose a building with the following heights.

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	16 metres	24.4 metres (lift overrun) 23.6m (roof) 20.3m (Level 6) 17.9m (Level 5 Parapet)	No

The location and extent of the non-compliance is provided in the height plane diagram images below:

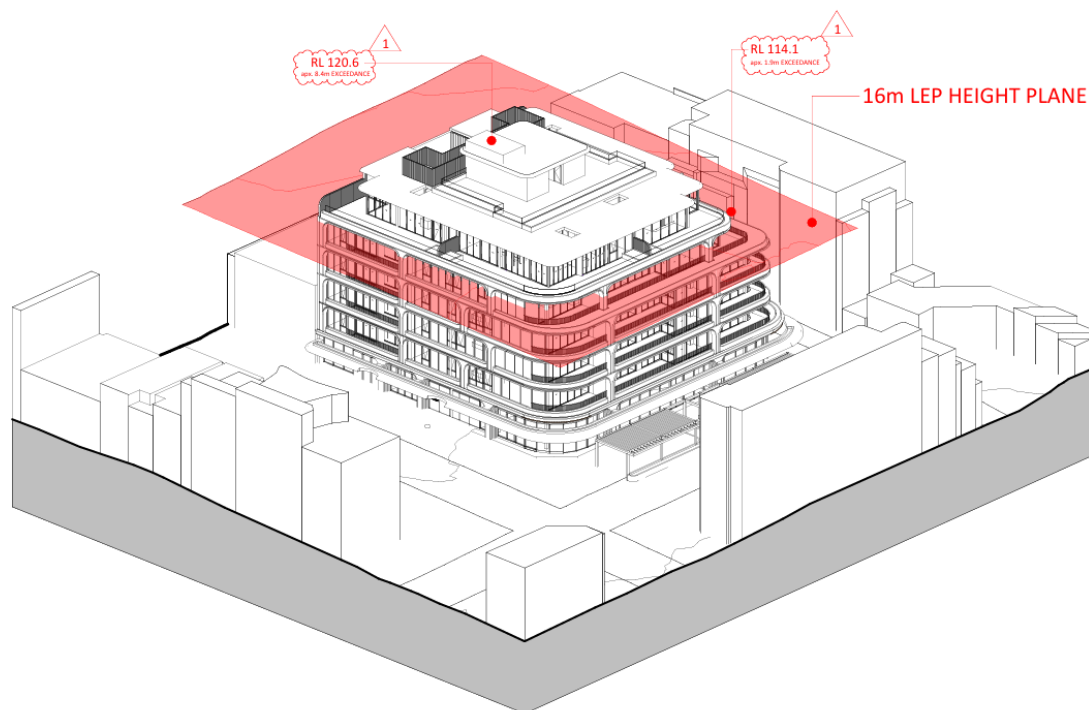


Figure 1 – 16m Height Plane Diagram – View 1 – A0400 Rev J

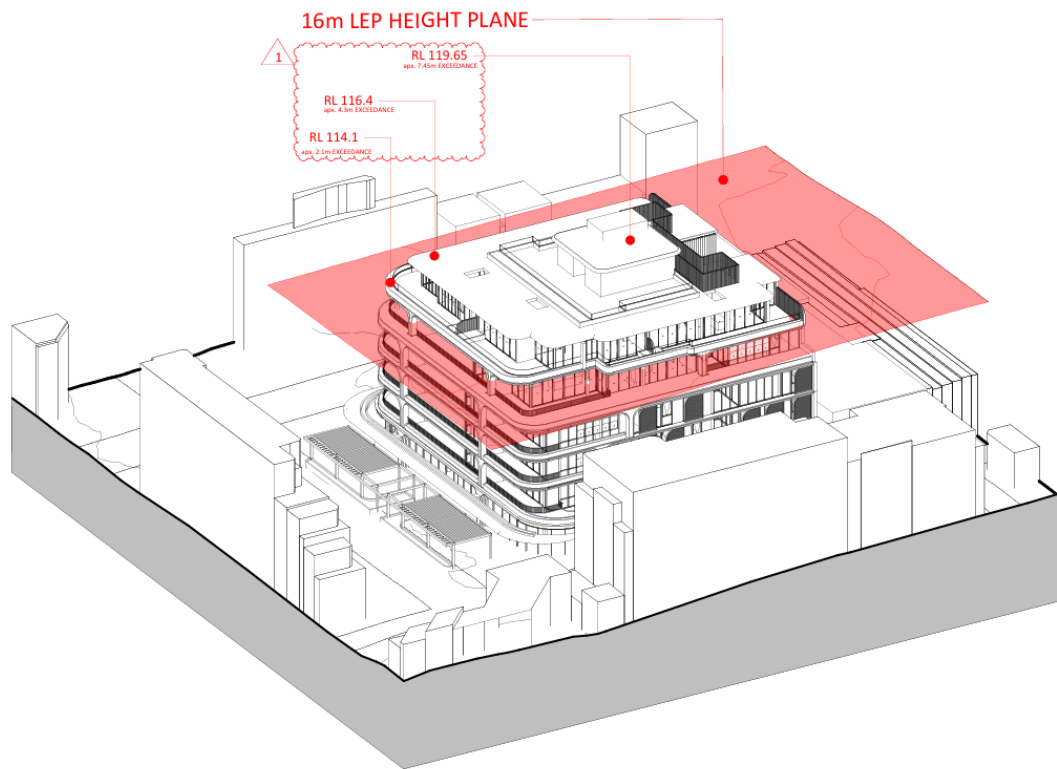


Figure 2 – 16m Height Plane Diagram – View 2 – A0400 Rev J

The amended Architectural Plans do not address reasons for refusal concerning Height of Building, and it is maintained the development application should be refused because the height of the building is excessive and fails to comply with the maximum building height development standard contained within the North Sydney Local Environmental Plan 2013 (NSLEP 2013).

REASONS THE AMENDED PLANS SHOULD NOT BE SUPPORTED

- The building comprises of seven storeys (including roof) and a height of 23.6m to the roof (exceedance of 7.6m) and 24.4m to the lift overrun (exceedance of 8.4m). The proposed height is substantially greater than the 16m maximum height permitted for the site and exceeds the height of any adjoining sites that are limited to 10m, as well as the nearby R2 Low Density Residential Zoned Land.
- The additional shadow cast from the proposed development would affect one (1) east facing apartment (U35) of 13 Ernest Place. The shadow cast from the proposal would impact a window of U35 and would prevent access to sunlight at varying degrees between 9am-10am in mid-winter (21 June). The proposal is contrary to Objective (1)(c), Clause 4.3 'Height of Building' in NSLEP 2013 not strictly compliant because the development does not maintain solar access to existing dwellings (U35).
- The shadow cast from non-compliant building elements which exceed the maximum building height casts shadow over Willoughby Lane at 10am in mid-winter and additional shadow across Alexander Street in the afternoon hours between 1pm and 3pm in mid-winter. Mid-summer shadow diagrams also confirm shadows cast over Alexander Street particularly at 2pm. Clause 4.3(1)(c) 'Height of Buildings' is not satisfactorily addressed nor is a variation to the objective satisfied in terms of not maintaining solar access to existing streets.
- The site is subject to a maximum building height of 16m which is the same height for lots in a northern and southern location between Alexander Street and Willoughby Lane. Land to the west and east of the site have a lesser maximum building height of 10m. To the east approximately 60m from the subject site is low density residential land with a maximum 8.5m building height. The low density residential land is also the Holtermann Estate B Conservation Area. The development is not compatible with its surrounds including compatibility and a

transition in bulk and scale to the nearby R2 Low Density Residential Zone. The development therefore does not meet Objective (1)(e) in Clause 4.3 'Height of Building' of NSLEP 2013.

- Surrounding buildings in the general locality comprise 3 storey buildings and although there are instances of properties with a greater scale such as 78-80 Alexander Street (4-5 storeys) and 13 Ernest Place (4 storeys) they still are substantially less in height. The development due to its excessive height is not sensitively integrated with its surrounds and the building scale does not support the local context or future character of the area contrary to Objective 4.2.2, Section 4.2 'Typology and scale' of the Seniors Housing Design Guide. The development is contrary to Objective (1)(f) in Clause 4.3 'Height of Building' of NSLEP 2013.
- The amended plans are not supported by a revised Clause 4.6 Variation Request by the required timeframe of 17 July stipulated in the record of deferral. Nonetheless, the revised Cl. 4.6 uploaded to the Portal on 29 and 31 July 2026 is substantially the same as originally assessed and it is maintained that no development consent should be granted for the development which contravenes the development standard Cl. 4.3 'Height of Buildings' because the Applicant has not demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances and there are insufficient environmental planning grounds to justify the contravention of the development standard.
- The development height exceedance is contrary to the provisions of Cl. 4.3(3) of NSLEP 2013. In addition, the degree of flexibility sought in applying development standard Cl. 4.3 is not appropriate in the context of the site, not would a better outcome be achieved due to the exceedance in height. The development fails to satisfy Objectives 1(a) and 1(b) of Cl. 4.6 in NSLEP 2013.

2. Quality Built Form & Podiums

The amended plans propose a podium height for the proposed building of five (5) storeys to Alexander Street, four (4) storeys to Ernest Street and three/four (3 to 4) storeys to Willoughby Lane. Below are sections of the various parts of the building and storeys that face adjoining streets and Willoughby Lane.

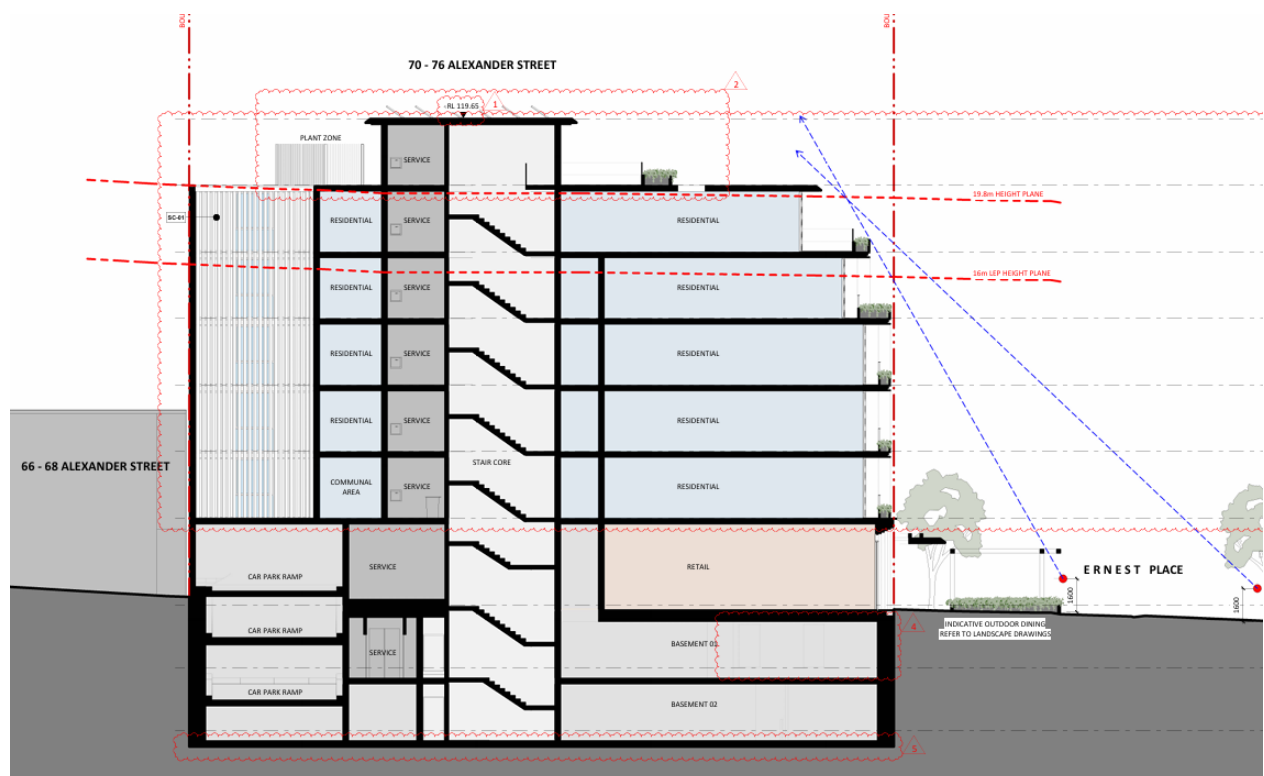


Figure 3 – Section 01 – A0300 Rev M

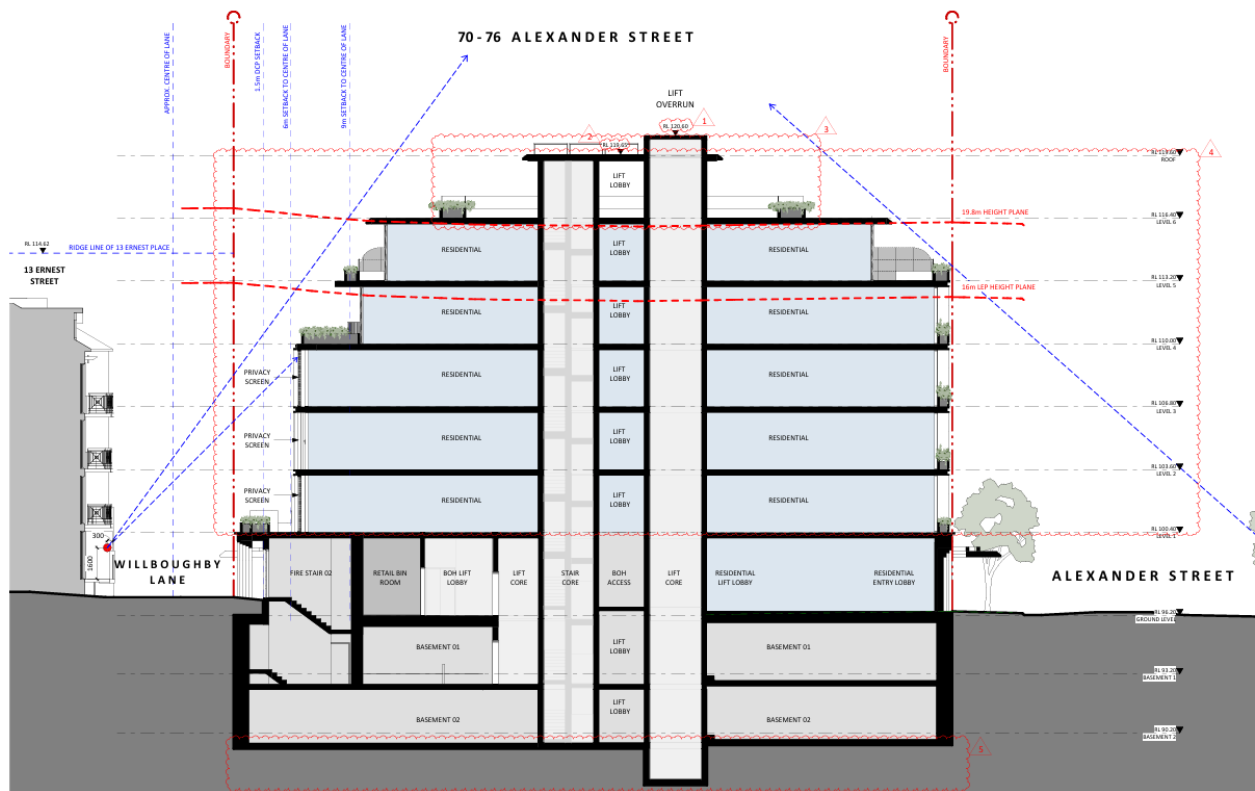


Figure 4 – Section 02 – A0301 Rev L

The development application should be refused because the built form specifically the podium heights and scale of built form for the rooftop are excessive and the development does not comply with the applicable Objectives and Provisions contained within Section 2.4 'Quality Built Form' in Section 2 – Development in Employment and Mixed Use Zones of the North Sydney DCP 2025.

REASONS THE AMENDED PLANS SHOULD NOT BE SUPPORTED

- The site is subject to a four (4) storey podium requirement for Ernest Street and Alexander Street and a three (3) storey podium requirement for Willoughby Lane. The Podium Heights Map in Figure F-3.2-4, Section 3.2.3.4 'Podium Heights' of the Crows Nest Town Centre Character Statement stipulated area specific podium height controls.
- The podium height for the proposed building is five (5) storeys to Alexander Street not in accordance with the desired built form directions for the Crows Nest Town Centre Character Statement contrary to Provision P1, Section 3.2.3.4 of the Character Statement and Provision P1, Section 2.4.3 of Section 2 – Development in Employment and Mixed Use Zones.
- The above podium setback to Ernest Street measures approximately 2.3m not compliant with the 3m above podium setback in Figure F-3.2-5, Section 3.2.3.5 'Above Podium Setbacks' of the Crows Nest Town Centre Character Statement.
- The podium height to Alexander Street is excessively high for its corner location and is not in accordance with the desired built form directions for the Crows Nest Town Centre Character Statement contrary to Provision P1, Section 3.2.3.4 of the Character Statement and Provision P1, Section 2.4.3 of Section 2 – Development in Employment and Mixed Use Zones. The above podium setback to Ernest Street is insufficient not in accordance with the directions in Provision P1, Section 3.2.3.5 of the Character Statement and the above podium setback does not achieve an appropriate scale of building to the street and public domain contrary to Objective O2, Section 3.2.3.5.

3. Social Impact and Housing Diversity

The Development Application should be refused because it does not provide sufficient diversity or variety of housing choice. It is noted the amended plans seek to replace some three (3) bedroom apartments with two (2) bedrooms apartments and study rooms but having very little change in the apartments size remaining large apartments. The particulars in the original recommended reasons for refusal remain relevant including concerns regarding the limited housing diversity by the North Sydney Council Design Excellence Panel and Council's Community Worker and Social Planner as well as non-compliances with relevant Objectives and Provisions in the NSDCP 2025 and Objectives and Design Guidance in the Seniors Housing Design Guide.

REASONS THE AMENDED PLANS SHOULD NOT BE SUPPORTED

- The original proposal provided for 96% 3 (23) bedroom dwellings and only 4% 2 (1) bedroom dwellings. This represented a poor outcome in terms of housing diversity and affordability and was not supported by the Design Excellence Panel. It was requested that additional 2 bedroom dwellings should be considered. The amended scheme proposes 57% 3 (13) bedroom dwellings, 35% 2 (8) bed + study dwellings and 8% 1 (2) bed dwellings. Although the housing mix appears to have been amended it is noted the units remain predominantly large in size and with 2 bedroom units akin to a large 3 bedroom apartment.
- The seniors housing diversity in the development continues to not satisfy Objectives 4.7.1 and 4.7.4 and Design Guidance 4.7.7 in Section 4.7 'Local Character' of the Seniors Housing Design Guide. There is not a diversity in retirement living indicative of the predominance of 3 bedroom independent living units or large 2 bed apartments capable of being 3 bedroom apartments, giving older people no variety in choice other than a generalist large style form of accommodation.
- The predominance of large three (3) bedroom apartments as well as the proposed large two (2) bedroom plus study apartments does not provide a mixed residential population in terms of housing diversity for seniors housing and is not considered to meet Objective O1, s1.2.1 'Population Mix' of NSDCP 2025.
- The development lack in housing diversity due to the predominance of three (3) bedroom independent living units and large two (2) bedroom plus study apartments does not satisfy Cl. 1.2(g) 'Aims of Plan' of NSLEP 2013 because a more varied mix of housing would adhere to the aim of providing a full range of housing.

4. Amenity

The amended plans include moveable privacy screening to the western elevations for Levels 01 – 03. A lightwell is proposed measuring 6m x 6m to serve Levels 01 – 05.

The development should be refused because it would result in poor access to sunlight for south eastern facing apartments, insufficient privacy measures for lower levels units facing Willoughby Lane and the lightwell provides a poor amenity for bedrooms with their only openings on to this space with these spaces having poor standards of daylight and ventilation contrary to the design requirements of the Seniors Housing Guide and the Apartment Design Guide (ADG).

The development subject to the latest plans do not satisfactorily address the original reasons for refusal presented to the Sydney North Planning Panel which are stipulated below with insufficient privacy measures sought, an over reliance on a lightwell for habitable rooms and it is maintained the Level 5 south eastern apartment does not achieve the minimum 2 hours solar access as per the requirements in Design Criteria 1, Objective 4A-1 'Solar and daylight access' of the ADG.

REASONS THE AMENDED PLANS SHOULD NOT BE SUPPORTED

- The ADG can be used where applicable to assist in the design of Seniors Housing as per Section 18.0 'Alignment with the Apartment Design Guide' of the Seniors Housing Design Guide.
- The extent of privacy screens to the west elevation of levels 1 – 3 should be modified to ensure an appropriate balance between light and ventilation and privacy between existing residential units at 13 Ernest Street.
- The lower 3 levels of have a limited setback to Willoughby Lane (approximately 2-3 metres to the boundary adjoining Willoughby Lane) and the proximity of east facing apartments from 13 Ernest Place to the subject site warrants improved mitigation measures beyond that proposed for levels 1 – 3.
- The development fails to provide sufficient design elements to increase privacy of the western lower level apartments pursuant to the directions in Objective 3F-2 'Visual Privacy' of the ADG.
- The design of the level 1 – 3 west facing apartments do not satisfy Design Principle 2(a) 'Visual and acoustic privacy' of SEPP Housing 2021 with inadequate site planning, consideration of the location and design of windows and balconies or the use of screening and landscaping to improve the visual privacy to both adjacent apartments at 13 Ernest Place and also future residents of the independent living units.
- To achieve cross ventilation a total of ten (10) apartments out of a total twenty four (24) apartments rely on a lightwell. Whilst the lightwell may be an effective a primary source of outlook, daylight or ventilation for habitable rooms, the dimensions of the lightwell are insufficient for enabling cross ventilation which is worsened for lower level apartments.
- The development is contrary to Objective 4B-1 'Natural Ventilation' and associated Design Guidance that is not in support of lightwells as a primary air source for habitable rooms.
- The development due to the over reliance on an inefficient means of ventilation via a lightwell does not satisfy the relevant Design Guidance 6.1.6 (below) in Section 6.1 Care of the Seniors Housing Design Guide.
- South eastern corner apartments do not receive sufficient solar access, and the mid-winter Sun View Diagram also indicates Level 5 south eastern apartment does not achieve the minimum 2 hours solar access as per the requirements in Design Criteria 1, Objective 4A-1 'Solar and daylight access' of the ADG.
- The development due to the poor access to sunlight for the south eastern apartments on all levels is not indicative of a building with a design that promotes access to sunlight and does not satisfy the relevant Design Guidance 6.1.6 in Section 6.1 Care of the Seniors Housing Design Guide.
- The development does not provide residents of the building with adequate daylight contrary to Design Principle 3(a) 'Solar access and design for climate' of SEPP Housing 2021.
- The proposal continues to unreasonably impact future potential development to the south.

5. Traffic, Parking and Access

The amended plans propose substantial amendments to the basements reducing from three (3) to two (2) basements and the number of parking spaces have been amended as well as the layout of the basements. The latest amended plans have not been supported by a fully revised Traffic and Parking Statement prior to the 17 July, nor has a full review been completed by Council's Traffic Engineer. Below is a high level review based on the amended plans concerning parking provision as well as alternative parking provision and provision of end of trip facilities.

Section 4 Car Parking and Transport of North Sydney DCP 2025		
4.2 Parking Provision	Yes	Provision P1 states on-site car parking must not exceed rates stated in Table D-4.1. Seniors Housing $1/5 \text{ dw} = 23 \text{ units} / 5 = 5 \text{ car spaces}$. However, pursuant to the car parking non-discretionary development standard for independent living units in Section 108 of the Housing SEPP 2021 at least 0.5 parking spaces for each bedroom applies. 59 bedrooms would result in a minimum 29.5 car parking spaces. The plans indicate the two basements would provide a compliant 30 car parking spaces. For non-residential development the rate of 1 space per 400m² non-residential GFA applies. A total of 2 retail spaces is proposed which complies with the maximum rate for non-residential parking in Table D-4.2, s4.2 of NSDCP 2025.
4.3 Design and Layout	No	It is noted that the car parking spaces in both basements have varying widths. The supporting Traffic Report received on 30 July 2026 states the internal basement layout including parking can comply with the requirements of AS2890. However, the Traffic Report does not consider the car parking spaces against the requirements of Schedule 4, Part 1, subpart 4 'Car Parking' of the State Environmental Planning Policy (Housing) 2021 with regards to suitable size of parking spaces.
4.4 Loading and Serving Facilities	No	An on-site loading bay is proposed located within Basement 01 which is a requirement for all commercial premises pursuant to Provision P1, s4.4 'Loading and Servicing Facilities' of NSDCP 2025. The suitability of the loading zone is supported by a Traffic Engineer (Traffic Report received 30 July) but has not been subject to additional referral to Council's Traffic Engineer.
4.5 Bicycle Parking and Associated Facilities	No	Below is table detailing the residential and non-residential bicycle parking rates confirming compliance with the rates stipulated in Table D-4.4, s4.5 of NSDCP 2025.

Bicycle DCP parking rates	Parking requirements	Parking provision	Compliance
Residential accommodation	1 / 1 dwelling = 23	It is not clearly annotated on the Basement B01 plan that sufficient parking is provided.	No
Residential Visitors	1 / 10 dwellings = 3	It is not clearly annotated on the plans that sufficient parking is provided.	No
Retail Premises	1 / 250m ² GFA (699.9) = 3	It is not clearly annotated that sufficient parking is provided.	No
Retail Customer	2 + 1 / 100m ² over 100m ² GFA (699.9) = 10		
4.5 Bicycle Parking and Associated Facilities		No	Provision P9 requires the following: (a) 1 personal locker for each bike parking space; (b) 1 shower and change cubicle for up to 10 bike parking spaces; (e) Showers and change facilities may be provided in the form of shower and change cubicles in a unisex area or in both female and male change rooms; and (f) Locker, change room and shower facilities are to be located close to the bicycle parking area, entry/exit points, and within an area of security camera surveillance where there are such building security systems. The development does provide end of trip facilities within Basement 01 to serve the non-residential uses. However, the POS has been supported by a Traffic Engineer report on 30 July 2026 but not formally reviewed by Council's Traffic Engineer.

ADDITIONAL INFORMATION RECEIVED

The Applicant uploaded to the Planning Portal on 28 July, 29 July, 30 July and 31 July 2026 an amended Development Package inclusive of the following plans and documentation:

- Architectural Plans
- BASIX Stamped Drawings and Certificate
- Amended Design Report
- Amended Landscape Plans
- Amended Statement of Environmental Effects
- Amended Clause 4.6 Variation Request
- Amended Landscape Plans

- Preliminary Site Investigation
- Preliminary CTMP
- HAZMAT Assessment
- Amended Stormwater Management Plan
- Amended Landscape Plan
- Arboricultural Impact Assessment
- Operational Waste Management Plans
- Amended Traffic Impact Assessment
- Amended Acoustic Report
- Amended BCA Compliance Certificate
- DSI Scope of Works
- Amended Access Review
- Amended Stormwater Drawings
- Section 37 Amendment Letter.

Although additional information has been provided inclusive of amended supporting documentation the reasons for refusal have not been satisfactorily addressed. The amended plans lodged in late July 2026 remain substantially the same as those submitted to Council on 15 July 2026 resulting in the Sydney North Planning Panel deferral.

There are outstanding issues that have not been satisfied with regards to the proposed height exceedance, non-compliance with podium height and above podium setbacks, provision of housing diversity, amenity and non-vehicular parking provision which do not warrant further consideration of the amended package received at the end of July 2026.

It is also noted that the Applicant has submitted substantial additional information inclusive of amended supporting reports outside the deadline directed in the deferral decision (17 July 2026). The amended documentation and Architectural Plans received on 28 July, 29 July, 30 July and 31 July 2026 pursuant to Section 37 'Amendment of Development Application' of the Environmental Planning and Assessment Regulation 2021 do not substantively address reasons for refusal and are therefore recommended to be rejected subject to Section 38 'Determination of application for amendment of development application' of the EP&A Regulation 2021.

CONCLUSION

Following an additional assessment of amended plans received there remains outstanding issues with the height of the building continuing to be a substantial departure from the maximum 16m building height contrary to the development standard Clause 4.3 in the North Sydney Local Environmental Plan 2013.

The proposed development is also considered to have an excessive bulk and scale. This is indicative by the height exceedance and also the proposed podium heights. The podium height of five (5) storeys to Alexander Street and the insufficient above podium setback to Ernest Street are not in accordance with the Crows Nest Town Centre Character Statement. The proposal is at least one level over height without sufficient design resolution to ameliorate the subsequent impacts which arise.

There are outstanding amenity issues due to the over reliance on a lightwell to provide sufficient daylight or ventilation to habitable rooms of apartments, insufficient privacy measures to manage visual privacy between occupants of lower level units and occupants at 13 Ernest Street and it is maintained the Level 5 south eastern apartment does not achieve a minimum 2 hours solar access.

Housing mix appears to have been improved but only through utilising rooms as studios therefore the development continues to provide large units akin to 3 bedroom apartments and not sufficiently contributing a variety of housing choice for seniors in retirement living.

It is considered the amended plans do not satisfactorily address the original reasons for refusal and that the original recommendation for refusal should remain.

RECOMMENDATION

- A. **THAT** the Sydney North Local Planning Panel under S4.16(1)(b) of the Environmental Planning and Assessment Act 1979, as the consent authority continues to determine the application by way of refusal based on the architectural plans and documentation attached in Attachment A of the North Sydney Report.
- B. If the application is refused as recommended, the lodged appeal will be managed and defended in accordance with standing delegations given by the SNPP to Council staff.
- C. The original recommendation within the Assessment Report remains to be determined by the Panel.

Thank you,

Thomas Holman

THOMAS HOLMAN
SENIOR ASSESSMENT OFFICER
Date: 31 July 2026



STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES
Date: 31 July 2026