

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	5 August 2026
DATE OF PANEL DECISION	5 August 2026
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 31 July 2026.

MATTER DETERMINED

PPSSNH-737 – North Sydney – DA 360/2025 at 70-76 Alexander Street, Crows Nest NSW 2065 – Construction of a mixed-use development (ILUs) (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 the briefings listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of the written request prepared by the Applicant, made under cl 4.6 of the North Sydney Local Environmental Plan 2013 (LEP) with regard to the maximum height of buildings;

The Panel is **NOT** satisfied that:

- the Applicant's written request to exceed the maximum permissible building height has demonstrated that compliance with the development standards is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

Development Application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

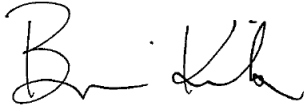
The Panel determined to refuse the Clause 4.6 variation sought to building height; and refuse the application for the reasons outlined in the Council Assessment Report (uploaded to the NSW Planning Portal 30 June 2026) and Supplementary Assessment Report (uploaded to the NSW Planning Portal 31 July 2026)

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and notes that issues of concern included:

- Proposed height and scale
- Noise generation
- Overshadowing
- Traffic generation and congestion
- Housing mix

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-737 – North Sydney – DA360/2025
2	PROPOSED DEVELOPMENT	Demolition of the existing three-storey commercial building and the construction of a mixed-use development above basement for 36 vehicles, comprising 24 independent living units for senior housing above ground floor retail uses, with rooftop communal open space and associated amenities.
3	STREET ADDRESS	70-76 Alexander St, Crows Nest NSW 2065
4	APPLICANT/OWNER	Applicant: Will Tynan / Crows Nest Development Partnership No. 1 Owner: Golden Silver Trading Pty Ltd.
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Housing) 2021 - North Sydney Local Environmental Plan 2013 - Draft environmental planning instruments: Nil - Development control plans: - North Sydney Development Control Plan 2025 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - 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	- Council Assessment Report: 30 June 2026 - Supplementary Council Assessment Report: 31 July 2026 - Clause 4.6 Variation Request Report (height of building): 1 October 2025 - Clause 4.6 Variation Request Report (height of building): 28 July 2026 - Clause 4.6 Variation Request Report (height of building): 29 July 2026 - Clause 4.6 Variation Request Report (height of building): 31 July 2026 - Clause 4.6 Variation Request Report (height of building): 31 July 2026 - Clause 4.6 Variation Request Report (height of building): 3 August 2026 - Clause 4.6 Variation Request Report (height of building): 3 August 2026 - Written submissions during public exhibition: 8 - Written submissions following public exhibition: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing to discuss Council's final recommendation and to defer: 15 July 2026 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis <u>Council assessment staff</u>: Thomas Holman, Stephen Beattie <u>Applicant representatives</u>: Will Tynan, Jed Goldsmith <u>Department staff</u>: Nicole McNamara, Anaise Nagy - Briefing to discuss Council's final recommendation: 5 August 2026 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis <u>Council assessment staff</u>: Thomas Holman, Michael Hornery <u>Applicant representatives</u>: Will Tynan, Jed Goldsmith, Michael Rowe

		○ <u>Department staff:</u> Nicole McNamara, Anaise Nagy, Victoria Hamilton
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided nor attached to the Council Assessment Report as uploaded to the NSW Planning Portal by Council on 30 June 2026 or Supplementary Assessment Report uploaded 31 July 2026.