

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-753
DA Number	DA464/2025/1 (PAN-592537)
LGA	North Sydney
Proposed Development	Demolition of all existing development and the construction of an eight (8) storey residential flat building comprising thirty-two (32) apartments including infill affordable housing together with site landscaping, car parking, site services and associated site development works.
Address	57-61 Reynolds Street CREMORNE 2090 lot 6 DP 306977, SP 42256 and lot 2 DP 945497
Applicant	A Reynolds St Holdings Pty Ltd
Owner	A Reynolds St Holdings Pty Ltd
Date of DA lodgement	26 November 2025
Deemed Refused	15 January 2026
Number of Submissions	83 unique objections
Recommendation	Refusal
Regional Development Criteria (Schedule 4A EP&A Act)	Clause 2, <i>Schedule 6 State Environmental Planning Policy (Planning Systems) 2021</i> : General Development with an estimated development cost of more than \$30millions.
List of all relevant s4.15(1)(a) matters	• SEPP (Biodiversity and Conservation) 2021 • SEPP (Resilience and Hazards) 2021 • SEPP Sustainable Buildings 2022 • North Sydney Local Environmental Plan 2013 • North Sydney Development Control Plan 2025
List all documents submitted with this report for the Panel's consideration	1. Architectural Drawings 2. Compliance Diagrams 3. Landscape Plans 4. Clause 4.6 Request for and exception to a development standard 5. Design Verification Statement
Report prepared by	Jim Davies, Executive Assessment Planner, North Sydney Council
Report date	19 March 2026

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **YES**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

YES

e.g., Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

YES

Housing & Productivity Contribution

Does the DA require a Housing and Productivity Contribution conditions?

Note - Does the application propose additional employment generating floor area?

NO

Conditions

Have draft conditions been provided to the applicant for comment?

NO

Note: to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

The subject development application seeks consent for demolition of all existing development and the construction of an eight (8) storey residential flat building comprising thirty-two (32) apartments including infill affordable housing (5 units), with site landscaping, car parking, site services and associated site development works.

An appeal has been filed with the NSW Land and Environment Court, the application having been deemed refused.

The purpose of this report and recommendation, if adopted, will provide a formal refusal of the application, thus confirming direction of the appeal.

The application was notified in accordance with Council's Community Engagement Strategy and 83 submissions were received, all objecting to the proposal.

Key grounds for objection included:

- Non-compliances indicate the proposal "...is substantially beyond that which can reasonably be accommodated on the site.", and "...will result in significant adverse impacts of neighbouring properties."
- Not in keeping with local character.
- Excessive bulk, scale and height, inadequate setbacks, visually overbearing and intrusive. An overdevelopment of the site.
- Impacts on views.
- Loss of solar access, overshadowing.
- Impacts on visual and acoustic privacy.
- Inadequate visitor parking, increasing demand for on-street parking.
- Construction disruption, from noise, vibration, dust, traffic and parking congestion.
- Risks to adjacent buildings from deep excavations, especially where excavation to the boundary is proposed.
- Non-compliance with height and floor space ratio development standards.
- Inadequate, inaccurate and misleading information provided with the application. For example, the proposal being described as having 8 storeys, when it has 9.
- The building having limited visual appeal.

Having regard to the matters raised in submissions and a comprehensive assessment of the application against applicable State and Local planning controls, the application is unable to be approved for these reasons:

1. The proposed development does not comply with certain non-discretionary development standards of SEPP (Housing) 2021 – landscape area, floor space ratio and building height.
2. Consent is unable to be granted, as the proposed development breaches the landscape area and floor space ratio development standards and no request has been made to vary those development standards.
3. Consent is unable to be granted because the submitted request to vary the building height standard is inadequate, failing to demonstrate that compliance would be unreasonable or unnecessary and that there are sufficient environmental planning grounds to warrant consent being granted.
4. The proposed development would be a disruptive form in its context and incompatible with the locality's existing and desired future characters.
5. The proposed development has excessive built form, bulk and scale, having adverse impacts on local amenity, resulting in the development being incompatible with local existing and desired future character.
6. The proposed development has excessive density.
7. The proposal's design and finishes are unsustainable.

8. Landscaping of the proposed development fails to provide scale to the development, adequate area for suitable plant species or for adequate ground level communal open space. The proposed landscape works do not comply with planning controls and fail to provide adequate landscape screening for neighbouring properties or meaningful visual contributions to the streetscape.
9. The proposed development will provide unacceptable amenity for some of the building's occupants and adversely impact the amenity of neighbours in nearby buildings.
10. The proposed development will have unacceptable impacts on both public and private views, and the assessment of view and visual impacts provided, is inadequate.
11. Aspects of the design are, or may be perceived as, unsafe.
12. The proposal lacks diversity of unit types and sizes and does not promote social interaction.
13. The proposed development does not provide a successful and safe access to the parking basement and a car park layout to service the transport demands of the development.
14. The development includes significant excavation which will likely have detrimental impacts on built and natural environments. Significant excavation is required to accommodate the proposed basement and footprint of the building.
15. Proposed waste management facilities are unsuitable and do not satisfy Council's requirements.
16. For the foregoing reasons, the site is not suitable for the proposed development, and the development will likely have significant, adverse impacts on built and natural environments.
17. Approval of the application would not be in the public interest either, for these reasons.

Consequently, refusal of the subject application is recommended.

PROPOSAL

The subject application seeks consent for development of the site as follows:

- a) Demolition of existing buildings and works, removal of 23 trees (and retention of 1 tree).
- b) Construction of a residential flat building of nine above ground levels (not 8, as shown on the development application form) and two basement levels comprising:
 - (i) 32 apartments, 5 x 2 bedroom and 27 x 3 bedroom (including 5 infill affordable rental apartments for 15 years), on lower ground and ground levels, and on levels 1-7
 - (ii) 51 parking spaces comprised of 43 for residents and 8 for visitors (including 7 accessible spaces for residents)
 - (iii) Parking for 6 motorcycles
 - (iv) Storage for 36 bicycles, 32 for residents and 4 for visitors.
 - (v) Waste management and other utilities rooms
 - (vi) Resident storage
 - (vii) Plant rooms
 - (viii) Vehicular access and egress ramp for the basement off Reynolds Street, stairs and lifts accessing all 11 levels of the building.

The proposed development is illustrated by the architectural plans, compliance diagrams, landscaping plans, a request to vary the building height development standards, and a design verification statement, attached to this report.

RELEVANT HISTORY

Date	Action
26/11/2025	Application lodged.
12/12/2025 – 09/01/2026	Application notified.
12/01/2026	Application deemed refused and an appeal filed with the NSW Land & Environment Court.
16/04/2026	S34 conference held on site.

SITE & LOCALITY

The site's address is 57-61 Reynolds Street Cremorne, its real property description is lot 6 DP 306977, SP 42256 and lot 2 DP 945497.

Positioned on the southeastern side of Reynolds Street, the site is irregular in shape with a frontage of 39.01m to Reynolds Street (northwest) and a 15.24m metre frontage to Gerard Lane (southeast). Adjacent to the site, to the southeast and northeast, is an 'L' shaped lot at 77 Benelong Road, which fronts Gerard Lane and Benelong Road. Respective site boundaries to this property are 23.77m and 37.49m.

Combined, the lots that comprise the site amount to 1,694m².

Topographically, the land falls moderately and unevenly from back to front, from Gerard Lane to Reynolds Street, the fall is about 7m.

The land appears to accommodate 2 dwelling houses (Nos 57 & 61) and a duplex (No 59).

The immediate surroundings comprise a mix of development types:

- Northwest – low density housing, opposite the site in Reynolds Street.
- Northeast – 2/3 storey town houses, facing Benelong Street and Gerard Lane.
- Southeast – 2 to 4 storey residential flat buildings opposite the site in Gerard Lane.
- Southwest – 2 and 3 storey townhouse development at 53 Reynolds Street, which also has frontage to Gerard Lane.

In the broader locality, defined as the street-block on which the site is located and adjacent street-blocks, urban form is of low and medium density, with more dense development to the south approaching the Cremorne Town Centre on Military Road, with density decreasing to the north, as the terrain falls towards Long Bay, an arm of Middle Harbour. Closer to the town centre the skyline is irregularly punctuated by 8-12 storey residential flat buildings, of 1960-70s vintage.

An aerial photograph with the subject site outlined in yellow is provided at Figure 1:

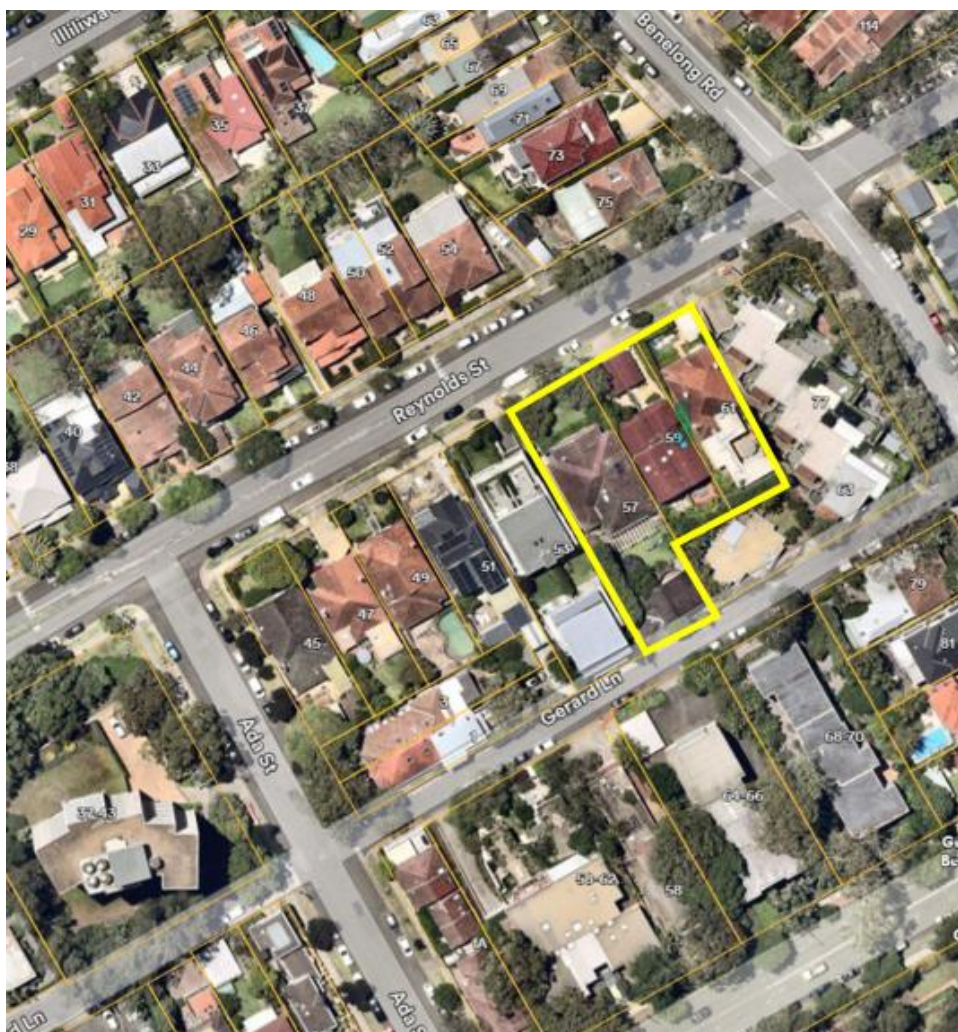


Figure 1: Aerial photograph of site and surrounds (Nearmap image 27 11 2025)

The site and adjoining land are zoned R3 Medium Density Residential. Across Gerard Lane, land is zoned R4 High Density Residential and across Reynolds Street, land is in the R2 Low Density Residential zone, per the North Sydney Local Environmental Plan 2013 (**NSLEP**). An extract of the Land Zoning Map referred to in cl. 2.2 of NSLEP with the site indicated by a red star, is provided below. The urban structure and form of areas north and south of the Cremorne Town Centre, zoned MU1 (North Sydney) and E2/E3 (Mosman), follows the zoning from high

to low density residential.

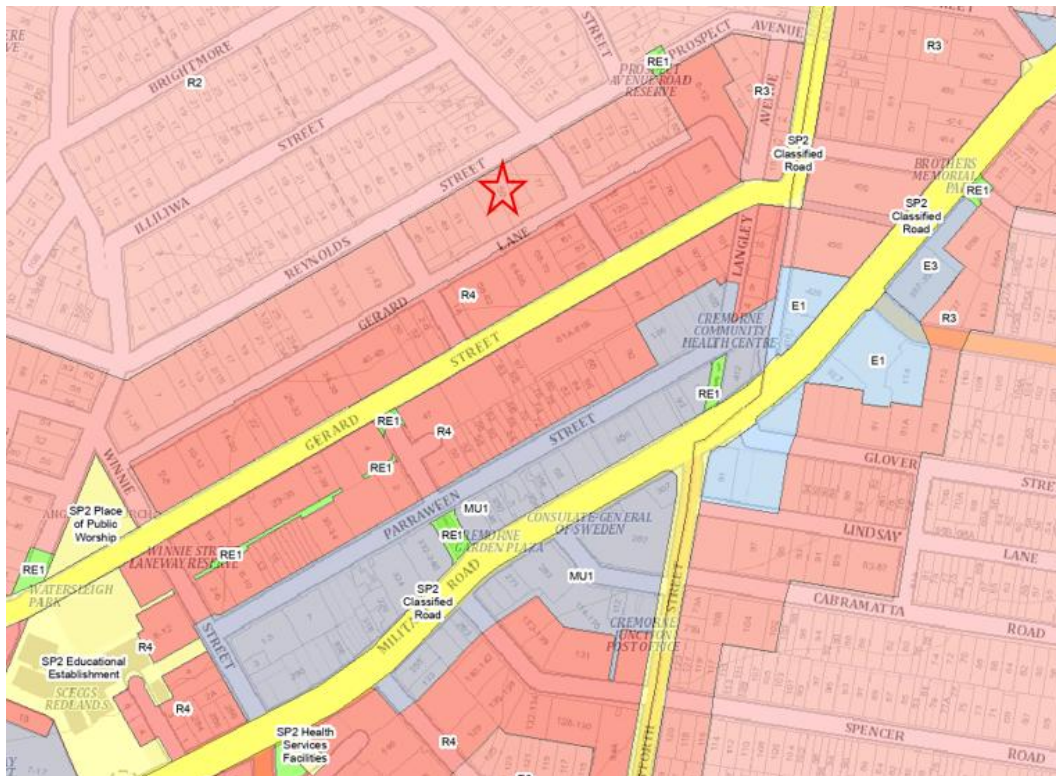


Figure 2: Land Zoning Map (Source: NSW Planning Portal Digital EPI Viewer).

The land is the subject of a maximum building height of 8.5m. The map below, with the site indicated by a red star, shows how building height aligns with zoning, with taller heights permitted in the Cremorne centre, and heights decreasing with housing density, further from the centre.

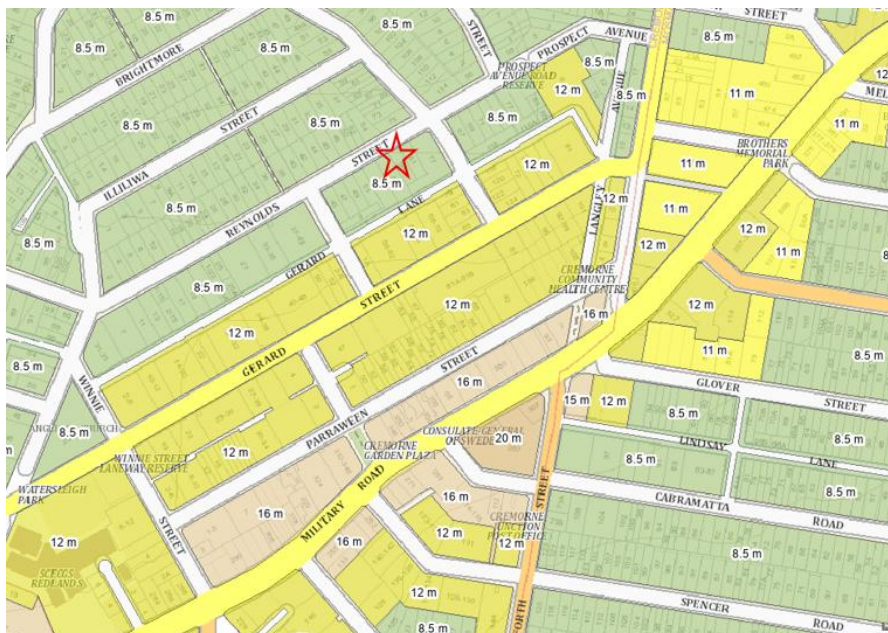


Figure 3: Building Height Map NSLEP (Source: NSW Planning Portal Digital EPI Viewer)

The site is not a heritage item or in a heritage conservation area, neither is it near a heritage item or a conservation area.

The site is part of the “Waters Neighbourhood”, which is in the North Cremorne Planning Area

per the North Sydney Development Control Plan 2025 (**NSDCP**).

STATUTORY CONTROLS

Environmental Planning & Assessment Act 1979

- Section 4.15 Evaluation

STATE ENVIRONMENTAL PLANNING POLICIES

The following State Environmental Planning Policies apply to the development and have been considered in this assessment:

- SEPP (Biodiversity and Conservation) 2021
Chapter 6 – Water catchments
- SEPP (Resilience and Hazards) 2021
Chapter 4 – Remediation of land
- SEPP (Housing) 2021
Chapter 2 - Affordable Housing
Chapter 4 – Design of residential apartment development
Chapter 6 – Low and mid rise housing

NORTH SYDNEY LEP 2013

Zoning	R3 Medium Density Residential
Item of Heritage	No
In Vicinity of Item of Heritage	No
Conservation Area	No
FSBL	No

POLICY CONTROLS

- North Sydney Development Control Plan 2025
- North Sydney Local Infrastructure Contributions Plan

INTERNAL REFERRALS

Referral	Comment	Satisfactory
Building	The proposed works have been assessed for compliance with the National Construction Code of Australia (NCC). Standard conditions may be recommended.	YES
Development Engineering	No objection subject to conditions.	YES
Traffic	Vehicular access to the basement, manoeuvring area within the basement, waste management facilities and other aspects of the basement are inadequate.	NO
Landscape development	Conditions may be imposed to address landscaping and tree preservation matters, should inadequate deep soil and landscape area non-compliances be resolved.	YES
Waste	Waste management facilities do not satisfy Council's DCP and waste management policies.	NO

EXTERNAL REFERRALS

Referral	Comment	Satisfactory
Ausgrid	Referral required by s. 2.48 SEPP (Transport and Infrastructure) 2021. No objection, advice offered that the applicant consult with Ausgrid should the development proceed.	YES
Sydney Water Corporation	No objection subject to an application being made in accordance with the Sydney Water Act 1994 (ss. 72 & 73).	YES

CONSIDERATION

Relevant matters for consideration are established by the *Environmental Planning and Assessment Act 1979* and are considered below.

Section 4.15 (1) Evaluation

Environmental Planning Instruments

State Environmental Planning Policies

The application has been considered regarding relevant provisions of the following State Environment Planning Policies.

SEPP (Biodiversity and Conservation) 2021

Chapter 6 – Water Catchments

Part 6.2 Development in regulated catchments

Sydney Harbour is defined as a regulated catchment for the purposes of the SEPP.

Division 2 Controls on development generally

The following provisions must be considered, and the application includes information that demonstrates the proposed development is not inconsistent with those applicable. Conditions could have been imposed to manage stormwater, were approval recommended.

Provision	Consistency
6.6 Water quality and quantity	Stormwater management and disposal may be suitably addressed via conditions of consent, as assessed by Council's development engineer.
6.7 Aquatic ecology	Potential impacts on aquatic ecology are likely to be non-existent or minimal.
6.8 Flooding	The site is not flood prone.
6.9 Recreation and public access	The proposal is unlikely to impact harbour or foreshore-related public recreation and access.
6.10 Total Catchment Management	This provision only relates to large-scaled development that could affect a catchment, which requires consultation with other Councils in the same catchment. Consultation is not required for the subject application.

Part 6.3 Foreshores and Waterways Area

The site is not in the Foreshores and Waterways Area.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Cl. 4.6 – Consideration of contamination and remediation requirements

A preliminary site investigation report was submitted with the original application. The report concluded there was no evidence of past contamination, except possible use of asbestos-containing materials and lead-based paint, and that the site can be made suitable for the proposed development.

SEPP (Sustainable Buildings) 2021

A valid BASIX certificate (1822545M, 19/11/2025) and NatHERS certificate (012284949-02) have been submitted with the application to satisfy SEPP requirements.

SEPP (Housing) 2021

Chapter 2: Affordable Housing

Part 2 Development for affordable housing

Division 1 Infill affordable housing

In accordance with Clause 15C, this division applies to development that includes residential development;

if—

(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or

another environmental planning instrument, and

(b) the affordable housing component is at least 10%, and

(c) all or part of the development is carried out—

(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or

(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.

The division applies, as the proposal is permissible under Chapter 6, the proposed affordable housing component exceeds 10%, and the development's site is in the Six Cities Region.

Infill affordable housing

Clause	Provision	Compliance
Chapter 2 Division 1 Infill Affordable Housing.		
16 Affordable housing requirements for additional floor space ratio	<i>(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</i> <i>(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i> $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{\text{(as a percentage)}} \div 2$ <i>(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings</i>	The maximum permissible FSR for the site under Chapter 6, s. 180 is 2.2:1. An additional FSR of 30% attains a maximum permissible FSR of 2.86:1. The maximum height allowed for the site

Clause	Provision	Compliance
	<i>or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</i>	under Chapter 6, s. 180 is 22m. With 30% added, the maximum height becomes 28.6m.
18 Affordable housing requirements for additional building height	(1) <i>This section applies to development that includes residential development to which this division applies if the development—</i> (a) <i>includes residential flat buildings or shop top housing, and</i> (b) <i>does not use the additional floor space ratio permitted under section 16.</i> (2) ..., (3) ...	As the proposal uses the additional FSR above, s. 18 does not apply.
19 Non-discretionary development standards	(2) The following are non-discretionary development standards in relation to the residential development to which this division applies— (a) a minimum site area of 450m², (b) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area, (c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, (d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter, (e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms—at least 1 parking space, (f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,	1,964m² site area, complies. 30% site area is < 35m² per dwelling. Proposed landscaped area is 17% (DCP definition) of site area, does not comply. Does not apply , per s. 19 (3). Does not apply , per s. 19 (3). Proposed parking complies. 5 spaces are proposed for affordable units, with 34 for other dwellings, and 8 visitor spaces, surplus to the minimum required.

Clause	Provision	Compliance
	(ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development, (h) ... (3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Unit layout and size assessed per Chapter 4.
20 Design requirements	(1)... (2)... (3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	Paragraph 3 (a) applies, the proposed development is incompatible with desirable elements of the locality's character, as described by Part F NSDCP 2025 and enabled by the Medium Density zoning and 8.5m maximum building height standard. The controls do not envisage the type of change, to enable the locality or neighbourhood to be described as "...a precinct undergoing transition."
21 Must be used for affordable housing for at least 15 years	(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider. (2) ...	A condition could ensure compliance with s. 21, were approval recommended.

Chapter 4 – Design of residential apartment development

In the table below, the application is assessed against applicable provisions of Chapter 4.

Section 147 - Determination of development applications and modification applications for residential apartment development, states that development consent must not be granted unless design quality principles, the Apartment Design Guide and advice from a design

review panel have been considered.

The Act and Regulation require a Design Verification Statement to accompany development applications and applications to modify a consent. A copy is attached.

Design Principles

Provision	Compliant or Consistent	Comment
Cl. 147 (1) (a) Design Principles (Schedule 9) A Design Verification Statement (DVS) was provided with the application. Below is the author's assessment of the DVS.		
1. Context & neighbourhood character	No	The DVS refers to another part of Sydney in addressing context and neighbourhood character.
2. Built form & scale	No	The statement provides little in the way of evidence to demonstrate how the design has been informed by careful analysis of local conditions.
3. Density	No	The statement attempts to justify the density in relation to local market demand and the size of apartments in the area, without reference to the impacts of the building, as examined later against the design objectives of the Apartment Design Guide.
4. Sustainability	No	Sustainability claims are questionable due to large expanses of wall being dark-coloured and lack of insulation of external walls, for instance. Council's design excellence panel offers further critique on this subject and other design principles, which follows the next table.
5. Landscape	No	Landscaping does not protect scale and reduce impacts of the building's mass and overbearing bulk. Deep soil is inadequate, providing insufficient area to plant trees as encouraged by the <i>Tree Canopy Guide for Low and Medium Rise Housing (2025)</i> . Consequently, tree canopy and shade will be inadequate and impact on the streetscape unacceptable.
6. Amenity	No	As examined below, the proposed development does not provide adequate amenity despite claimed compliance with Design Guide minimum performance criteria for sunlight and ventilation. Neither does it have reasonable impacts on neighbours' amenity. Several units' amenity is affected by other factors, such as louvres covering windows, being in proximity to the bin holding area, being overlooked by other units in the development, inadequate rooftop open space, and the main lobby and corridors being used to move waste bins from the basement to the holding area.
7. Safety	No	The main entry to the building and foyer would likely be unsafe and be perceived as unsafe.
8. Housing diversity & social interaction	No	The proposed unit mix is inconsistent with the DCP and is not supported by data and analysis prepared by a suitably qualified person. The size of units indicate they are not intended to be affordable, including those intended for market sale.
9. Aesthetics	No	Painting parts of the building black is a dubious attempt to reduce its perceived bulk and scale. Painted surfaces likely become a maintenance burden for future owners and is

Provision	Compliant or Consistent	Comment
		regarded as substandard. Poor landscaping does not provide an adequate 'green' setting for the building. The long walls would dominate the street and surrounds, being too large and inadequately articulated or modulated.

Apartment design guide

Provision	Guidelines/Design principle analysis	Compliant or Consistent	Comment
Cl. 147 (1) (b) Apartment design guide – key design objectives			
3B – Orientation Objective 3B-2	Solar access to living rooms, balconies and private open spaces of neighbours should be considered.	No	Design and site analysis does not appear to have properly considered potential impacts on amenity of adjacent dwellings.
	Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.	Unlikely	Overshadowing analysis does not indicate the percentage increase of overshadowing of affected properties.
	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy.	No	Building separation is inadequate and does not provide the minima of the ADG and DCP.
	Overshadowing should be minimised to the south or downhill by increased upper level setbacks.	No	The upper level setback has only been provided at the rear of the building-section that directly fronts Gerard Lane. This may be effective in reducing shadows, but shadow diagrams are difficult to interpret.
	A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	No	This does not appear to have been considered.
3D- Communal Open Space	25% Communal Open Space min. 50% midwinter solar access for communal open space	No	23% proposed, but it is all in rooftop locations, unsuitable due to overlooking of neighbours and the lower of the two terraces proposed being overlooked by higher-positioned units in the proposal. Given the site offers poor

Provision	Guidelines/Design principle analysis	Compliant or Consistent	Comment
			landscape/deep soil areas, this deficient communal space in two separate rooftop areas (Levels 5 & 7, drawing DA545) does not offset the deficiency. A site of this size should comfortably provide for on-ground communal open space. The context is unsuitable for rooftop open space. Effectively no communal open space is provided.
3E – Deep Soil Zones	7% - site 650m² – 1,500m², 3m min. dimension 7% - site > 1,500m², 6m min. dimension 15% suitable sites > 1,500m², 6m min. dimension	No	Although the sum of areas that exceed the 6.0m minimum dimension is 14% of site area, the areas available for planting of medium and large sized trees is limited to the two spaces in front of the building facing Reynolds Street. The inordinate built upon areas and site coverage seriously compromise the site's capability to provide quality landscaping, in contrast to other older, large residential buildings in the locality that have significantly smaller building footprints. These older buildings demonstrate there is sufficient space on a site of the subject site's size to accommodate large canopy trees. The Tree Canopy Guide for Low to Mid Rise Housing (2025) requires 15% deep soil zone and a minimum six medium or three large trees, or an equivalent combination. Only two medium trees are proposed, noting several trees shown in the landscape plans are not in deep soil zones, they are in areas defined as

Provision	Guidelines/Design principle analysis	Compliant or Consistent	Comment												
			unbuilt upon area by the DCP.												
3F - Visual privacy	Minimum setbacks from buildings (habitable room windows and balconies) to side and rear boundaries: <table><tr><th>Building Height</th><th>Habitable rooms</th><th>Non-habitable rooms</th></tr><tr><td>12m (4 st.)</td><td>6m</td><td>3m</td></tr><tr><td>25m (5-8 st.)</td><td>9m</td><td>4.5m</td></tr><tr><td>25m+ (9 st.+)</td><td>12m</td><td>6m</td></tr></table>	Building Height	Habitable rooms	Non-habitable rooms	12m (4 st.)	6m	3m	25m (5-8 st.)	9m	4.5m	25m+ (9 st.+)	12m	6m	No	Lower ground level to Level 2, side boundary separation distances are not complied with, as habitable rooms face habitable rooms and private open space in adjacent development. Levels 3 – 6, side setbacks do not provide the minimum building separation, as habitable rooms face habitable rooms and private open space. Level 7 (is the 9th level above ground level) has the same side setbacks as levels 3-6. The front setback is acceptable for a building of the height and scale proposed. At the rear there is insufficient building separation to prevent overlooking of all adjacent dwellings. Overshadowing would also likely be unacceptable.
Building Height	Habitable rooms	Non-habitable rooms													
12m (4 st.)	6m	3m													
25m (5-8 st.)	9m	4.5m													
25m+ (9 st.+)	12m	6m													
3G – Pedestrian Access & Entries	Building entries and pedestrian access connects to and addresses the public domain. Access, entries and pathways are accessible and easy to identify.	No	The main entry is too long, it does not allow adequate informal surveillance and is a potential entrapment hazard. It is unwelcoming and would likely be poorly lit and ventilated by natural means.												
3H – Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	No	Adequate site distance between the driveway and the split section in the Reynolds Street carriageway has not been demonstrated. Proposed driveway width may increase risks of vehicle conflict with pedestrians using the footpath.												

Provision	Guidelines/Design principle analysis	Compliant or Consistent	Comment
4A - Solar and daylight access	70% of units – 2 hours min. sunlight from 9am – 3pm, winter solstice. 15% max number of units with no sunlight, winter solstice.	Yes	90.6% of units receive min. 2hrs midwinter sunlight.
4B - Natural ventilation	60% min. number of units with natural ventilation up to 9 storeys and units at 10 or more storeys can be ventilated and not be fully enclosed	Yes	84% of units would be naturally ventilated.
4D 2 - Apartment size and layout	Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Acceptable on merit	Minimum area and dimensions complied with, except units G03, 104, and 204, which are 9.4m deep to rear of kitchen bench from glass line, and units 301 and 401 are 9.2m, for the same measurement. Acceptable, as these are dual aspect units.
4E - Private open space and balconies	4m ² - Studio apartments 8m ² - 1-bedroom apartments 2m min. depth 10m ² - 2-bedroom apartments - 2m min. depth 12m ² - 3+ bedroom apartments 2.4m min. depth	Yes	All apartments comply with or exceed the minima.
4F - Common circulation and spaces	8 units (max.) on one level can be accessed from a vertical circulation core.	No	Despite each level's corridors serving fewer than the maximum number of units, they are effectively enclosed and offer low levels or no natural light or ventilation.
4G -Storage	4m ³ - Studio apartments 6m ³ - 1 bedroom apartments 8m ³ - 2 bedroom apartments 10m ³ - 3+bedroom apartments	Yes	A condition could be imposed to assure compliance.
4Q-2 & 4Q-3 Adaptable & flexible design	Adaptable housing to be provided in accordance with Council policy. 20% of the total number of dwellings when more than 5 are proposed should be adaptable housing (NSDCP 2025)	Yes	7 adaptable units (>20%) are proposed.

Advice of design excellence panel

Provision	Panel's advice (summary)	Comments
CI. 147 (1) (c) Advice of Design Excellence Panel Given the minor extent and nature of amendments made, comments of the Design Excellence Panel are provided below.		
1. Context & neighbourhood character	The proposal may leave 77 Benelong St isolated, unable to be developed to a similar scale under LMR controls. Adequate testing has not occurred, of amenity	

Provision	Panel's advice (summary)	Comments
	impacts on adjacent development. The application does not provide urban design and context analysis demonstrating how the proposal relates to existing surrounding buildings and potential future redevelopment under comparable planning controls. Urban design impacts in terms of built form and landscape character have not been properly addressed.	
2. Built form & scale	The proposal's building separation, side setbacks and building massing raise fundamental concerns. Constrained building separation distances are problematic, impacting daylight, natural ventilation and creating amenity issues between developments. Reduced building separation distances for the high volumes proposed are also inconsistent with the established character of residential flat buildings within Cremorne and more broadly the North Sydney LGA, where building gaps accommodate meaningful landscape areas capable of supporting canopy trees and planting. Building massing does not sufficiently distinguish between the building base and upper levels, resulting in a building form that lacks modulation and contributes to the perception of excessive bulk. The building appears "monolithic". Subterranean apartments face Gerard Lane, which raises concern regarding daylight access, outlook and overall residential amenity.	
3. Density	Reduced building separation distances, limited landscape provision and unresolved amenity impacts indicate that the proposed building envelope and density are not appropriate for the site.	
4. Sustainability	Sustainability could be improved by: - Installation of ceiling fans, - Adopting systems approach to water management, - PV system for energy generation and storage, and - Full electrification of the building including EV charging and appropriate sub-station capacity.	
5. Landscape	Reduced setbacks limit ability to provide meaningful landscaping. Communal rooftop open spaces require further development.	The Panel's advice is noted. However, a site of this size is capable of comfortably including high amenity communal space(s) at ground level, which is preferred to rooftop communal space.
6. Amenity	The ground floor lobby is constrained and does not enable an amenable entry experience and comfortable movement for residents, removalists or delivery and storage of parcels. The building entry and main lobby lacks	

Provision	Panel's advice (summary)	Comments
	sufficient daylight and natural ventilation. Façade openings should be provided to improve the environmental quality of common areas.	
7. Safety	Not discussed.	
8. Housing diversity & social interaction	Affordable rental apartments should have the same amenity as other apartments, be compliant with Liveable Housing Design Guidelines, and be adaptable as required by the DCP.	
9. Aesthetics	Any revised drawings should show detailed building systems including drainage, plant and equipment and consistency with the BCA 2022, so design aesthetics may be properly considered.	

Non-discretionary development standards

Provision	Guidelines	Compliant or Consistent	Comment
Clause 148 Non-discretionary development standards			
3J – Bicycle & Car parking	NSDCP 2025 Part D Section 4, cl. 4.2.1: Car parking - all resident and visitor parking should not exceed the maxima of the DCP. Bicycle parking/storage – at least the minimum number should be provided for resident and visitor bicycles.	Yes	Parking proposed satisfies s. 19 Housing SEPP.
4D 1 - Apartment size & layout	Minimum internal areas: - 35m ² – studio* - 50m ² – 1 bed* - 70m ² – 2 bed* - 90m ² – 3 bed* * Extra bathroom - add 5m ² , **Extra bedroom(s) - add 12m ²	Yes	Areas of all units exceed the minima.
4C - Ceiling Heights	2.7m - Habitable rooms 2.4m - Non-habitable rooms	Yes	Floor to ceiling heights are 3.0m assuming slabs are 200mm thick.

Chapter 6 Low and mid-rise housing

Part 1 Preliminary

The site is defined as being within a low and mid rise housing inner area (s. 163 (a) Definitions).

Part 4 Residential flat buildings and shop top housing

Section	Provision/standard	Compliant or Consistent	Comment
Division 1 Preliminary			
174 Development permitted with	Residential flat buildings permitted on land to which the chapter applies (s. 164), in a low	Yes	Site is zoned R3.

Section	Provision/standard	Compliant or Consistent	Comment
consent	and mid rise housing area and in an R2 or R3 zone.		
175 Development standards - low and mid rise housing inner area	(1) Applies to low and mid rise inner housing area in an R3 or R4 zone. (2) Consent must not be granted to an RFB with a building height of up to 22m unless it will have 6 or fewer storeys. (3) Consent must not be granted to shop top housing with a building height of up to 24m unless it will have 6 or fewer storeys. (4) A storey does not include a basement.	Yes No	The proposed RFB exceeds 22m in building height and has more than 6 storeys. If it is a development standard, a request to vary the standard is required. If it is a prohibition, consent must not be granted. (Alternatively, the standard may not apply because the proposed RFB exceeds 22m.) N/A
176 Development standards - low and mid rise housing outer area	(1) Applies to a low and mid rise housing outer area in an R3 or R4 zone. (2) (a) Consent must not be granted to an RFB with a building height of up to 17.5m unless it will have 4 or fewer storeys. (2) (b) (3) Consent must not be granted to shop top housing with a building height of up to 17.5m unless it will have 4 or fewer storeys. (3) A storey does not include a basement.	N/A	
177 Landscaping - residential flat buildings or shop top housing	(1) Applies to a low and mid rise housing area in an R3 or R4 zone. (2) Consent must not be granted unless the Tree Canopy Guide for Low and Mid Rise Housing, (Feb 2025) has been considered.	Yes No	Site is zoned R3. The Guide requires 15% deep soil zone and a minimum six medium or three large trees, or an equivalent combination. Only two medium trees are proposed, noting several trees shown in the landscape plans are not in deep soil zones, they are in areas defined as unbuilt upon area by the DCP.
178 Minimum lot size for residential flat buildings or shop top housing	(1) Applies to a low and mid rise housing area in an R3 or R4 zone. 2) Minimum lot area or minimum lot width requirements of an EPI or DCP do not apply when s. 180 (2) or (3) is complied with	N/A	S. 180 (2) applies and is not complied with. There are no minimum lot area or width standards for RFBs in the North Sydney LEP or DCP, that apply to the subject land.

Division 2 Non-discretionary development standards – the Act s. 4.15*			
179 Non-discretionary development standards—residential flat buildings and shop top housing in Zone R1 or R2	(1) Applies to RFBs and shop top housing in a low and mid rise housing area in an R1 or R2 zone. (2) Non-discretionary development standards: (a) 500m ² min lot size (b) 12m min lot width at building line (c) 0.5 min parking spaces per dwelling, if no EPI or DCP specifies a maximum number of parking spaces (d) 0.8:1 max FSR (e) 9.5m max building height	N/A	Site is zoned R3.
180 Non-discretionary development standards - residential flat buildings and shop top housing in Zone R3 or R4	(1) Applies to RFBs and shop top housing in a low and mid rise housing area in an R3 or R4 zone. (2) Non-discretionary development standards (inner area): (a) 2.2:1 max FSR (b) 22m max building height, RFB (c) 24m max building height, shop top housing (3) Non-discretionary development standards (outer area): (a) 1.5:1 max FSR (b) 17.5m max building height	Yes No No N/A (N/A)	Site is zoned R3. Applying the additional FSR and height per s. 16 (Chapter 2): (a) 2.86:1 is the max FSR, and (b) 28.6m is the max building height (RFB). Proposed**: (a) 2.97:1 FSR, and (b) 29.857m max building height.

* Per ss. 4.15 (2) and (3) EPA Act, a consent authority's powers are limited in considering non-discretionary standards and allow the standards to be varied when not complied with, under the provisions of another environmental planning instrument,

** Exceptions to development standards are dealt with below per cl. 4.6 of the LEP. The applicant has submitted a request to breach the building height standard and not the floor space ratio standard.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

NORTH SYDNEY LEP 2013 – ASSESSMENT TABLE		
Provision	Complies/Consistent	Comments
Part 1 Preliminary		
1.2 Aims of Plan*		
<i>*Delete irrelevant aims, if desired. Consider whether assessment of aims necessary, depending on scale of subject proposal.</i>		
(2) (aa) Protects and promotes use of land for musical and other performing arts	N/A	
(2) (a) Promotes development appropriate to its context and that enhances North Sydney's community and environment	No	The proposal's excessive site coverage, bulk and scale, inadequate landscaped area and setbacks result in the development being non-responsive to and incompatible with its context.

NORTH SYDNEY LEP 2013 – ASSESSMENT TABLE		
Provision	Complies/Consistent	Comments
(2) (b) (i) Development is compatible with desired character, in terms of bulk, scale and appearance	No	The desired character as promoted by the North Sydney LEP and DCP is for medium and low density housing of 1 and 2 storeys.
(2) (b) (2) Diversity of activities maintained while protecting residential accommodation and local amenity	N/A	
(2) (b) (3) Development of foreshore land does not impact its character including the visual qualities of the foreshore when viewed from Sydney Harbour and its tributaries	N/A	
(2) (c) (i) Residential development does not harm residential amenity in terms of visual and acoustic privacy, solar access and view sharing	No	Visual privacy will likely be compromised. The proposal appears to unacceptably overshadow and negatively impact views from neighbouring and nearby dwellings.
(2) (c) (ii) Residential development maintains and provides an increase in dwelling stock, when appropriate	Yes	Although the proposal is consistent with this aim, an apartment development compatible with its context and with reasonable impacts on local amenity and character would more suitably increase North Sydney's dwelling stock.
(2) (d) (i) Non-residential development maintains diverse employment, services, cultural and recreational activities	N/A	
(2) (d) (ii) Non-residential development does not adversely affect amenity of residential development's and public places' amenity, in terms of visual and acoustic privacy, solar access and view sharing	N/A	
(2) (d) (iii) Non-residential development maintains waterfront activities and ensures that proposed activities do not adversely affect local amenity and environmental quality	N/A	
(2) (e) (i) Maintains and protects natural landscapes, topographic features and existing ground levels	No	The building's bulk exceeds that which is typical in the locality, being significantly deeper and wider than other, older apartment buildings of similar height in the locality. Compared with these older buildings, the proposal is incompatible with local topography and landscape.
(2) (e) (ii) Minimises stormwater run-off and its adverse impacts and improve local waterway-quality	Yes	Effective stormwater treatment can be assured via suitable conditions.
(2) (f) Identifies and protects natural, archaeological and built heritage of North Sydney and ensures development does not adversely affect its significance	Yes	

NORTH SYDNEY LEP 2013 – ASSESSMENT TABLE		
Provision	Complies/Consistent	Comments
(2) (g) Provides for a growing permanent resident population and encourages provision of a full range of housing, including affordable housing	No	While the increased number of dwellings is consistent with this objective, the lack of diversity of unit types, despite offering affordable units, is unacceptable.
Part 2 Permitted or prohibited development – LAND USE TABLE		
Permissibility: Zone: R3 Medium Residential Definition (LEP Dictionary): residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing	No.	Residential flat buildings are prohibited in the R3 zone. However, s. 174 Housing SEPP permits RFBs in the R3 zone and the SEPP prevails over the LEP, by virtue of the SEPP's s. 8 (1).
Zone Objectives 1. To provide for the housing needs of the community within a medium-density residential environment. 2. To provide a variety of housing types within a medium-density residential environment. 3. To enable other land uses that provide facilities or services to meet the day-to-day needs of residents. 4. To encourage the development of sites for medium-density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area. 5. To provide for a suitable transition between high density residential areas and lower density residential areas. 6. To ensure that a high level of residential amenity is achieved and maintained.	1. Yes 2. Yes 3. N/A 4. No. 5. No. 6. No.	Regarding objectives 4, 5 and 6, the proposal compromises the amenity of the surrounding area does not provide high-quality amenity for occupants of the development and its neighbours. The development would also be inconsistent with local character, seriously disrupting the transition from high to medium to low density areas as envisioned and enabled by LEP zoning and height controls.
Part 4 Principal development standards*		
<i>*Omit provisions for standards that do not apply</i>		
4.3 Height of buildings- maximum		
Standard: 8.5m	No	The height controls of Chapters 2 and 6 Housing SEPP prevail over those of the LEP.
Objectives	No	The proposal is not consistent with all the height standard's objectives as discussed in the <i>Evaluation of applicant's request</i> table.

Exceptions to development standards

NORTH SYDNEY LEP 2013 – ASSESSMENT TABLE	
4.6 Exceptions to development standards	
Summary of applicant's submission	
Is compliance with the development standard unreasonable or unnecessary? 1. Consistency with the development standards objectives. a. <i>to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,</i> b. <i>to promote the retention and, if appropriate, sharing of existing views,</i> c. <i>to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,</i> d. <i>to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,</i> e. <i>to ensure compatibility between development, particularly at zone boundaries,</i> f. <i>to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,</i> g. <i>to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living.</i> 2. Other grounds.	Applicant's submission, summarised below (a full copy is attached to this report): a. The levels above ground follow the topography. The ground plane relates well to levels in Reynolds Street. Built form of the lower ground and ground levels reflect the 2 and 3 storey form of adjacent buildings. b. The variation itself will only obstruct sky views and will not result any material impacts beyond those of a complying development. c. Overshadowing's resulting impacts "...do not exceed those anticipated under a compliant development scheme." d. Privacy screening to bedroom windows in the building and landscaping reasonably maintains privacy. e. Various provisions of applicable planning instruments have been considered, and the proposal is compatible with adjacent development, having acceptable amenity impacts. f. There is an array of residential buildings of varying size (single storey up to around 10 storeys) within a 300m radius of the site, and the proposal is consistent with this character. These are illustrated by a selection of photographs. The area is expected to be in a transitory phase of development, due to the recent introduction of changes to NSW Government housing policy and planning controls. g. The applicant notes the SEPP standards prevail over those of the LEP, and that the development's departure from a 1 and 2 storey built form would 'enhance' local character "...by providing greater flexibility in the arrangement of building massing to optimise the spatial qualities of the development." 2. Other grounds were included in the applicant's request, to demonstrate that compliance is unreasonable or unnecessary: a. Housing SEPP Principles The height standard is established by the Housing SEPP (ss. 16, 175,180) and does not have objectives specific to the maximum building height development standard. Instead, principles of the SEPP (s. 3) have been referred to, to justify the height variation, as relevant to the height control. b. Aims of NSLEP 2013 The request submits reasons why the development promotes certain aims of the LEP. c. R3 medium density residential zone objectives

NORTH SYDNEY LEP 2013 – ASSESSMENT TABLE	
4.6 Exceptions to development standards	
Summary of applicant's submission	
	Similarly, the proposal is claimed to be consistent with relevant zone objectives.
Are there environmental planning grounds to justify approval despite the exception?	1. Parts of the building that exceed the height control are centrally located and do not cause additional visual impact and are typical on sloping sites. 2. Roof top open space provides amenity for residents. 3. Loss of a storey to enable full compliance would reduce housing to be otherwise made available. 4. A previous decision of the Court has allowed provision of affordable housing as an environmental planning ground to support an exception to a development standard. 5. The height variation is linked to maximising the number of dwellings possible. 6. The proposal will have no adverse impacts.

Evaluation of applicant's request

NORTH SYDNEY LEP 2013 – ASSESSMENT TABLE	
	Comments
Clause 4.6: Evaluation of request	
Has the applicant's submission demonstrated whether Compliance unreasonable or unnecessary?	
No	The request to vary the height standard does not demonstrate that the proposal is consistent with any of the development standard's objectives. Information included is inaccurate or not sufficiently detailed or supported by adequate analysis to demonstrate the claims made. Analysis of view impacts and overshadowing rely on inaccurate and incomplete information. Means of protecting privacy are inadequate, the design techniques used ignore existing conditions and current neighbourhood amenity. As discussed in relation to LEP aims and zone objectives above, the proposed development is inconsistent with the intent and desired character of the local planning framework and is incompatible with the local built form and urban context, contrary to the applicant's request. Analysis included in the request has misinterpreted the intent and purpose of the local planning framework. References to the SEPP's principles, LEP aims and zone objectives are presented to promote the development in a generic sense and relate to the claimed benefits of the development. These arguments are not specific or even germane to the effects of the height variation.
Has the applicant's submission demonstrated that there are sufficient environmental planning grounds to justify the exception?	
No	The submitted environmental planning grounds are not concurred with as follows, therefore these grounds do not justify an exception to the building height standard: - Roof top elements that exceed the height standard are not visible from ground level and from most surrounding buildings. This is due to the sheer bulk (width and depth) of lower levels of the building blocking the view of these upper elements from below. The written request has ignored the impact of the remainder of the building, which towers above its neighbours. It is not the topmost parts of the building that have adverse impacts, as the applicant submits. Rather, it is the height and scale of the building below the roof that most significantly contributes to the building's failure to satisfy the standard's objectives. In other words, the height variation has been dealt with by artificially isolating height from the excessive depth and width of the building. Height is unable to be addressed without examining a building's depth and width in an integrated manner. - Proposed roof top open space is an inadequate substitute for ground level open space that a building with less site coverage and greater setbacks would achieve. The proposed roof

NORTH SYDNEY LEP 2013 – ASSESSMENT TABLE	
	Comments
Clause 4.6: Evaluation of request	
	terraces are likely to unreasonably affect privacy in the locality, especially the terrace atop the lower building section adjacent to Gerard Lane. - Remaining comments are an attempt to excuse poor design by achieving additional housing. In contrast, when announcing the low to mid rise housing policies, the NSW government made it clear that housing developed under the policy would not be at the expense of local character and amenity. At https://www.planning.nsw.gov.au/policy-and-legislation/housing/low-and-mid-rise-housing-policy/frequently-asked-questions statements to this effect include: <i>The Low and Mid-Rise Housing Policy is designed to encourage a variety of homes that match the character of our neighbourhoods.</i> <i>All other applicable planning controls, such as in state environmental planning policies (SEPPs), Local Environment Plans (LEPs) and Development Control Plans (DCPs) continue to apply and operate as normal.</i>
Has the applicant's submission justified the proposed exception to the development standard, and thus enable consent to be granted to the application?	
No	For the reasons provided above.

Part 5 Miscellaneous LEP provisions

None apply to the subject application.

Part 6 Additional local provisions

NORTH SYDNEY LEP 2013 – ASSESSMENT TABLE		
Provision	Complies/Consistent	Comments
Part 6 Additional Local Provisions		
Division 2 General Provisions		
6.10 Earthworks		
(3) (a) (i) Is disruption to drainage patterns and soil stability likely?	No	Standard conditions are available, were approval recommended.
(3) (a) (ii) Will natural features and vegetation of the site and adjoining land likely be affected?	Yes	The proposal will cause vegetation removal, and removed trees (23 of them) are not proposed to be satisfactorily replaced. Whether there are natural features such as rock formations on the site that could be affected is unknown.
(3) (b) Will the development affect likely future use or redevelopment of the land?	Yes	The scale and quantum of excavation would likely have effects on the likely future development of the land. It would influence the building envelope of a future proposal and possibly limit options for redevelopment.
(3) (c) How has the quality of fill or material to be removed been considered?	Yes	This matter could be addressed by a condition of consent.
(3) (d) Has the design of the proposed earthworks considered the impacts on existing and likely amenity of adjoining properties?	Yes	As above.

NORTH SYDNEY LEP 2013 – ASSESSMENT TABLE		
Provision	Complies/Consistent	Comments
(3) (e) Have the source of fill and destination of excavated material been considered?	Yes	As above.
(3) (f) Will Aboriginal objects likely be affected?	No	The site has been disturbed and location of Aboriginal objects on the site is unlikely.
(3) (g) Is the site close to waterways, in a drinking water catchment, or close to environmentally sensitive land, and will any likely be adversely affected by the development?	No	The site is removed from environmentally sensitive areas. DCP controls in relation to bushland are addressed later.
What measures are proposed to avoid, minimise, or mitigate impacts of the development?	Yes	Standard conditions are available, were approval recommended.
6.12 Residential flat buildings		
Objective: to prevent dwelling houses, dual occupancies or semi-detached dwellings being isolated on land that is not reasonably capable of development for residential flat buildings.		
Only applies to land zoned R4 High Density residential	N/A	Does not apply, the site is zoned R3.
Consent must not be granted for a residential flat building when a dwelling house, dual occupancy, or semi-detached dwelling is located on land adjoining the site and that land is zoned R4, unless: - The adjoining land is at least 900m², or - The adjoining land is capable of being development for a residential flat building.		

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2025

DEVELOPMENT CONTROL PLAN 2025 – ASSESSMENT TABLE		
Provision	Consistent	Comments
PART B ENVIRONMENT CONSIDERATIONS		
Section 1 Topography		
1.1 Earthworks		
Objectives 1. Maintain natural topography and landform. 2. Retain vegetation and trees and allow for new vegetation and trees. 3. Minimise negative impacts of excavation on neighbouring properties 4. Minimise excavation and site disturbance to retain natural	No.	1. The development proposes significant excavation for three and a half levels below existing ground level. As described elsewhere setbacks are minimal on all boundaries except to Reynolds Street. Proposed excavation has considerable impact on topography and landform. 2. As discussed, the proposal does little to preserve existing trees or provide new ones.

DEVELOPMENT CONTROL PLAN 2025 – ASSESSMENT TABLE		
Provision	Consistent	Comments
landforms, sandstone features, and retain natural water run-off. 5. Ensure structural integrity of adjoining properties. 6. Minimise effects of adjoining transport infrastructure.		3. Conditions could be recommended to provide protection for neighbouring development and infrastructure. 4. As discussed, natural landform is not being maintained (re Objective 1), whether any remnant rock landform for instance is affected is unknown. Stormwater management could be conditioned. 5. Conditions could be applied, to provide protection for neighbouring development and infrastructure. 6. The site is unaffected by adjoining transport infrastructure, such as a railway or main road.
Provisions 1. Promote objectives. 2. No removal or covering of natural rock formations. 3. 500mm max. difference between existing and finished ground levels. 4. Max. 1m below ex. ground level for floor level of habitable rooms, for more than 50% of the room's floor area. 5. 1m min. distance from property boundary for any earthworks. Min. 500mm provided no adverse impact on adjacent property. 6. 1.5m wide min. landscaped area along at least one boundary.	No.	1. The proposal is inconsistent with several objectives – 1, 2 and 4. 2. Whether there is any rock formation on the site is unknown. 3. The architectural drawings indicate little or no effort has been made to minimise excavation, including for the number and proportion of habitable rooms below existing ground level. 4. Unit LG03 is below the existing and finished ground level at the boundary. The dwelling faces south into two terraced retaining planters towards the boundary, and a steep embankment above these to the boundary. The difference in levels between the dwelling's floor level and at the finished level on the boundary is at least 4.5m, over a horizontal distance of about 5.5m. the amenity of this unit would be so poor the unit should be removed and that part of the site not excavated, as a minimum. 5. Earthworks are more than 1.0m from boundaries, except where stairs and ramps near the northeast (side) boundary connect the basement with lower ground level and on the side boundary to 53 Reynolds St, where the basement is proposed to be excavated up to the boundary. 6. There is no contiguous landscaped area along any boundary except along the boundaries with the part of 77 Benelong Rd that faces Gerard Lane (about 1.0m to 1.7m wide). Due to their steepness, these narrow strips are unusable for meaningful planting (trees and shrubs), although a rockery with ground covers could be built there.

Section 2 Visual impact and views		
2.2 Views		
Objectives 1. Protect and enhance views and vistas from public places. 2. Provide additional views and vistas from public places, when opportunity arises. 3. Encourage view sharing in accord with principles established by the Land & Environment Court.	No	The proposed development diminishes both public and private views and does not promote view sharing.
Provisions Consider potential view impacts using Planning Principles established by the Court: For views from the public domain: <i>Rose Bay Marina Pty Ltd v Woollahra Municipal Council and anor</i> [2013] NSWLEC 1046, and For views from private property (small scale housing), <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140, <i>Furlong v Northern Beaches Council</i> [2022] NSWLEC 1208, or When views from multiple apartments are affected: <i>Arnott v City of Sydney</i> [2015] NSWLEC 1052	No	The submitted view impact assessment is summarised as follows: (a) The assessment provided in the application's supporting documents is inadequate and does not follow the methodology established in <i>Tenacity Consulting v Warringah</i> [2004] NSWLEC 140, particularly regarding the principle of reasonableness. (b) The view loss analysis is insufficient for the apartment buildings on the opposite side of Gerard Lane, being: 'Bellerive Court', 64-66 Gerard Street (comprising 15 units) and 'Argyle Courts'; and 68 Gerard Street (comprising 9 units). (c) No view loss assessment has been undertaken for other potentially impacted residences, including 'The Caradale' apartments, 58-62 Gerard Street (comprising 15 units); neighbouring townhouses at 53 Reynolds Street; and the house at 79 Benelong Road. (d) Bulk and scale of the building exacerbate view loss from adjoining properties. (e) There is a negative visual impact on the streetscape and public views of Reynolds Street and Gerard Lane.
Section 3 Biodiversity		
3.1 Tree & vegetation management		
Consult with Landscape Development Officer regarding consideration of this Section.	No.	Previously discussed, landscaping could be resolved if adequate deep soil zones were provided.
3.2 Bushland		
3.2.1.3 When does section apply? When a site is in Buffer Area A or Area B on the Bushland Buffer Map – Figure B-3.1 Refer DA to urban bushland section.	Yes	Site is in Buffer Area B.
1.2.2.1 Siting and design 1. Minimise development's impacts on nearby bushland. 2. Use landscaping to protect biodiversity.	No	Landscaping does little to promote objective 2 and objectives 1 and 3 are not relevant.

3. Minimise risk of bush fire.		
3.2.3.2 Landscape Design 1. Complement bushland. 2. Reduce potential fire hazards. 3. Retain natural soil profile.	N/A	The site is remote from bushland, the natural soil profile has already been disrupted and the site is not bush fire prone.
3.2.3.3 Indigenous vegetation 1. Enhance local flora and fauna habitat. 2. Use endemic species. 3. Maintain a 10m vegetated buffer to bushland, when site adjacent to bushland, using 100% local species. 4. Sites where local conditions (slopes, soils, drainage et. al.) will be altered, landscaping is to use at least 80% local species.	N/A	Does not apply to sites in Area B.
3.2.3.4 Stormwater run-off and erosion 1. Run-off is not to be increased or concentrated. 2. Site contours and soils should be maintained. 3. Stormwater from building and works should be maintained on site and discharged into Council's system.	Yes.	The proposal is capable of being conditioned in manner consistent with these objectives.
Section 10 Environmental sustainability		
1. Information is to be submitted to satisfy the provisions of SEPP (Sustainable Buildings) 2022.	Yes.	A valid BASIX certificate (1822545M, 19/11/2025) and NatHERS certificate (012284949-02) have been submitted with the application to satisfy SEPP requirements. The certificate may require updating to respond to amendments resulting from the appeal process.
PART C HERITAGE CONSERVATION		
Consult with Conservation Planner regarding consideration of this Section.	N/A	Site is not a heritage item, not in a conservation area, neither is it adjacent to either a heritage item or a conservation area.
PART E SECTION 1 RESIDENTIAL DEVELOPMENT		
1.2 Social Amenity		
1.2.1 Population mix In a residential flat building of less than 20 dwellings, at least two of these dwelling types must be provided: - Studio - 1 bedroom, - 2 bedroom, - 3 bedrooms or more OR In a building of more than 20 units: Studio – 10-20% 1 bedroom – 25-35% 2 bedrooms – 35-45% 3+bedrooms – 10-20%	No	There are no one bedroom units, an inadequate number of 2 bedroom units and a surplus of 3 bedroom units. The unit mix is inconsistent with that promoted by the NSDCP – 1-20% studio, 25-35% 1 bed, 35-45% 2 bed and 10-20% 3+ bed, in a building of 20 or more units. As this clause requires, neither is the application supported by a report from a suitably qualified authority regarding current and future market demand to justify the lack of housing diversity proposed or recommend a more diverse offer of unit types and sizes.

A market appraisal by a suitably qualified person is required to support variations.		
1.2.2 Universal design and adaptable housing All units to achieve at least silver performance per Liveable Housing Design Guidelines. 20% of units must be adaptable when more than 5 units proposed.	Yes	21% of units (7 of 32) are adaptable.
1.2.3 Maintaining residential accommodation New development must maintain existing housing density – number of units, or rooms/beds in a boarding house.	Yes	Density is increased from 4 to 32 dwellings.
1.3 Quality Built Form		
1.3.2 Streetscape Ensure public domain adjacent to site contributed to a consistent streetscape.	No	The development contrasts starkly with other contemporary development in the locality and is incompatible with the streetscapes of Reynolds Street and Gerard Lane.
1.3.3 Laneways Ensure laneways are functional, attractive, safe and comfortable places.	No	Amenity in Gerard Lane is significantly reduced by the development.
1.3.4 Siting Maintain characteristic building orientation and siting.	No	Siting of the building is unacceptable as discussed, especially in relation to the inordinate site coverage and ineffective setbacks proposed.
1.3.5 Setbacks Front – match, or average of, existing setbacks either side Sides – Select provisions from Table E-1.2 Proposal: R3 Zone, RFB, Height max 8.5m 3m and BHP minimum setback. Rear – Match greater of setbacks either side, or As required by Part F, or RFBs in R4 zone, 1.5m and BHP, when height max 12m or less, or For RFB when height max exceeds 12m, see P6 (b) (ii).	No	Front setback: The front setback is inadequate and should be increased for such a tall building, to be more compatible with the streetscape of Reynolds Street.
	No	Sides: Side setbacks are unacceptable, as examined previously. Compliance with the building height plane would require partial excision of levels 1-4 and total removal of levels 5-7, suggesting the site is more suitable for a building of 4-6 storeys, with levels above ground being suitably terraced (setbacks increased) for each upward level, while also observing ADG building separation requirements.
	No	Rear: Rear setback is inadequate, being incompatible with adjacent buildings in Gerard Lane and Benelong Road. The part of the building facing the lane is significantly taller than buildings facing the lane either side of the site, on the same side of the lane. Its height should be reduced and/or its setback increased.
1.3.6 Form massing and scale To ensure buildings are of similar scale as and to not significantly	No	The height building's massing and scale exceeds that of other buildings facing the

exceed the form and scale of characteristic buildings.		street and is unacceptable, as discussed by the Design Excellence Panel.
1.3.7 Built form character Ensure development reflects and reinforces or complements existing local character.	No	As discussed previously.
1.3.8 Dwelling entry Provide a sense of address, safe access and security for residents.	No	See ADG evaluation.
1.3.9 Roofs Provide a characteristic roof using similar form, shape or materials.	Yes	A flat roof is appropriate for the site.
1.3.10 Dormers Ensure dormer design suits the dwelling and is characteristic of dormers in the locality, while maintaining local amenity.	N/A	
1.3.11 Colours and materials Ensure new buildings reflect and reinforce local character. Check Part F for specific requirements.	No	Use of dark colours and painted finishes are not favoured for sustainability, maintenance and character reasons.
1.3.12 Balconies 2m - min depth 8m ² - min area	Yes	See ADG Evaluation.
1.3.13 Front fences Fencing contributes to a characteristic pattern of fences and a garden setting, while providing informal surveillance, visual and acoustic privacy. Fencing should be no more than 1m high forward of the building line. Higher fencing allowed where locally characteristic. Check P6 (b) for where taller fences permitted Part F for locality-specific provisions.	Yes	The plans indicate a low wall, with landscaping behind.
1.4 Quality Urban Environment		
1.4.1 High quality residential accommodation Provide high quality amenity for RFB occupants.	No	See ADG evaluation.
1.4.2 Solar access 3 hours min mid-winter sun between 0900 and 1500 hours	Yes	See ADG evaluation.
1.4.3 Acoustic privacy	Yes	Could be conditioned.
1.4.4 Vibration	Yes	Could be conditioned.
1.4.5 Lightwells and ventilation Ensure natural light and ventilation. Lightwells not supported. When proposed, lightwells have minimum dimensions consistent with ADG separation distances and are open to the sky.	No	See ADG evaluation. Noting lightwells are not proposed, it is other design elements which potentially result in poor ventilation of units with louvres covering window openings and poorly lit and ventilated shared spaces throughout the building.
1.4.6 Site coverage Provisions from table E-1.5 45% min - RFB in R4 zone	No	57% (approx.) site coverage proposed, a 26% variation.

1.4.7 Landscape and unbuilt upon areas Provisions from table E-1.6 40% min LA - RFB in R4 zone 15% max UUA - RFB in R4 zone	No	17% landscaped area proposed. 26% unbuilt upon area proposed. These figures clearly indicate an overdevelopment of the site and a failure to satisfy DCP objectives.
1.4.8 Private and communal open space Provision from table E-1.7	No	See ADG evaluation.
1.4.9 Outdoor pools and spas Minimise visual and acoustic amenity impacts and use of potable water. 500mm max. above ex. ground level. 1.2m min. setback from any boundary. 6.0m min. distance from a neighbour's habitable room(s).	N/A	
1.4.10 Tennis courts 1.5m min. setback from any boundary. 6.0m min. distance from a neighbour's habitable room(s). Courts are to be screened with landscaping, detain and treat stormwater before discharge, have black fencing and not be flood-lit.	N/A	
1.4.11 Site facilities Enable use of open-air laundry lines Check other DCP provisions for: - Waste storage and management - Storage (ADG)	Yes	Conditions could be applied to address these matters.
PART F AREA CHARACTER OUTCOMES		
Section 5 North Cremorne Planning Area		
Clause 5.3 Waters Neighbourhood		
Desire future character (5.3.2) - Medium to high density housing to predominate - Density reduces as distance from Military Road increases Desired built form (5.3.3) - High density development is to have a sympathetic relationship with other surrounding development in terms of height, bulk and scale, privacy and access to views. - Buildings adjacent rear lanes to be ancillary to the main building on a site.	Yes No No Questionable	A discussed in relation to LEP zoning and height controls. In terms of size, the part of the building facing Gerard Lane is ancillary and is not ancillary in terms of use.

Planning agreements

No planning agreements apply to the site, draft or executed.

Environmental Planning and Assessment Regulation 2021

Section 61 of the regulation requires consideration of Australian Standard AS 2601—2001: *The Demolition of Structures*. The LEP requires consent for demolition of structures. Observance of this Standard could be required by a condition of consent.

DEVELOPER CONTRIBUTIONS

The proposal is subject to Council's Local Infrastructure Contributions Plan and the NSW Government's Housing and Productivity Contributions scheme.

The required contributions have not been calculated, as refusal is recommended.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered by this report.

EVALUATION: SECTION 4.15(1) ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Matters for consideration prescribed by S4.15(1) have been considered in this report as itemised by the following table.

<i>Matters for consideration</i>	<i>Considered</i>
(a) The provisions of:	
(i) any environmental planning instrument,	Yes
(ii) any proposed instrument that is or has been the subject of public consultation,	Yes
(iii) any development control plan,	Yes
(iiiia) any executed planning agreement or agreement offered by a developer, and	N/A
(iv) the regulations (refer to s.61 of the EP&A Regulation 2021),	Yes
(b) The likely impacts of the development on built and natural environments, and social and economic impacts on the locality,	Yes
(c) The suitability of the site for the development,	Yes
(d) Any submission made in accordance with the Act,	Yes
(e) The public interest.	Yes

SUBMITTERS' CONCERNS

The application has been notified in accordance with Council's Community Engagement Strategy.

83 submissions were received; their concerns are summarised in the following table and have been considered by this assessment.

<i>Issues raised</i>
a) Non-compliances indicate the proposal "...is substantially beyond that which can reasonably be accommodated on the site.", and "...will result in significant adverse impacts of neighbouring properties."
b) Not in keeping with local character.
c) Excessive bulk, scale and height, inadequate setbacks, visually overbearing and intrusive. An overdevelopment of the site.
d) Impacts on views.
e) Loss of solar access, overshadowing.
f) Impacts on visual and acoustic privacy.
g) Inadequate visitor parking, increasing demand for on-street parking.
h) Construction disruption, from noise, vibration, dust, and parking congestion.
i) 15 years of affordable housing is a "token gesture", rather than genuine commitment. It is a "term deposit" for the developer, with the housing returning to the market after 15 years.

j)	Undermines the quality of life of residents in the area.
k)	Increases safety risks for pedestrians, especially school children.
l)	Risks to adjacent buildings from deep excavations, especially where excavation to the boundary is proposed.
m)	Non-compliance with maximum building height and maximum floor space ratio standards, the latter due to 8 surplus parking spaces with associated circulation area, increasing FSR.
n)	Several tall buildings in the broader Cremorne locality (north of Military Road) have been cited as contributing to local character by the submitted statement of environmental effects, to which the proposed building is likened. However, one submission notes key differences between these older buildings and the proposal. A key difference is that they have significantly smaller site coverages than the 56% proposed. For example: i. 37-43 Reynolds St – about 15% site coverage ii. 40-48 Gerard St – about 15% site coverage iii. 81 Gerard St - - about 25% site coverage These other developments are also well landscaped, several with large trees that give scale and reduce the visual impact of the tall buildings. Accompanying the small site coverage as well, are significantly larger setbacks.
o)	The SEE is misleading by repeating images showing the same building 2 to 4 times, giving the impression there are more older style tall buildings in the area than there are. None of the images show the extensive landscaped grounds of these buildings. Several submissions noted errors and discrepancies in several submitted documents, including architectural plans, landscape plans, stormwater management plan, the geotechnical report, the acoustic DA assessment, visual impact assessment, traffic and parking assessment, and waste management plan.
p)	Inadequate setbacks, non-compliant with ADG visual privacy (building separation) requirements.
q)	The request to vary the height standard does not satisfy the tests of cl. 4.6 NSLEP. The request does not test alternatives, "...the request adopts the maximum available uplift as a starting point and then seeks to rationalise the impacts that follow. That approach is inherently flawed." The request does not provide a clear, transparent comparison between the proposed scheme and a genuinely compliant envelope that would allow Council to test whether the visual bulk, view loss, and amenity impacts would in fact be materially the same", as claimed.
r)	Case law does "...not stand for the proposition that severe or devastating view loss is acceptable simply because increased density is contemplated by planning controls."
s)	There is insufficient information provided to accurately measure the height of the proposed building, and the request to vary the standard is therefore without basis, unable to demonstrate the degree or quantum of the variation sought.
t)	The proposal is inconsistent with R3 zone objectives and other LEP provisions, including heritage, there being several items nearby in the Cremorne conservation area.
u)	Several NSDCP provisions are breached, including site coverage, preferred number of storeys, side setbacks, solar access, earthworks, tree retention, and landscape area.
v)	All surrounding residential buildings have habitable rooms facing the development and setbacks should be increased to achieve adequate separation. The proposal has habitable rooms facing adjacent development, despite the plans indicating windows opposite neighbouring development, which will need to be opened for light and ventilation, as "Non-habitable/Screening".
w)	Insufficient information is provided to assess overshadowing impacts.
x)	The submitted visual impact assessment should be given no weight, due to errors, inconsistency and contradiction.

y)	Proposed development based on maximising yields, evidenced by dwellings some 2.0m below ground level and close to the waste bin collection area.
z)	The area is unsuitable for affordable housing due to high living costs and providing affordable housing does not justify excessive height and density.
aa)	The area is heavily trafficked, bus services have been cut, and there is no rail or light rail. Cremorne Junction is not a town centre.
bb)	Lodgement and notification of the DA just before and during the Summer Holidays did not allow adequate time to review and seek specialist advice to assist in making submissions.
cc)	Tokenistic landscaping, including loss of 23 trees.
dd)	The large building will block cooling summer breezes to adjacent development.
ee)	Decline in property values, potentially causing financial hardship for some nearby owners.
ff)	The building "...has very limited aesthetic and visual appeal."
gg)	Approval would set a "dangerous precedent" for the area.
hh)	Communal open space should be at ground level. Choice of tree species and location are poor. For example, placing a Sydney Redgum on a side boundary (and not in a deep soil area).
ii)	There are no high-rise buildings visible from outside the site in Reynolds Street, and only houses and semis face the development from the other side of the street.
jj)	The net increase in traffic will be significantly higher than indicated by the application, with the amount of parking being 17 times greater than existing parking of the four dwellings on the site.
kk)	There are no smaller apartments to make housing more affordable. Neither does the proposal satisfy the population mix provisions of the NSDCP.
ll)	Additional strain will be caused to the drainage system.

CONCLUSIONS & REASONS FOR RECOMMENDATION

Reasons

This application responds to recent changes in planning controls introduced by the State Government to address the housing shortfall. These changes facilitate an outcome not far removed from that proposed here and result in significant uplift when compared to controls which until recently applied to the site.

However, this assessment has considered applicable provisions of relevant Environmental Planning Instruments and policies as they now apply including several SEPPs, the North Sydney LEP 2013 and North Sydney DCP 2025, and the issues raised by the 83 objections received from the public, upon notification of the application. The proposed development is deemed to be incapable of favourable determination for the following fundamental reasons:

1. The proposal is non-compliant with key controls of SEPP (Housing) 2021, North Sydney LEP 2013 and North Sydney DCP 2025.
2. The proposal is incompatible with existing and desired character of the neighbourhood.
3. The development would have unacceptably deleterious impacts on neighbourhood amenity.

4. Overdevelopment of the site would result from the development being carried out, as evidenced by excessive bulk and scale, site coverage and height, inadequate setbacks, landscape area and landscaping.
5. The proposal would have significant, negative impacts, especially on the built environment.
6. A proper assessment of certain matters has not been possible, due to inadequate information being provided with the application, regarding overshadowing of adjacent development, visual and view impacts, basement design, traffic and road safety impacts, demand and supply for the type of units proposed, waste management and impacts of excavation.
7. Having regard to the foregoing, the site is unsuitable for the proposed development and approval of the application would not be in the public interest.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (as amended)

THAT the Sydney North Planning Panel, exercising the functions of Council as the consent authority, refuse to grant consent to DA464/25, demolition of all existing development and the construction of an eight (8) storey residential flat building comprising thirty-two (32) apartments including infill affordable housing together with site landscaping, car parking, site services and associated site development works, on land at 57-61 Reynolds Street Cremorne, for the following reasons:

1. The proposed development does not comply with certain non-discretionary development standards of SEPP (Housing) 2021 – landscape area, floor space ratio and building height. The application is non-compliant with the standards of:
 - a) Section 19 (2) (b) (ii) Landscaped area,
 - b) Section 180 (2) (a) Floor space ratio, and
 - c) Section 180 (2) (b) Building height, residential flat building.
2. Consent is unable to be granted, as the proposed development breaches the landscape area and floor space ratio development standards and no request has been made to vary those development standards.
3. Consent is unable to be granted because the proposed development breaches the building height development standard and the submitted request to vary the standard is inadequate, as the request fails to demonstrate that compliance would be unreasonable or unnecessary and that there are sufficient environmental planning grounds to warrant consent being granted. The application has not satisfied preconditions for approval of:
 - a) Clause 4.6 (3) North Sydney LEP 2013.
4. The proposed development would be a disruptive form in its context and incompatible with the locality's existing and desired future characters. The application does not comply with the following provisions:
 - a) Section 20 Design requirements, SEPP (Housing) 2021,
 - b) Section 147 (1) (a) Design principles (Schedule 9), SEPP (Housing) 2021,
 - c) Clause 1.2 (2) (b) (i) and (iii) Aims of the Plan, North Sydney LEP 2013, and
 - d) Clause 4.3 (1) Building height, objective (f) and (g), North Sydney LEP 2023.
5. The proposed development has excessive built form, bulk and scale, having adverse impacts on local amenity and results in the development being incompatible with local existing and desired future character. The application is inconsistent with:
 - a) Clause 1.2 (2) (b) (i) and (iii) Aims of the Plan, North Sydney LEP 2013,
 - b) Clause 1.3.5 Setbacks and clause 1.3.7 Built Form Character, Section 1.3, Part E, North Sydney Development Control Plan 2025, and

- c) Clause 5.3.2. Desired character, Section 5 North Cremorne Planning Area, Part F, North Sydney DCP 2025.
- 6. The proposed development has excessive density and is inconsistent with the following provisions:
 - a) Section 180 (2) (a) Floor space ratio, SEPP (Housing) 2021, and
 - b) Clause 1.4.6 Site coverage, section 1.4, Part E, North Sydney DCP 2025.
- 7. The proposal's design and finishes are unsustainable and are inconsistent with:
 - a) Clause 147 (1) (a) Design principles (Schedule 9) SEPP (Housing) 2021.
- 8. Landscaping of the proposed development fails to provide scale to the development, adequate area for suitable plant species or for adequate ground level communal open space. The proposed landscape works do not comply with planning controls and fail to provide adequate landscape screening for neighbouring properties or meaningful visual contributions to the streetscape. The proposal fails to satisfy:
 - a) Section 19 (2) (a) SEPP (Housing) 2021,
 - b) Section 147 (1) (a) Design principles (Schedule 9) SEPP (Housing) 2021, and
 - c) Clause 1.4.7 Landscape area, section 1.4, Part E, North Sydney DCP 2025.
- 9. The proposed development will provide unacceptable amenity for some of the building's occupants and adversely impact the amenity of neighbours in nearby buildings, and does not comply with:
 - a) Clause 147 (1) (a) Design principles (Schedule 9) SEPP (Housing) 2021.
- 10. The proposed development will have unacceptable impacts on both public and private views, the assessment of view and visual impacts provided is inadequate, and the development is inconsistent with:
 - a) Clause 4.3 (1) Building height standard, objective (b), North Sydney LEP 2013, and
 - b) Clause 2.2 Views, Section 2, Part B, North Sydney DCP 2025.
- 11. Aspects of the design are, or may be perceived as unsafe and the development is inconsistent with:
 - a) Clause 147 (1) (a) Design principles (Schedule 9) SEPP (Housing) 2021.
- 12. The proposal lacks diversity of unit types and sizes and does not promote social interaction, and is inconsistent with:
 - a) Clause 147 (1) (a) Design principles (Schedule 9) SEPP (Housing) 2021, and
 - b) Clause 1.2.1 Population mix, Section 1, Part E, North Sydney DCP 2025.
- 13. The proposed development does not provide a successful and safe access to the parking basement and a car park layout to service the transport demands of the development, and is inconsistent with:
 - a) Section 4 Car Parking and Transport, Part D, North Sydney DCP 2025.
- 14. The development includes significant excavation which will likely have detrimental impacts on built and natural environments. Significant excavation is required to accommodate the proposed basement and footprint of the building. The application does not satisfy:
 - a) Clause 6.10 Earthworks, North Sydney LEP 2013, and
 - b) Clause 1.1 Topography, Section 1, Part B, North Sydney DCP 2025.
- 15. Proposed waste management facilities are unsuitable and are inconsistent with Council's requirements:
 - a) Section 5 Waste Minimisation and Management, Part D, North Sydney DCP 2025.

16. The proposed development will likely have significant, adverse impacts on the built environment pursuant to section 4.15 (1) (b) Environmental Planning and Assessment Act 1979.
17. The site is not suitable for the proposed development, pursuant to section 4.15 (1) (c) Environmental Planning and Assessment Act 1979.
18. Approval of the application would not be in the public interest, pursuant to section 4.15 (1) (e) Environmental Planning and Assessment Act 1979.

J M DAVIES
EXECUTIVE ASSESSMENT PLANNER
NORTH SYDNEY COUNCIL

Dated: 29/04/2026

