

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

|                                 |                                                    |
|---------------------------------|----------------------------------------------------|
| <b>DATE OF DETERMINATION</b>    | 14 May 2026                                        |
| <b>DATE OF PANEL DECISION</b>   | 13 May 2026                                        |
| <b>DATE OF PANEL MEETING</b>    | 13 May 2026                                        |
| <b>PANEL MEMBERS</b>            | Peter Debnam (Chair), Brian Kirk, Stephen O'Connor |
| <b>APOLOGIES</b>                | None                                               |
| <b>DECLARATIONS OF INTEREST</b> | Sue Francis                                        |

Public meeting held by videoconference on 13 May 2026, opened at 1:30 pm and closed at 2.18 pm.

Papers circulated electronically on 29 April 2026.

#### MATTER DETERMINED

PPSSNH-753 – North Sydney – DA/464/2025 at 57, 59 & 61 Reynolds Street, Cremorne NSW 2090 – Demolition of existing development and construction of a residential flat building, including infill affordable housing together, site landscaping, car parking, site services and associated site development works (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 meeting listed at item 8 in Schedule 1.

#### Application to vary a development standard:

Following consideration of the written request from the applicant, made under cl 4.6 of the North Sydney Local Environmental Plan 2013 (LEP) seeking to contravene s. 16(3) of the State Environmental Planning Policy (Housing) 2021 (SEPP) with regard to the maximum height of the building;

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 to permissible building height and the Panel refused the application for the reasons outlined in Council's Assessment Report as uploaded to the NSW Planning Portal on 29 April 2026 by Council.

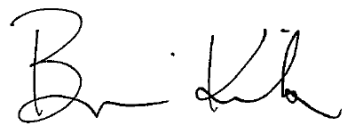
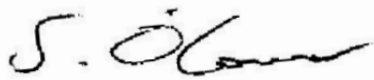
The Panel notes the Applicant declined the opportunity to address the Panel or respond to the verbal submissions made by members of the public during the Public Determination Meeting held on 13 May 2026.

The Panel further notes Council's Assessment Report listed 18 reasons for refusal of the application, and the Panel accepted these reasons. Consequently, the Panel determined to refuse the application.

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern 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 or desired future character
- Excessive bulk, scale and height
- Inadequate setbacks
- 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
- Waste management adequacy
- Project completion timeframes and financial viability
- Deep soil concerns
- Landscaping requirements inadequacy and tree top canopy character incompatibility

| PANEL MEMBERS                                                                                               |                                                                                                     |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <br>Peter Debnam (Chair) | <br>Brian Kirk |
| <br>Stephen O'Connor     |                                                                                                     |

| SCHEDULE 1 |                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | PANEL REF – LGA – DA NO.                              | PPSSNH-753 – North Sydney - DA/464/2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 2          | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3          | STREET ADDRESS                                        | 57, 59 & 61 Reynolds Street, Cremorne NSW 2090                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 4          | APPLICANT/OWNER                                       | Applicant: A Reynolds St Holdings Pty Ltd. / CPDM Pty Ltd.<br>Owner: A Reynolds St Holdings Pty Ltd.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 5          | TYPE OF REGIONAL DEVELOPMENT                          | General development over \$30 million                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 6          | RELEVANT MANDATORY CONSIDERATIONS                     | <ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>State Environmental Planning Policy (Housing) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>North Sydney Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>North Sydney Development Control Plan 2025</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL                      | <ul style="list-style-type: none"> <li>Council Assessment Report: 29 April 2026</li> <li>Clause 4.6 Variation Request Report (maximum building height): 20 November 2025</li> <li>Written submissions during public exhibition: 83</li> <li>Verbal submissions at the public meeting: 8 <ul style="list-style-type: none"> <li>John Kyriakopoulos, Judith MacCormick, Michele McGuire, Lesley Sommerville, Sarah Kok, Kristi Young, Darren Freeman, Ian Ferguson, Grant Thompson</li> <li>Council assessment officer – Jim Davies, Stephen Beattie</li> <li>On behalf of the applicant – Nil</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 8          | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>Public Determination Meeting to discuss Council's final recommendation: 13 May 2026 <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Stephen O'Connor</li> <li><u>Council assessment staff</u>: Jim Davies, Stephen Beattie</li> <li><u>Applicant representatives</u>: Nil</li> <li><u>Department staff</u>: Nicole McNamara, Anaise Nagy</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 9          | COUNCIL RECOMMENDATION                                | Refusal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 10         | DRAFT CONDITIONS                                      | Attached to the Council Assessment Report as uploaded by Council to the NSW Planning Portal on 29 April 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |