

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	31 October 2025
DATE OF PANEL DECISION	31 October 2025
DATE OF PANEL MEETING	29 October 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Indu Balachandran, Kim Wheatley
APOLOGIES	Alec Taylor, Martin Smith
DECLARATIONS OF INTEREST	None

Public meeting held by MS Teams videoconference on 29 October 2025, opened at 10:30 am and closed at 11:13 am.

Papers circulated electronically on 8 October 2025.

MATTER DETERMINED

PPSSNH-632 – Ku-ring-gai - eDA0182/25 at 5 & 7 Middle Harbour Road, Lindfield NSW 2070 – Construction of residential flat building (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 meetings and briefings listed at item 8 in Schedule 1.

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 application for the reasons below and in Council's comprehensive Assessment Report.

During the public meeting the Panel heard extensively from the community, Applicant and Council. While the Applicant advised significant changes to the proposal had been prepared and presented to Council in recent weeks, the Panel noted the proposal must be determined on the basis of the original proposal lodged and assessed by council.

The Panel concurs with Council's basis for recommending refusal and notes Council's 28 Reasons for Refusal correspond to the SOFAC filed with the Court and note that these issues will be the subject of a s34 conciliation conference on 1 December 2025.

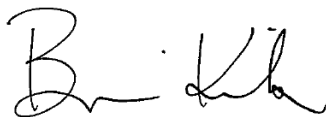
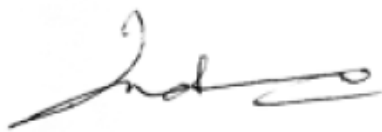
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel at the public meeting on 29 October 2025. The Panel notes that issues of concern included:

- Incompatibility with local and future character
- Environmental and landscape impacts

- Infrastructure and stormwater concerns
- Parking, traffic and access issues
- Planning non-compliances
- Amenity and structural impacts
- Building height and visual impact
- Site isolation (9 Middle Harbour Road)
- Front and rear setbacks
- Sunlight access and ventilation
- Non-compliance with Apartment Design Guidelines
- Noise pollution
- Deep soil landscaping
- Heritage
- Overshadowing
- Bulk and Scale of proposal

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

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 Indu Balachandran
 Kim Wheatley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-632 – Ku-ring-gai - eDA0182/25
2	PROPOSED DEVELOPMENT	Demolition of existing structures, amalgamation of lots and construction of a residential flat building with basement parking and associated works.
3	STREET ADDRESS	5 & 7 Middle Harbour Road, Lindfield NSW 2070
4	APPLICANT/OWNER	Applicant: Marco Novati, Castle 38 Pty Ltd. Owner: Michael Grahame Sheffield, Nicole Marie Sheffield, Natalie Fay Martin Lonie
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ Ku-ring-gai Local Environment Plan 2015 ○ Ku-ring-gai Contributions Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: ○ Ku ring-gai Development Control Plan 2024 • Planning agreements: Nil • Relevant provisions of the Environmental Planning and Assessment Regulation 2021 • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council Assessment Report: 8 October 2025 • Written submissions during public exhibition: 28 • Total number of unique submissions received by way of objection: 26 • Verbal submissions at the public meeting: ○ Ursula Bonzol, Stephanie Vatala, Kerry Nash, Caroline Stevenson, Angus Docktrill, Tony Moody, Richard Mullen, Rob Warren ○ Council assessment officer – Shanika Kappagoda ○ On behalf of the applicant – Jonathan Joseph (Planning Ingenuity), Michael Gaston
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Preliminary briefing: 2 July 2025 ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis ○ <u>Council assessment staff</u>: Shanika Kappagoda, Jonathan Goodwill ○ <u>Applicant representatives</u>: Marco Novati, Christopher Antunes, Mathew Clarke, Jonathan Joseph ○ <u>Department staff</u>: Lillian Charlesworth • Council and Applicant briefing: 1 October 2025

		○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Indu Balachandran, Martin Smith ○ <u>Council assessment staff</u>: Shanika Kappagoda, Jonathan Goodwill, Shaun Garland, Joseph Piccoli, Fiona Ambrosino, Kerry Hunter, Ross Guerrera ○ <u>Applicant representatives</u>: Marco Novati, Jonathan Joseph ○ <u>Department staff</u>: Lillian Charlesworth, Anaise Nagy ● Public meeting and Panel discussion of Council's recommendations: 29 October 2025 ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Indu Balachandran, Kim Wheatley ○ <u>Council assessment staff</u>: Shanika Kappagoda, Johnathan Goodwill, Zoran Popovic, Joseph Piccoli, Fiona Ambrosino ○ <u>Applicant representatives</u>: Michael Gaston, Matt Clark, Marco Novati, Jonathan Joseph ○ <u>Department staff</u>: Anaise Nagy
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	As uploaded by Council to the Planning Portal on 23 September 2025