

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	12 December 2025
DATE OF PANEL DECISION	11 December 2025
DATE OF PANEL MEETING	11 December 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Indu Balachandran
APOLOGIES	Alec Taylor, Martin Smith
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 11 December 2025, opened at 10:00 am and closed at 10:11 am. Papers circulated electronically on 28 November 2025.

MATTER DETERMINED

PPSSNH-633 – Ku-ring-gai – eDA0190/25 at 17, 19 & 21 Shirley Road, Roseville NSW 2069 – Demolition of existing structures and construction of a residential flat building with basement car parking and associated 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 meetings and briefings listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of the written requests from the applicant pursuant to Clause 4.6 of the Ku-ring-gai Local Environmental Plan 2015 (LEP) in relation to:

- A. c. 155(2) of the Housing SEPP (2021) with regard to the maximum building height for a residential flat building in a Transport Oriented Development Area and;
- B. c. 155(4)(a) of the Housing SEPP (2021) with regard to the maximum floor space ratio (FSR) for residential flat buildings in a Transport Oriented Development Area;
- a. the applicant's written requests to exceed the maximum building height and floor space ratio (FSR), has demonstrated that compliance with the development standards is unreasonable or unnecessary in the circumstances; and
- b. there are sufficient environmental planning grounds to justify the contravention of the development standard.

In relation to height, the Panel notes Council's advice that the application as originally submitted featured a more compliant building height than the final proposal but included subterranean units and privatised setback areas. The applicant's alternative massing scheme was also problematic as it was unlikely to result in a positive streetscape outcome. By contrast, the final proposal provides positive streetscape and amenity outcomes and is largely compliant with ADG requirements.

The Panel also concurs with Council that the proposed development, as it appears above ground, is of complying FSR and is of a bulk that is envisaged by the TOD delivery program. Additionally, the proposed FSR non-compliance is technical in nature resulting from the specific wording of the KDCP, which includes excess car parking as GFA. SEPP Housing does not impose a limit on car parking.

Development Application

The Panel determined to approve 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 uphold the Clause 4.6 variation to building height and FSR and approve the application for the reasons below and in Council's Assessment Report.

The Panel notes that since lodgement of the application, it benefited from extensive feedback from the community and Council with significant amendments being made to the design originally lodged.

As Council notes, the application was assessed against the original TOD provisions as a result of savings and transitional provisions in the KLEP.

The Panel believes the proposal has been properly assessed against relevant planning controls, is suitable for the site, will provide much needed accommodation options for the local community and warrants support.

CONDITIONS

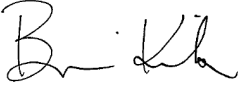
The Development Application was approved subject to the conditions provided by Council and uploaded to the Planning Portal by the Planning Panels Secretariat on 17 December 2025, which included two new conditions to ensure landscaping must be maintained and retained for the life of the development and a condition to ensure essential services are appropriately screened.

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:

- Driveway design and location
- Bulk, scale, setbacks and topography
- Availability of public transport
- Privacy and amenity impacts
- Transition impacts to low density development
- Traffic and safety concerns
- Inconsistencies with TOD Alternative
- Impacts to streetscape and heritage items
- Site isolation
- Overshadowing impacts
- Privacy impacts from rooftop terrace
- Acoustic impacts
- Stormwater runoff
- Insufficient carparking

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-633 – Ku-ring-gai – eDA0190/25
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a residential flat building with basement car parking and associated works
3	STREET ADDRESS	17, 19 & 21 Shirley Road, Roseville NSW 2069
4	APPLICANT/OWNER	Applicant: Patrick McNamee / Lindfield Estate Pty Ltd. Owner(s): Jeanette Hanson, Rodney Hanson, Andrew Ren, Sara Jackson, Stephen Bramley-Jackson
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ State Environmental Planning Policy (Housing) 2021 ○ Ku-ring-gai Local Environmental Plan 2015 • Draft environmental planning instruments: Nil • Development control plans: ○ Ku-ring-gai Development Control Plan 2025 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council Assessment Report: 27 November 2025 • Council Briefing Report: 1 July 2025 • Clause 4.6 Variation Request Report (Maximum building height): 26 September 2025 • Clause 4.6 Variation Request Report (FSR): 26 September 2025 • Clause 4.6 Variation Request Report (Maximum building height): 11 April 2025 • Written submissions during public exhibition: 21 • Total number of unique submissions received by way of objection: 15 • Verbal submissions at the public meeting: ○ Helen Francombe ○ Council assessment officer – Brodee Gregory ○ On behalf of the applicant – Patrick Caruso, Patrick McNamee
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>: Brodee Gregory, Luke Donovan, Peggy Wong, Kirraly Northey ○ <u>Applicant representatives</u>: Patrick McNamee, Patrick Caruso, Greg Boston, Maxine Mouawad, Carl Guevarra ○ <u>Department staff</u>: Lillian Charlesworth

		- Public meeting to discuss council’s recommendation: 11 December 2025 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Indu Balachandran <u>Council assessment staff</u>: Brodee Gregory, Shaun Garland, Joseph Piccoli, Geoff Bird, Kirraly Northey <u>Applicant representatives</u>: Patrick McNamee, Patrick Caruso <u>Department staff</u>: Anaise Nagy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Included in the Council Assessment Report as uploaded by Council to the Planning Portal 27 November 2025, then further amended by Council on 11 December 2025 and uploaded to the Planning Portal by the Planning Panels Secretariat on 17 December 2025