

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	29 January 2026
DATE OF PANEL DECISION	29 January 2026
DATE OF PANEL MEETING	28 January 2026
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Alec Taylor, Kim Wheatley
APOLOGIES	Martin Smith
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 28 January 2026, opened at 10:30 am and closed at 10:42 am.

Papers circulated electronically on 15 January 2026.

MATTER DETERMINED

PPSSNH-636 – Ku-ring-gai – eDA0189/25 at 7, 9 & 11 Pockley Avenue, Roseville NSW 2069 – Construction of residential flat building 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 request from the applicant, made under cl 4.6 (2) and cl 4.6 (3) of the Ku-ring-gai Local Environmental Plan 2015 (LEP) and cl. 155(2) of the State Environmental Planning Policy (Housing) 2021 (SEPP) that seeks to contravene;

- A. cl. 155(2) of the SEPP (2021) with regard to the maximum building height for a residential flat building in a Transport Oriented Development Area;

The Panel is not satisfied that:

- a. the applicant's written request to exceed the maximum building height 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.

The Panel notes the Applicant's written request for variation was considered extensively in Council's Assessment Report and the Panel concurs with Council that the request is incomplete and did not establish justification for the proposed variance.

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 not to accept the Clause 4.6 variation request to building height and to refuse the application for the reasons below and in Council's comprehensive Assessment Report.

The Panel notes the applicant decided not to attend the public determination meeting and had not responded to Council's requests for information over the last six months.


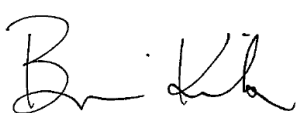

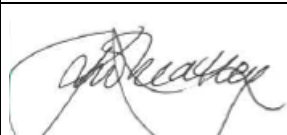
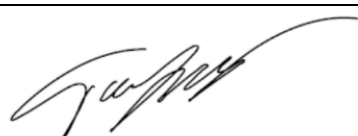
Prior to the public meeting, the Panel was extensively briefed by Council in relation to the 35 Draft Reasons for Refusal. The Panel considered the Assessment report and the contributions of the community and concurs with Council that the application should be refused.

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 issues of concern included:

- Bushfire impacts
- Traffic impacts
- Fauna and flora impacts
- Retaining walls impacting deep soil along eastern side of site
- Overshadowing
- View loss
- Water runoff
- Character of locality changing
- Additional trees for screening
- Noise pollution
- Solar impacts to neighbouring properties east of proposed development
- Insufficient traffic impact assessment

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	 Kim Wheatley
 Alec Taylor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-636 – Ku-ring-gai – eDA0189/25
2	PROPOSED DEVELOPMENT	Demolition of existing structures, lot consolidation and construction of a residential flat building development with basement car parking and associated works.
3	STREET ADDRESS	7, 9 & 11 Pockley Avenue, Roseville NSW 2069
4	APPLICANT/OWNER	Applicant: Marie-Claire Alexander-Hatziplis / Place Studio AU Pty Ltd. Owner: Mr. A Berenjforoush, Mrs. N Asadi, Mrs. L Sansome, Mr. D Matthews, Mrs. S Mathews
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 Ku-ring-gai Local Environmental Plan 2015 Ku-ring-gai Contributions Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> 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 <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	<ul style="list-style-type: none"> Council Assessment Report: 21 January 2026 Council Briefing Note: 10 July 2025 Clause 4.6 variation request (building height) report: 11 April 2025 Submission from elected Council to SNPP: 30 October 2025 Written submissions during public exhibition: 10 Unique submissions during public exhibition: 10 Verbal submissions at the public meeting: 2 <ul style="list-style-type: none"> Rushenka Perera, Francis Walker Council assessment officer – Jonathan Goodwill, Ross Guerrera
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 16 July 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis <u>Council assessment staff</u>: Phillip Johnston, Jonathan Goodwill <u>Applicant representatives</u>: James Alexander-Hatziplis, Nicholas Grimes, Tim McCarthy <u>Department staff</u>: Lillian Charlesworth, Jade Buckman Public determination meeting to discuss council's recommendation: 28 January 2026 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Kim Wheatley, Alec Taylor <u>Council assessment staff</u>: Jonathan Goodwill, Joseph Piccoli, Ross

		<p>Guerrera, Fiona Ambrosino, Gurpeet Grewal</p> <ul style="list-style-type: none"> ○ <u>Department staff:</u> Anaise Nagy, Nicole McNamara, Maree Vella, Angus Bell
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Council Assessment Report as uploaded by Council to the Planning Portal on 15 January 2026