

To: Sydney North Planning Panel (SNPP)

From: Michael Rowe, Director, Beam Planning

Date: 6 March 2026

Memorandum: 46-50 Cowan Road, St Ives NSW 2075 – Construction of a new 6-storey residential flat building, basement carparking and associated works

RE: DRAFT CONDITIONS OF CONSENT TO INFORM PLANNING PANEL DETERMINATION (eDA0485/25 | PPSSSNH-729)

1.0 Summary

- 1.1 Beam Planning prepared the development application eDA0485/25 for the construction of a new 6 storey residential flat building, basement carparking and associated works.
- 1.2 Council has recommended refusal in the context of the proponent lodging a deemed refusal.
- 1.3 In my expert opinion, the proposal, as lodged, achieves an acceptable balance of the low-midrise planning controls within State Environmental Planning Policy (Housing) 2021 (Housing SEPP) and the aspirations of the Ku-ring-gai Development Control Plan (KDCP), in the context of the site and its surrounds.
- 1.4 The Panel should note the following in its deliberations of this development application:
 - 1.4.1 the KDCP and its controls were conceived prior to the adoption of the low-midrise planning controls within the Housing SEPP,
 - 1.4.2 the site is not located within a 'character area' within the KDCP,
- 1.5 the Housing SEPP includes development standards that would facilitate the lodgement and approval of a residential flat building of 28.6m or approximately 8 – 9 storeys.
- 1.6 Notwithstanding the above, the proponent has undertaken meaningful design changes to address the Council and community's concerns. Due to the deemed refusal, Council reported the DA to the SNPP for refusal prior to allowing the applicant to submit the amended plans that addresses its concerns.
- 1.7 Whilst we acknowledge there is an upcoming Section 34 Conciliation, it is strongly in the public interest that the Panel avoid unnecessary use of resources and further delays to the project.
- 1.8 We therefore request that the SNPP direct Council to allow for the amended plans to be formally uploaded to the NSW Planning Portal to enable the approval of this otherwise generally compliant application and enable the delivery of well located high-quality housing.

2.0 Council Concerns

- 2.1 The concerns of Council largely revolve around the contents of the Housing SEPP and the building envelopes that the low-midrise housing provisions create.
- 2.2 The building envelopes are inconsistent with Council's 'desired future character', as the low-midrise housing provisions are not borne out of a Council strategic planning process.
- 2.3 Therefore, many of the provisions of the KDCP would not have conceived the controls within the Housing SEPP. Non-compliances with these incompatible controls, does not warrant refusal.

3.0 Community Concerns

- 3.1 Community concerns are identified in sixteen (16) submissions that were received only from residences' on Cowan Road and the Pymble Golf Club, also on Cowan Road.

- 3.2 These concerns largely related to the building envelopes that are now permissible through the Housing SEPP.
- 3.3 Specific concerns were raised from the residences at 30-32 Cowan Road regarding the location of the carpark entry ramp in Building A and possible negative impacts related to visual, acoustic and odour.

4.0 Meaningful Design Changes to Address Council and Community Concerns

To broadly address Council and community concerns, meaningful design changes have been undertaken to enable the Panel to approve the development application. These changes are summarised below and illustrated in the attached documentation.

- The height of both buildings has been reduced, with only minor protrusions above the 22m as a consequence of the sloping topography and irregular existing site levels.
- The potential GFA areas raised by Council have been removed / redesigned to ensure compliance with the FSR standard.
- The south east corner of Building A has been modified to improve solar access to 30-32 Cowan Road up to 86%.
- At the request of the residents at 30-32 Cowan Road, the driveway has been relocated away from their boundary to alleviate their concerns in relation to odour and acoustic impacts, as well as improving the activation of the southern façade and enabling retention of more significant trees.
- The relocation of the driveway and reduction in building footprint allows the retention of a further 10 trees.
- The basement has been redesigned out of the Cowan Road setback, increasing deep soil from 13.8% up to 29.6%.
- At least 25% of the site area is now provided as communal open space.
- A distinct architectural recess has been included in the northern façade of Building A, and the southern façade of Building B, to further articulate the side frontages consistent with the KDCP.
- Doors have been removed from the multi-purpose rooms, mitigating the assumption that these will be used as non-compliant bedrooms.

5.0 Conclusion

In my expert opinion, the development application, as lodged, achieves an acceptable balance of the low-midrise planning controls within State Environmental Planning Policy (Housing) 2021 (Housing SEPP) and the aspirations of the Ku-ring-gai Development Control Plan (KDCP), in the context of the site and its surrounds.

Since public exhibition of the proposal, the proponent has undertaken meaningful design changes to address Council and community concerns.

These changes significantly improve the merit of the proposal and mitigate impacts to surrounding neighbours and allow the SNPP to approve the proposal.

These changes are documented in the attached plans, that can be formally uploaded to the NSW Planning Portal.

Kind regards



Michael Rowe

Director

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