

DATE OF DETERMINATION	5 June 2026
DATE OF PANEL DECISION	4 June 2026
DATE OF PANEL MEETING	3 June 2026
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Stephen O'Connor, Martin Smith, Kim Wheatley
APOLOGIES	Sue Francis, Alec Taylor
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 3 June 2026, opened at 10:32 am and closed at 11:37 am.

Papers circulated electronically on 28 May 2026.

MATTER DETERMINED

PPSSNH-729 – Ku-ring-gai – eDA0485/25 at 46-50 Cowan Road, St Ives NSW 2075 – Construction of a residential flat building, basement carparking 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 the meetings listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of the two written requests prepared by the applicant, made under cl 4.6 of the Ku-ring-gai Local Environmental Plan 2015 (LEP) seeking to contravene s. 175 and s. 180 of the State Environmental Planning Policy (Housing) 2021 (SEPP) with regard to the maximum height of buildings;

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 request to contravene the maximum building heights; and refuse the application for the 16 reasons outlined in the Supplementary Council Assessment Report (uploaded to the NSW Planning Portal on 27 May 2026).

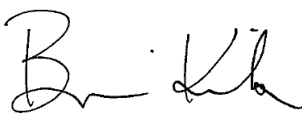
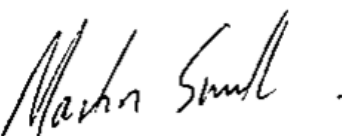
The Panel notes that the application was the subject of a public determination meeting upon two occasions: the first held on 11 March 2026, and the second on 3 June 2026.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibitions and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- incompatible with neighbourhood character
- inadequate side and rear boundary setbacks
- inadequate building separation
- inadequate landscaping plans
- inadequate construction management plan
- insufficient communal open space
- excessive bulk and scale
- unreasonable overshadowing and solar access impacts
- unreasonable traffic impacts
- unreasonable privacy impacts to adjacent properties
- neighbouring property devaluation
- safety concerns requiring a footpath along site frontage
- insufficient amended plans proposed, failure to scale-down appropriately
- noise and vibration impacts, dilapidation report adequacy
- exacerbation of existing traffic concerns
- safety, health and wellbeing of neighbouring property owners
- structural concerns due to bulk and scale of development

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
 Stephen O'Connor	 Martin Smith
 Kim Wheatley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-729 – Ku-ring-gai – eDA0485/25
2	PROPOSED DEVELOPMENT	Construction of a residential flat building, basement carparking and associated works.
3	STREET ADDRESS	46-50 Cowan Road, St Ives NSW 2075
4	APPLICANT/OWNER	Applicant: Emma Ellis / Traders in Purple Co Pty Ltd. Owner: Metro St Ives Pty Ltd.
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - 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 2026 - Planning agreements: Nil - Relevant provisions of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2021, and the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 - 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: 25 February 2026 - Supplementary Council Assessment Report: 27 May 2026 - Final Draft Recommended Conditions of Consent: 2 June 2026 - Applicant Memorandum to SNPP: 6 March 2026 - Additional Applicant Memorandum to SNPP: 28 May 2026 - Clause 4.6 Variation Request Report (Building Height): 27 August 2025 - Amended Clause 4.6 Variation Request Report (Building Height): 9 April 2026 - Written submissions during public re-exhibition: 26 - Verbal submissions at the public meeting: - Denise Foot, Kevin McLintock, Allen Coates, Grahame Hall, Jay Chander, Linda Chander, Peter Edwards - Council assessment officer – Brent Pearce On behalf of the applicant – Michael Teoh, Michael Rowe, Emma Ellis - Written submissions during public exhibition: 16 - Verbal submissions at the public meeting: - Kevin McLintock, Allen Coates, Peter Edwards, Jay Chander, Linda Chander, Daniel McNamara, Denise Foot, Ross Eichorn - Council assessment officer – Brent Pearce - On behalf of the applicant – Michael Teoh, Michael Rowe

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Public meeting to discuss Council's recommendation and to defer: 11 March 2026 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Indu Balachandran, Kim Wheatley <u>Council assessment staff</u>: Brent Pearce, Shaun Garland, Selwyn Segall <u>Applicant representatives</u>: Michael Teoh, Michael Rowe, Eliza Hannah, Rido Pin, Gloria Ha <u>Department staff</u>: Nicole McNamara, Anaise Nagy - Public meeting to discuss Council's final recommendation: 3 June 2026 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Stephen O'Connor, Martin Smith, Kim Wheatley <u>Council assessment staff</u>: Brent Pearce, Brodee Gregory, Ross Guerrero, Constanza Bottazzini, Michael Miocic, Stephen Collier, Sascha Solomon <u>Applicant representatives</u>: Michael Teoh, Emma Ellis, Michael Rowe, Eliza Hannah <u>Department staff</u>: Nicole McNamara, Anaise Nagy
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Supplementary Council Assessment Report as uploaded by Council to the Planning Portal on 27 May 2026, then reuploaded by Council on 2 June 2026.