

DATE OF DETERMINATION	14 July 2022
DATE OF PANEL DECISION	13 July 2022
DATE OF PANEL MEETING	13 July 2022
PANEL MEMBERS	Jan Murrell (Chair), Chris Wilson, Stephen Davies, Tanya Taylor, Kara Krason
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Meeting held by teleconference on 13 July 2022, opened at 2:00pm and closed at 3:30pm.
Papers circulated electronically on 6 July 2022.

MATTER DETERMINED

PPSSNH-298 - 2019/247/A – Willoughby, 26 Crabbes Avenue, North Willoughby, 243 Penshurst Street, North Willoughby, 247-255 Penshurst Street, North Willoughby, 15 Horsley Avenue, North Willoughby.

Modification of consent for demolition of existing structures and construction of a new registered club, three seniors living apartment buildings containing self-contained dwellings, a residential aged care facility, shop top housing, basement carparking and ancillary uses including a new park (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.

Modification application

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the modification application for the reasons outlined in the Council Assessment Report.

The Panel is satisfied the proposal is substantially the same development to that originally approved and is not contrary to the reasons of the original approval and was notified and the Panel has considered the six submissions received in its determination.

CONDITIONS

The Modification Application was approved subject to the conditions in the Council Assessment Report with the following additional operational condition (Condition 170B) to be imposed to clarify the use of facilities on site:






‘The use of the open space and recreation areas across the site are to be accessible to all residents and their visitors for the life of the development’.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Privacy.
- Visual impact.
- Overshadowing.
- Drainage.
- Anchoring the basement.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report or by way of condition.

PANEL MEMBERS	
 Jan Murrell (Chair)	 Chris Wilson
 Stephen Davies	 Tanya Taylor
 Kara Krason	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-298 - Willoughby City Council - 2019/247/A
2	PROPOSED DEVELOPMENT	Modification of consent for demolition of existing structures and construction of a new registered club, three seniors living apartment buildings containing self-contained dwellings, a residential aged care facility, shop top housing, basement carparking and ancillary uses including a new park.
3	STREET ADDRESS	26 Crabbes Avenue, Willoughby NSW 2068 and 243, 247 to 255 Penshurst Street, Willoughby NSW 2068
4	APPLICANT/OWNER	Applicant: Hyecorp Property Group Owners: Willoughby Legion Ex-Services Club Ltd (26 Crabbes Avenue) Dants Pty Ltd (247-255 Penshurst Street)
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP (Infrastructure) 2007 - Schedule 3 – Traffic Generating Development SEPP No 55 – Remediation of Land SEPP (Vegetation in Non-Rural Areas) 2017 SEPP (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy No. 55 – Remediation of Land SEPP (Infrastructure) 2007 – Schedule 3 – Traffic Generating Development Sydney Regional Environmental Plan (Sydney Harbour Catchment) – Deemed SEPP Willoughby Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Willoughby Development Control Plan. Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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	<ul style="list-style-type: none"> Council Assessment Report: 5 July 2022 Council Assessment Memorandum: 12 July 2022 Written submissions during public exhibition: 6 Total number of unique submissions received by way of objection: 6
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 27 April 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward <u>Council assessment staff</u>: Peter Wells, Ritu Shankar, Ian Arnott <u>Applicant</u>: Ziad Zeino, Tina Christy Final briefing to discuss council's recommendation: 13 July 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Jan Murrell (Chair), Chris Wilson, Stephen Davies, Tanya Taylor, Kara Krason <u>Council assessment staff</u>: Peter Wells, Mitchell Nobel, Ritu Shankar

		<ul style="list-style-type: none">○ <u>Applicant representatives:</u> Ziad Zeino, Stephen Abolakian, Mouzam Sharrif and Tina Christy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report