

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	28 March 2025
DATE OF PANEL DECISION	28 March 2025
PANEL MEMBERS	Peter Debnam (Chair), Tanya Taylor, James Harrison
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Brian Kirk, Sue Francis

Papers circulated electronically on 20 March 2025.

MATTER DETERMINED

PPSSNH-609 – Willoughby – DA-2019/247/G at 26 Crabbes Avenue, North Willoughby – Modification to existing consent (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 for modification of consent

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 below and in Council's Assessment Report.

The modifications proposed include minor changes to landscaping and design as well as changes to conditions for clarification, changes to operating hours and the removal of duplications.

The Panel concurs with Council that the proposal has been properly assessed in accordance with relevant planning controls including the SCC, WLEP 2012, WDCP and generally satisfies those controls. Subject to compliance with the conditions of consent the development satisfies all relevant SEPP, LEP and DCP objectives.

The Panel concurs with Council that impacts to surrounding residences, open space and the surrounding locality are acceptable and the proposal is reasonable development of the site. Consequently, approval of the modifications would be in the community interest.

CONDITIONS




The Development Application was approved subject to the draft conditions in Council's Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

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

- Parking during construction
- Landscaping and tree removal
- Extended operating hours

The Panel considers that concerns raised by the community have been adequately addressed in Council’s Assessment Report and the conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Tanya Taylor
 James Harrison	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-609 – Willoughby – DA-2019/247/G
2	PROPOSED DEVELOPMENT	Various modifications of the consent including reduction in hours of operation for the first-level rear and front outdoor terraces to 6pm, provision of winter gardens on levels 1 and 2 (Plan 5 and Plan 6) of the Penshurst Street facing balconies, provision of a dormer window to the southern elevation of unit C304, deletion of condition 89 (duplicated in condition 93), modified wording to condition 139 (Plan of Management), minor changes to materials and colours on western and southern facade of Building A
3	STREET ADDRESS	26 Crabbes Avenue, North Willoughby
4	APPLICANT OWNER	Ziad Zeino, Hye Corp Willoughby Legions Ex-Services Club Limited
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"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Apartment Design Guide (ADG) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 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 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	<ul style="list-style-type: none"> Council Assessment Report: 19 March 2025 Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 26 March 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Tanya Taylor, James Harrison <u>Council assessment staff</u>: Peter Wells, Ritu Shankar, Timothy Keith <u>Applicant representatives</u>: None – attendance not required <u>Department staff</u>: Lillian Charlesworth, Jade Buckman

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report.