

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	18 June 2025
DATE OF PANEL DECISION	18 June 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Robert Freestone
APOLOGIES	James Harrison
DECLARATIONS OF INTEREST	Tanya Taylor (Council owned land)

Papers circulated electronically on 11 June 2025.

MATTER DETERMINED

PPSSNH-630 –Willoughby – DAM-2025/9 at 3 Abbott Road, Artarmon – Modification to an approved Affordable Housing Development (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 development 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 application for the reasons outlined below and in the Independent Assessor's Assessment Report.

The Panel noted Council owns the subject land, accordingly Council appointed an independent assessor to review the proposal.

The Panel notes the modification seeks changes to internal reconfigurations as well as landscaping and pathways, changes to the approved roof form and changes to the approved finishes and materials.

The Panel notes the proposed modification would be consistent with relevant planning controls and is consistent with the objectives of the DCP as well as the aims and zone objectives of the LEP.

The Panel also concurs with Council that the modified development is substantially the same as the approved development and the modifications do not materially impact the amenity of surrounding properties and will provide greater housing diversity.

The amended affordable housing development is considered to appropriately respond to its context and setting and represents a development that is appropriate to the site and surrounding built environment.

Accordingly, the Panel believes approval of the modification is acceptable.

CONDITIONS

The Development Application was approved subject to the conditions in the Assessment Report as amended below.

The Applicant provided a response to the draft conditions of consent on June 18, namely *PPSSNH-630 DAM 2025 9 Memo to SNPP 3 Abbott Road Artarmon* (uploaded to the NSW Planning Portal 18 June 2025). The amendments requested by the applicant are:


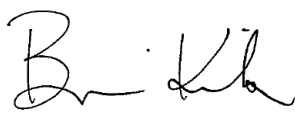


- Deletion of condition 25A (f) to remove the requirement that the doorway to the waste storage room has to be at least 2,500mm wide as the opening size is not required for this development

The Panel notes the above amendment was agreed by applicant and assessor.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission made during public exhibition and noted that issues of concern included visual privacy. The Panel agrees with Council that privacy between buildings will be reasonably maintained. In coming to this conclusion, the Panel considered the location and size of windows and the separation distances and considers that visual privacy has been adequately addressed by the imposition of conditions of consent requiring privacy screens on balconies. The Panel is of the view that the proposed landscaping of the site carries nominal weight in respect of the privacy protection between buildings.

In coming to its decision, the Panel considered issues of concern have been adequately addressed in the Assessment Report and conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 Robert Freestone

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-630 – Willoughby – DAM-2025/9
2	PROPOSED DEVELOPMENT	Modification of consent for demolition of existing building and construction of a 3-storey residential flat building containing 12 affordable units (9 x 2 bed, 3 x 3 bed), basement carparking
3	STREET ADDRESS	3 Abbott Road, Artarmon
4	APPLICANT/OWNER	Chapman Planning / Willoughby City Council
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 (Housing) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Willoughby Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Willoughby Development Control Plan 2023 • 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: 11 June 2025 • PPSSNH-630 DAM 2025 9 Memo to SNPP 3 Abbott Road Artarmon: 18 June 2025 • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 18 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Robert Freestone ○ <u>Council assessment staff</u>: Peter Wells (Consultant Planner), Kevin Morgan (Waste), Nicholas Kennedy, Ritu Shankar, Clare Woods ○ <u>Applicant representatives</u>: Chapman Planning, Kevin Morgan ○ <u>DPHI</u>: Nikita Lange, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report