

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	28 May 2026
DATE OF PANEL DECISION	28 May 2026
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Natasha Harras, James Harrison, Robert Freestone
APOLOGIES	None
DECLARATIONS OF INTEREST	Sue Francis

Papers circulated electronically on 22 May 2026.

MATTER DETERMINED

PPSSNH-738 – Willoughby – DAM-2025/105 at 100 Edinburgh Road, Castlecrag NSW 2068 – Modify existing approved basement car park including addition of fourth basement level (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 meeting and briefing listed at item 8 in Schedule 1.

The Panel noted that the Supplementary Council Assessment Report contained a typographical error in that the second sentence in section (a)(i) on page 8 should not have been included and should be removed.

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 application for the reasons below and in Council's two Assessment Reports as uploaded to the NSW Planning Portal.

The Panel initially considered the Modification at a public meeting on 6 May 2026 and again at a briefing with Council and the Applicant on 27 May 2026. The Panel had deferred the matter after the public meeting to have Council assess further information to be provided by the Applicant.

The Panel concurs with Council's Supplementary Assessment that the final amendments proposed in the modified development are substantially the same as the development for which consent was originally granted and the modification satisfies the relevant controls.

Accordingly, the Panel believes the modification application warrants approval.

CONDITIONS

The Panel notes that the Applicant requested several amendments to Council's draft conditions, as indicated in Council's Memorandum to the SNPP dated 27 May 2026. During the briefing with the Panel on 27 May 2026, the Council accepted the Applicant's suggested amendments to Conditions 45B and 45C and the Applicant advised they no longer sought to pursue the other proposed amendments.

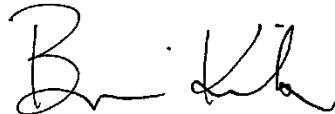
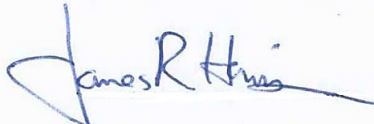
The Modification Application was approved subject to the final conditions uploaded to the NSW Planning Portal by Council on 27 May 2026.

CONSIDERATION OF COMMUNITY VIEWS

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

- The increase in dwelling numbers
- Parking numbers
- Traffic generation and associated impacts
- Increases to basement floor-to-ceiling heights and truck clearance
- Introduction of a fourth basement level
- Potential land destabilisation resulting from additional excavation
- Changes to the stormwater management system
- Increased excavation leading to additional noise and vibration impacts
- Increased spoil volumes
- Hydrological, water table, and geotechnical concerns
- Boundaries and setbacks
- Community consultation

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 held 6 May 2026.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Natasha Harras	 Robert Freestone
 James Harrison	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-738 – Willoughby – DAM-2025/105
2	PROPOSED DEVELOPMENT	Various modifications to basement levels including expansion in basement size at Basement Level 3, new Basement Level 4, increased basement floor to ceiling heights, modification to storage spaces, structural column changes, inclusion of EV charging facilities, modified stormwater, modification of conditions 1, relocated lift locations.
3	STREET ADDRESS	100 Edinburgh Road, Castlecrag NSW 2068
4	APPLICANT/OWNER	Applicant: Charline Song / Conquest Owner: Edinburgh Group Investments Pty Ltd., ATF Edinburgh Group Investments Unit Trust and 100 Edinburgh Pty Ltd.
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Industry and Employment) 2021 - Willoughby Local Environmental Plan 2012 - Draft environmental planning instruments: Nil - Development control plans: - Willoughby Development Control Plan 2025 - 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	- Council Assessment Report: 28 April 2026 - Supplementary Council Assessment Report: 22 May 2026 - Council Memorandum to Sydney North Planning Panel: 27 May 2026 - Final draft conditions of consent: 27 May 2026 - Written submissions during public exhibition: 25 - Verbal submissions at the public meeting: - Philippe Bernard - On behalf of the applicant – Carlo Di Giulio
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Public meeting to discuss Council's recommendation and to defer: 6 May 2026 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Natasha Harras, Robert Freestone, James Harrison <u>Council assessment staff</u>: Peter Wells, Tony Nunn, Ellen Hird, Wil Robertson, Apoorva Chikkerur <u>Applicant representatives</u>: Carlo Di Giulio, Ziad Zeino, Dustin Brade, Michael Akkawi <u>Department staff</u>: Nicole McNamara, Anaise Nagy - Briefing to discuss Council's final recommendation: 27 May 2026

		○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Natasha Harras, Robert Freestone, James Harrison ○ <u>Council assessment staff</u>: Peter Wells, Tony Nunn, Wil Robertson, Apoorva Chikkerur ○ <u>Applicant representatives</u>: Carlo Di Giulio, Ziad Zeino ○ <u>Department staff</u>: Nathan Laird, Anaise Nagy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report as uploaded by Council to the NSW Planning Portal on 28 April 2026, then reuploaded as an attachment to the Supplementary Assessment Report as uploaded on 27 May 2026.