

RECORD OF DEFERRAL

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DEFERRAL	29 April 2025
DATE OF PANEL MEETING	29 April 2025
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada and Michael Nagi
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 29 April 2025, opened at 2.30pm and closed at 3.08pm.

MATTER DETERMINED

PPSSEC-330 - Bayside - DA-2024/172 - 2 Tingwell Boulevard, Eastgardens - BATA 2 - Lot C – Integrated Development - Tree removal, excavation, construction of a mixed-use development including three buildings comprising 7 to 13 storeys, 3 basement levels for car parking, 232 residential apartments, 2 retail premises, and associated communal recreational facilities, landscaping and servicing infrastructure (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings observed at the site inspection listed at item 8 in Schedule 1.

The Panel agreed to defer the determination of the matter to allow for the provision of more detailed solar analysis in respect of both the subject building and any building impacted by that building. The analysis must show the solar penetration of sun at 15min intervals to all units, to demonstrate the extent of compliance with the Apartment Design Guide (ADG). In this respect, understanding the solar penetration of units that don't achieve a minimum of 2 hours on the winter solstice, will be of assistance to the Panel.

The decision to defer the matter was unanimous.

ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that:

1. The Applicant shall provide the required information and upload all documentation to the Planning Portal by 27 May 2025.
2. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal by within 1 week of the upload of the Applicant's required information to the Planning Portal.
3. When the updated assessment report is received the Panel will undertake a final briefing and determine the application by way of electronic determination.

If the outstanding information is not provided by 27 May 2025 the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS



Carl Scully (Chair)



Alice Spizzo



Susan Francis



Joe Awada



Michael Nagi

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-330 - Bayside - DA-2024/172
2	PROPOSED DEVELOPMENT	BATA 2 - Lot C – Integrated Development - Tree removal, excavation, construction of a mixed-use development including three buildings comprising 7 to 13 storeys, 3 basement levels for car parking, 232 residential apartments, 2 retail premises, and associated communal recreational facilities, landscaping and servicing infrastructure
3	STREET ADDRESS	2 Tingwell Boulevard, Eastgardens
4	APPLICANT OWNER	Walter Gordon (on behalf of Karimbla Properties (No.39) Pty Ltd) Karimbla Properties (No.39) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Bayside Local Environmental Plan 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Bayside Development Control Plan 2022 Planning agreements: Planning Agreement (executed on 28 October 2021 and amended in May 2023 and December 2024) between Karimbla Properties (No. 39) Pty Ltd (Developer) and Bayside Council (Council) -Planning Agreement AR971967 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: March 2025 S.4.6 variation: S.4.4 (Floor Space Ratio) of Bayside Local Environmental Plan 2021 Written submissions during public exhibition: 36 (including 2 x pro forma letters) Verbal submissions at the public meeting: <ul style="list-style-type: none"> Katie Zhukov Council assessment officer – Fiona Prodromou, Christopher Thompson On behalf of the applicant – Walter Gordon, Frank Ru, Matthew Lennartz, Paul De Saily Total number of unique submissions received by way of objection: 12

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Preliminary Briefing: 15 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis ○ <u>Council assessment staff</u>: Fiona Prodromou, Andrew Ison, Felicity Eberhart, Marta Gonzalez-Valdes ○ <u>Applicant representatives</u>: Walter Gordon, Ian Lim, Ashna Aggarwal, Kim Samuels ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Site inspection: 15 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis ○ <u>Council assessment staff</u>: Fiona Prodromou, Andrew Ison, Felicity Eberhart, Marta Gonzalez-Valdes ○ <u>Applicant representatives</u>: Walter Gordon, Ian Lim, Ashna Aggarwal, Kim Samuels • Council/Applicant Briefing: 20 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada, Michael Nagi ○ <u>Council assessment staff</u>: Fiona Prodromou, Felicity Eberhart, Andrew Ison, Luis Melim, Marta Gonzalez-Valdes ○ <u>Applicant representatives</u>: Walter Gordon, Matthew Lennartz, Ian Lim, Ashna Aggarwal, Kim Samuels ○ <u>Department staff</u>: Tim Mahoney • Council/Applicant Briefing: 4 March 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada, Michael Nagi ○ <u>Council assessment staff</u>: Fiona Prodromou, Marta Gonzalez-Valdes Luis Melim ○ <u>Applicant representatives</u>: Walter Gordon, Matthew Lennartz, Ian Lim, Ashna Aggarwal, Cameron Greenbatch ○ <u>Department staff</u>: Carolyn Hunt, Lisa Ellis and Ilona Ter-Stepanova • Council briefing to discuss Council's recommendation: 29 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada, Michael Nagi ○ <u>Council assessment staff</u>: Fiona Prodromou, Carine Elias, Christopher Thompson ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and amended on 23 April 2025