

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	1 May 2025
<b>DATE OF PANEL DECISION</b>	1 May 2025
<b>DATE OF PANEL BRIEFING</b>	29 April 2025
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Alice Spizzo, Susan Francis, Michael Nagi and Joe Awada
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 15 April 2025.

**MATTER DETERMINED**

PPSSEC-332 – Bayside – DA-2024/169 – 8 Heffron Road, Eastgardens – BATA 2 - Lot J – Integrated Development - Removal of trees, retention of mature Fig tree to Heffron Road frontage of site, construction of two (2) residential apartment buildings of 7-8 storeys, including two (2) levels of basement car parking, 92 residential units, communal recreational facilities, childcare centre for 60 children, associated landscaping and roof top plant (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 and the matters observed at the site inspection listed at item 8 in Schedule 1.

**Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

The Panel acknowledged the work undertaken by Council officers, in particular Fiona Prodromou for the carriage of this application and the preservation of the fig tree.

**REASONS FOR THE DECISION**

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

**CONDITIONS**






The Development Application was approved subject to the amended conditions in the Council Assessment Report (uploaded 23 April 2025).

**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:

- Loss of trees on site/command the retention of the mature fig tree (287)
- Overall Gross Floor Area and number of dwellings increased as result of retention of fig and changes to development/built form now further exceeds the consented building envelope and additional floor to Building B, that directly interfaces with Bunnerong Road is provided
- A non-residential use that better interacts with the public domain and street should be provided

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, appropriate conditions have been imposed and the subject mature fig tree has been retained.

PANEL MEMBERS	
 Carl Scully (Chair)	 Alice Spizzo
 Susan Francis	 Michael Nagi
 Joe Awada	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-332 – Bayside – DA-2024/169
2	PROPOSED DEVELOPMENT	BATA 2 - Lot J – Integrated Development - Removal of trees, retention of mature Fig tree to Heffron Road frontage of site, construction of two (2) residential apartment buildings of 7-8 storeys, including two (2) levels of basement car parking, 92 residential units, communal recreational facilities, childcare centre for 60 children, associated landscaping and roof top plant
3	STREET ADDRESS	8 Hefferon Road, Eastgardens (Lot 31 DP 1312041)
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"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Housing) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>Bayside Local Environmental Plan 2021</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Bayside Development Control Plan 2022</li> </ul> </li> <li>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</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: March 2025</li> <li>Written submissions during public exhibition: 2</li> <li>Total number of unique submissions received by way of objection: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Preliminary Briefing: 15 October 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis</li> <li><u>Council assessment staff</u>: Fiona Prodromou, Andrew Ison, Felicity Eberhart, Marta Gonzalez-Valdes</li> <li><u>Applicant representatives</u>: Walter Gordon, Ian Lim, Ashna Aggarwal, Kim Samuels</li> <li><u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> <li>Site inspection: 15 October 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Fiona Prodromou, Andrew Ison, Felicity Eberhart, Marta Gonzalez-Valdes</li> <li>○ <u>Applicant representatives</u>: Walter Gordon, Ian Lim, Ashna Aggarwal, Kim Samuels</li> </ul> <ul style="list-style-type: none"> <li>● Council/Applicant Briefing: 20 November 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada, Michael Nagi</li> <li>○ <u>Council assessment staff</u>: Fiona Prodromou, Felicity Eberhart, Andrew Ison, Luis Melim, Marta Gonzalez-Valdes</li> <li>○ <u>Applicant representatives</u>: Walter Gordon, Matthew Lennartz, Ian Lim, Ashna Aggarwal, Kim Samuels</li> <li>○ <u>Department staff</u>: Tim Mahoney</li> </ul> </li> <li>● Council/Applicant Briefing: 4 March 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada, Michael Nagi</li> <li>○ <u>Council assessment staff</u>: Fiona Prodromou, Marta Gonzalez-Valdes Luis Melim</li> <li>○ <u>Applicant representatives</u>: Walter Gordon, Matthew Lennartz, Ian Lim, Ashna Aggarwal, Cameron Greenbatch</li> <li>○ <u>Department staff</u>: Carolyn Hunt, Lisa Ellis and Ilona Ter-Stepanova</li> </ul> </li> <li>● Applicant Briefing: 29 April 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada, Michael Nagi</li> <li>○ <u>Applicant representatives</u>: Walter Gordon, Ashna Aggarwal, Angelo Di Marco, Ian Lim, Matthew Lennartz</li> <li>○ <u>Council assessment staff</u>: Fiona Prodromou, Carine Elias, Marta Gonzalez-Valdes</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova</li> </ul> </li> <li>● Final briefing to discuss Council's recommendation: 29 April 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada, Michael Nagi</li> <li>○ <u>Council assessment staff</u>: Fiona Prodromou, Carine Elias, Marta Gonzalez-Valdes</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report (and updated 23 April 2025)