

## Record of Preliminary Briefing Sydney Eastern City Planning Panel

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| <b>PANEL REFERENCE, DA NUMBER &amp; ADDRESS</b> | PPSSEC-333 - Bayside - DA-2024/190 - 98 & 106 Banks Avenue, East Gardens - Integrated Development - Lot D – Excavation, removal of eleven (11) trees, and construction of two (2) x 20 storey buildings consisting of three (3) levels of basement car parking, 385 residential apartment units, communal recreational facilities, and construction of a private road  |
| <b>APPLICANT OWNER</b>                          | Walter Gordon (Karimbla Properties (No.39) Pty Ltd)<br>Karimbla Properties (No.39) Pty Ltd   |
| <b>APPLICATION TYPE</b>                         | Development Applications   |
| <b>REGIONALLY SIGNIFICANT CRITERIA</b>          | Capital Investment Value > \$30M   |
| <b>KEY SEPP/LEP</b>                             | State Environmental Planning Policy (Planning Systems) 2021<br>State Environmental Planning Policy (Sustainable Buildings) 2022<br>State Environmental Planning Policy (Housing) 2021<br>State Environmental Planning Policy (Biodiversity and Conservation) 2021<br>State Environmental Planning Policy (Resilience and Hazards) 2021<br>State Environmental Planning Policy (Transport and Infrastructure) 2021<br>Bayside Local Environmental Plan 2021 |
| <b>EDC</b>                                      | \$215,758,389.94 (excluding GST)   |
| <b>BRIEFING DATE</b>                            | 15 October 2024  |

### ATTENDEES

|                            |  |
|----------------------------|--|
| <b>APPLICANT</b>           | Walter Gordon, Ian Lim, Ashna Aggarwal, Kim Samuels                    |
| <b>PANEL</b>               | Carl Scully (Chair), Alice Spizzo and Sue Francis                      |
| <b>COUNCIL OFFICERS</b>    | Fiona Prodromou, Andrew Ison, Felicity Eberhart, Marta Gonzalez-Valdes |
| <b>SENIOR CASE MANAGER</b> | Carolyn Hunt   |
| <b>DEPARTMENT STAFF</b>    | Lisa Ellis   |

- Introduction
  - Council is yet to undertake its full application assessment, so this record is not a final list of the issues they will need to consider in order to draft their recommendation.
  - The application is yet to be considered by the Sydney Eastern City Planning Panel and therefore future comment will not be limited to the detail contained within.
- Council summary
  - Outline of site history provided, noting former industrial use, rezoning, split height limitations and floor space ratio (FSR)
  - Concept approval granted in 2020
    - executed voluntary planning agreement (VPA)
    - multiple stages with up to 5000 dwellings proposed
    - Lot B, E and G completed and occupied, with some parks completed
    - Lots A and H under construction
  - Proposed development includes:
    - Excavation, removal of 11 trees, construction of 2 buildings of 20 storeys consisting of 3 levels of basement car parking, 385 residential apartment units, communal recreational facilities and construction of a private road
  - FSR compliance and clarification required in regard to compliance in relation to LEP provisions
    - flexibility provided by the concept approval through the identified gross floor area (GFA)
    - impact of subdivision of site and calculation of FSR – Cl.4.6 variation may be required
  - Design Competition waiver yet to be formally issued by Council, noting that verbal agreement provided)
  - Application considered by the Design Review Panel (DRP), noting:
    - Relocation of level 1 communal open space request recommended, but not by the applicant
    - Proposed removal of trees on Banks Ave
  - Encroachment of basement for Levels 2 and 3 beyond the approved building footprint as per the concept approval
  - Amendment to concept approval required - Condition 23b
  - Location of public parks in front of the site
    - Council not supportive of communal residential lobbies facing the park due to future maintenance costs

## **KEY ISSUES FOR CONSIDERATION**

- Residential and non-residential floor space ratio controls over site and compliance with controls
- Amendments to the concept approval will require approval prior to determination of the relevant development application
- Design Review Panel comments
- Basement design
- Tree removal
- Landscaping

**REFERRAL REQUIRED**

- External Referrals –
  - Transport for NSW, Sydney Water - resolved
  - Sydney Airport Corporation Limited (SACL), Ausgrid, NSW Police, Telstra - resolved
  - Water NSW – response pending
- Internal Referrals –
  - Development Contributions, Development Engineer, Landscape, Environmental Scientist, Address and Road Naming, Tree Officer, Waste - response pending
  - Bayside Design Review Panel– response received

**KEY ISSUES IN RELATION TO PUBLIC EXHIBITION**

- 1 submission received – public transport strain, increased traffic and safety concerns, wind tunnel effects and loss of sunlight

**DA LODGED:** 16/08/2024

**RFI SUBMISSION DATE** - Council is to advise the Planning Panels Secretariat within 7 days for the RFI being issued

**TENTATIVE PANEL BRIEFING DATE** – 30 January 2025 (to be confirmed with Council)

**TENTATIVE PANEL DETERMINATION DATE** – May/June 2025 (to be confirmed with Council)