

**RECORD OF DEFERRAL**

SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DEFERRAL</b>	4 May 2025
<b>DATE OF PANEL MEETING</b>	1 May 2025
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada and Michael Nagi
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held by teleconference on 1 May 2025, opened at 2.30pm and closed at 3.02pm.

**MATTER DETERMINED**

PPSSEC-337 - Bayside - DA-2024/205 - 16 Studio Drive, 134 Bunnerong Road and 2 Tingwell Boulevard, Eastgardens - BATA 2 - Lot F – Removal of trees, excavation, and construction of three (3) connected buildings of 6-13 storeys comprising two (2) levels of basement car parking, 224 residential units, communal recreational facilities, associated landscaping, and construction of a private road (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 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-337 - Bayside - DA-2024/205
2	PROPOSED DEVELOPMENT	BATA 2 - Lot F – Removal of trees, excavation, and construction of three (3) connected buildings of 6-13 storeys comprising two (2) levels of basement car parking, 224 residential units, communal recreational facilities, associated landscaping, and construction of a private road
3	STREET ADDRESS	16 Studio Drive, 134 Bunnerong Road and 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"> <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: 1 April 2025</li> <li>S.4.6 variation: S.4.4 (Floor Space Ratio) of Bayside Local Environmental Plan 2021</li> <li>Written submissions during public exhibition: 31</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Council assessment officer – Marta Gonzalez-Valdes, Carine Elias</li> <li>On behalf of the applicant – Walter Gordon, Ian Lim, Paul Buljevic, Matthew Lennartz</li> </ul> </li> <li>Total number of unique submissions received by way of objection: 12</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> </ul> </li> </ul>

		<ul style="list-style-type: none"> <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> <ul style="list-style-type: none"> <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> <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> </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> </ul> <ul style="list-style-type: none"> <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> </ul> <ul style="list-style-type: none"> <li>● Briefing to discuss Council's recommendation: 01 May 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>: Marta Gonzalez-Valdes, Carine Elias and Fiona Prodromou</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report