

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	16 December 2025
DATE OF PANEL DECISION	16 December 2025
DATE OF PANEL MEETING/BRIEFING	11 December 2025
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo, Glennis James, Joe Awada and Michael Nagi
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 11 December 2025, opened at 10.03am and closed at 10.42am.

MATTER DETERMINED

PPSSEC-339 - Bayside - DA-2024/152 - 41, 43, 45, 47, 49 & 51 Duncan Street, Arncliffe - Integrated Development - Demolition of existing structures and construction of an 11 storey residential flat building with 94 units (16 affordable) and 3 levels of basement parking (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.

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 conditions in the Council Assessment Report.

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 that issues of concern included:

- Overbearing and over development (building height and impact on neighbouring properties)
- Loss of privacy from overlooking and lack of privacy measures
- Loss of views
- Overshadowing to adjoining and opposite properties, non-compliance with setbacks, reduced light/air/privacy/solar access, increased energy costs and detract from area's liveability
- Excessive traffic congestion, reduction in road safety and traffic report not addressing cumulative traffic impact on the local road network
- Manoeuvring issues with larger vehicles and service trucks accessing loading areas
- Insufficient on-site parking, lack of on street parking and parking infrastructure
- Impact of restricted vehicular access through adjoining building not investigated
- Operational Waste Management Plan (OWMP) compliance with Development Control Plan

- Insufficient measures to retain pedestrian safety via shared vehicular access point on Kyle Street
- Noise, dust, reduced air quality, amenity impacts, increased pollution
- Earth shaking and safety within the street
- Lack of infrastructure in place to support large increase in density
- Exceedance of Floor Space Ratio
- Consultation regarding excavation and construction
- Loss of property values and negative impact on adjacent property
- Wind tunnel effects

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. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Alice Spizzo
 Glennis James	 Joe Awada
 Michael Nagi	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-339 - Bayside - DA-2024/152
2	PROPOSED DEVELOPMENT	Integrated Development - Demolition of existing structures and construction of an 11 storey residential flat building with 94 units (16 affordable) and 3 levels of basement parking
3	STREET ADDRESS	41, 43, 45, 47, 49 & 51 Duncan Street, Arncliffe
4	APPLICANT/OWNER	TFR Pty Ltd Duncan Street Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Housing) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - Bayside Local Environmental Plan 2021 - Draft environmental planning instruments: Nil - Development control plans: - Bayside Development Control Plan 2022 - 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: 24 November 2025 - Written submissions during public exhibition: 12 - Verbal submissions at the public meeting: - Shenny Baratasidha - Council assessment officer – Michael Maloof, Carine Elias and Marta Gonzalez-Valdes - On behalf of the applicant – Stephen Kerr, Robert Gizzi, Nathan Tyerman - Total number of unique submissions received by way of objection: 12
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 28 January 2025 <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Joe Awada and Michael Nagi <u>Council assessment staff</u>: Luis Melim, Michael Maloof and Christopher Mackey <u>Department Staff</u>: Carolyn Hunt and Lisa Ellis

		• Site inspection: 31 July 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Susan Budd, Joe Awada and Michael Nagi ○ <u>Council assessment staff</u>: Michael Maloof • Final briefing to discuss Council's recommendation: 11 December 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Glennis James, Joe Awada and Michael Nagi ○ <u>Council assessment staff</u>: Michael Maloof, Marta Gonzalez-Valdes and Carine Elias ○ <u>Department Staff</u>: Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report