

DATE OF DETERMINATION	16 July 2025
DATE OF PANEL DECISION	16 July 2025
DATE OF PANEL BRIEFING	10 July 2025
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo, Glennis James, Joe Awada and Michael Nagi
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 1 July 2025.

MATTER DETERMINED

PPSSEC-340 - Bayside - DA-2024/268 - 30 Swinbourne Street, Banksmeadow - Demolition of existing structures and construction of a multistorey food manufacturing facility, removal of twenty-two (22) trees, and associated site works and signage; operating 24 hours seven days (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 amended conditions attached to the Council Assessment Report with the following amendments.

- Amend Condition 44(2) and (3) to read as follows:
 2. The proposed driveway accessing Coal Pier Road on the Southern boundary of the site is not supported by Council, and that part of the driveway located within the subject site shall be reclaimed as landscape area.
 3. This reclaimed area of driveway located within the subject site shall incorporate the 2 metre deep soil landscape setback seen along the remainder of the Southern boundary.
- Amend Condition 45(5) to reads as follows:
 5. Seventy (70) native trees with a minimum pot size supplied at 200 litre, to be planted around the periphery of the development. Details are to be submitted to and approved by Principal Certifying Authority prior to the issue of a Construction Certificate.
 - a. Tree planting schedule is to be consistent with the approved Landscape Plan as referenced in Condition 3 of this consent
 - b. Trees to be planted shall not possess a disruptive lateral root system.
 - c. Trees are not to be planted within the Council's drainage easement.

The Panel identified typographical errors to be corrected by Council in the date of the consent and Conditions 4, 5, 23 and 54 and deed of agreement.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered a written submission made during public exhibition. The Panel notes that issues of concern included:

- Not permitting site access off Coal Pier Road

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.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-340 – Bayside - DA-2023/268
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a multistorey food manufacturing facility, removal of twenty-two (22) trees, and associated site works and signage; operating 24 hours seven days
3	STREET ADDRESS	30 Swinbourne Street, Banksmeadow
4	APPLICANT/OWNER	Wondal Theo (on behalf of The Trustee for FW Family Trust) Kellogg (Aust) 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 (Planning Systems) 2021 ◦ State Environmental Planning Policy (Sustainable Buildings) 2022 ◦ State Environmental Planning Policy (Industry and Employment) 2021 ◦ State Environmental Planning Policy (Resilience and Hazards) 2021 ◦ State Environmental Planning Policy (Transport and Infrastructure) 2021 ◦ 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: 30 June 2025 • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 28 January 2025 ◦ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Michael Nagi and Joe Awada ◦ <u>Council assessment staff</u>: Andrew Ison, Pascal Van de Walle, Luis Melim and Vasira Mudiyansele ◦ <u>Department Staff</u>: Carolyn Hunt and Lisa Ellis • Site inspection: 10 July 2025 ◦ <u>Panel members</u>: Carl Scully (Chair), Glennis James and Joe Awada ◦ <u>Council assessment staff</u>: Andrew Ison, Pascal Van de Walle, Carine Elias, Fiona Koutsikis and Kelvin Chu

		• Applicant Briefing: 10 July 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Glennis James, Michael Nagi and Joe Awada ○ <u>Council assessment staff</u>: Andrew Ison, Pascal Van de Walle, Carine Elias and Fiona Koutsikis ○ <u>Applicant representatives</u>: Rony Radjasa, Tony Wondal, Darren Wondal Ben Porges, Meg Kong, Jonathan Widagdo, Antonino Lalli, Benjamin Loh ○ <u>Department Staff</u>: Carolyn Hunt and Ilona Ter-Stepanova • Final briefing to discuss Council's recommendation: 10 July 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Glennis James, Michael Nagi and Joe Awada ○ <u>Council assessment staff</u>: Andrew Ison, Pascal Van de Walle, Carine Elias and Fiona Koutsikis ○ <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 10/07/2025)