

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	8 July 2025
DATE OF PANEL DECISION	8 July 2025
DATE OF PANEL BRIEFING	8 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 26 June 2025.

MATTER DETERMINED

PPSSEC-341 - Bayside - DA-2024/286 - 465 & 469 Princes Highway and 5-7 Geeves Avenue, Rockdale - Integrated Development - Demolition of existing structures and construction of a twelve-storey mixed use development consisting of two commercial tenancies at ground floor level with residential co-living above, basement car parking and landscaping (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.

Application to vary a development standard:

Following consideration of a written request from the applicant, made under s.4.6 (3) of the Bayside Local Environmental Plan 2021 (LEP), the Panel is not satisfied that the applicant has demonstrated that:

- a) compliance with s.4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant failed to lodge a written request to vary the car parking non-discretionary development standard under the provisions of s.68 of Chapter 3 of the State Environmental Planning Policy (Housing) 2021.

Development application

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

CONDITIONS






Not applicable.

CONSIDERATION OF COMMUNITY VIEWS

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

- Setbacks to commercial level

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-341 - Bayside - DA-2024/286
2	PROPOSED DEVELOPMENT	Integrated Development - Demolition of existing structures and construction of a twelve-storey mixed use development consisting of two commercial tenancies at ground floor level with residential co-living above, basement car parking and landscaping
3	STREET ADDRESS	465 & 469 Princes Highway and 5-7 Geeves Avenue, Rockdale
4	APPLICANT/OWNER	Emag Apartments Pty Ltd Choi Kwan Lam Chan, Lynette Chan, Glenda Roberts, Andrew Beehag and Ian Beehag
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Water Management Act 2000 State Environmental Planning Policy (Sustainable Buildings) 2022 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 Bayside Local Environmental Plan 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Council Assessment Report: 24 June 2025 S.4.6 variation: S.4.3 (Height of Buildings) of Bayside Local Environmental Plan, 2021 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	<ul style="list-style-type: none"> Briefing: 30 January 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Joe Awada and Michael Nagi <u>Council assessment staff</u>: Ayse Lavorato and Luis Melim <u>Department Staff</u>: Carolyn Hunt and Lisa Ellis Briefing: 4 April 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair) <u>Council assessment staff</u>: Ayse Lavorato, Marta Gonzalez Valdes, Atef Syed and Christopher Thompson <u>Council Lawyers</u>: Milana Romanov and Phillip Brown <u>Department Staff</u>: Sally Li

		<ul style="list-style-type: none"> • Site inspection: 17 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Glennis James, Joe Awada and Michael Nagi ○ <u>Council assessment staff</u>: Marta Gonzalez Valdes and Carine Elias • Applicant Briefing: 8 July 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Glennis James, Joe Awada and Michael Nagi ○ <u>Applicant representatives</u>: Nil ○ <u>Council assessment staff</u>: Ayse Lavorato, Marta Gonzalez Valdes, Carine Elias and Bonnie Ng ○ <u>Department Staff</u>: Carolyn Hunt and Ilona Ter-Stepanova • Final briefing to discuss Council's recommendation: 08 July 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Glennis James, Joe Awada and Michael Nagi ○ <u>Council assessment staff</u>: Ayse Lavorato, Marta Gonzalez Valdes, Carine Elias and Bonnie Ng ○ <u>Department Staff</u>: Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided