



<b>DATE OF DETERMINATION</b>	23 July 2025
<b>DATE OF PANEL DECISION</b>	22 July 2025
<b>DATE OF PANEL BRIEFING</b>	22 July 2025
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Susan Budd, Glennis James and Joe Awada
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Alice Spizzo declared a conflict of interest as she assisted the applicant on the rezoning of the site. She did not participate in the meeting. Michael Nagi declared a conflict of interest as he declared a conflict of interest in the original application. He did not participate in the meeting.

Papers circulated electronically on 15 July 2025

#### **MATTER DETERMINED**

PPSSEC-367 - Bayside - MDA-2025/27 - 119 Barton Street, Monterey - Modification to DA-2021/95 to an approved residential care facility including internal and external alterations, increase in bed numbers from 115 to 128 beds, modifications to basement level, roof pitch, change to façade and materials, and changes to open space areas (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 listed at item 8 in Schedule 1.

#### **Application for modification of consent**

The Panel is satisfied that the application is substantially the same development as the development originally approved and the reasons for the original approval have been taken into consideration for this determination.

The Panel determined to approve the modification application pursuant to section 4.55 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 (uploaded 22 July 2025) in the Council Assessment Report with the following amendments.

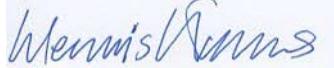
- Amend Condition 36 as follows:
  - amend the final landscape plan reference to '(dated 14 May 2025, Rev E)' in the first sentence
  - 36(c) to remove '2m' and 'in accordance with the Bayside Technical Specification – Stormwater Management (2023) and insert '3m'

## CONSIDERATION OF COMMUNITY VIEWS

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

- Building height
- Reduced setback and overshadowing
- Setback encroachments on 6m to the sides and rear
- Lack of consultation with residents
- Overshadowing and loss of solar access
- Overlooking and loss of privacy
- Driveway
- Insufficient car parking
- Traffic congestion
- Noise from mechanical services in the southeast corner of the site
- Covered corridor with cement roof and windows with privacy impacts and setback compliance
- Landscape insufficient details in the plans provided
- Construction
- Impact on property values

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)	 Glennis James
 Susan Budd	 Joe Awada

**SCHEDULE 1**

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	PPSSEC-367- Bayside – MDA-2025/27
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Modification to DA-2021/95 to an approved residential care facility including internal and external alterations, increase in bed numbers from 115 to 128 beds, modifications to basement level, roof pitch, change to façade and materials, and changes to open space areas
<b>3</b>	<b>STREET ADDRESS</b>	119 Barton Street, Monterey
<b>4</b>	<b>APPLICANT/OWNER</b>	Mecone Group Pty Ltd Monterey Equity Pty Limited
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Section 4.55(2) Modification Application
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Housing) 2021</li> <li>○ State Environmental Planning Policy (Industry and Employment) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 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: Nil</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>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council Assessment Report: 15 July 2025</li> <li>• Council Supplementary Report received: 21 July 2025</li> <li>• Written submissions during public exhibition: 7</li> <li>• Total number of unique submissions received by way of objection: 7</li> </ul>
<b>8</b>	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Applicant Briefing: 22 July 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Joe Awada</li> <li>○ <u>Council assessment staff</u>: Michael Maloof, Christopher Mackey and Carine Elias</li> <li>○ <u>Applicant representatives</u>: Tom Cook, Peter Wohl, Daniel Wohl, Sophie Milward, Josh Smith, Simo Corda</li> <li>○ <u>Department Staff</u>: Carolyn Hunt</li> </ul> </li> <li>• Final briefing to discuss Council's recommendation: 22 July 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Joe Awada and Michael Nagi</li> <li>○ <u>Council assessment staff</u>: Michael Maloof, Christopher Mackey and Carine Elias</li> </ul> </li> </ul>

		○ <u>Department Staff: Carolyn Hunt</u>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report and amended on 22 July 2025