

## **MINUTES – ELECTRONIC DETERMINATION**

Electronic Meeting was held 27 August 2025.

### **MATTER DETERMINED**

Item 6.1 – DA-2024/89 – 7-11 Kingsland Road South, Bexley

### **PANEL CONSIDERATION AND REASONS**

The Development Application was deferred at the 11 March 2025 Meeting for the following reasons:

*'The Panel notes the request from the Applicant in a letter dated 11 March 2025 to defer the matter with a view to resolving outstanding issues, particularly in relation to 'Fly Safe' requirements in respect of height, but also in relation to certain design matters. The Panel has agreed to defer this matter on that basis and specifically to address the following issues:*

- 1. Address the issues raised by the Design Review Panel;*
- 2. Provide a preliminary site investigation report in relation to potential contamination;*
- 3. Consider, if any dewatering is required and whether the development will be integrated as part of this proposal or not;*
- 4. The matters discussed relating to design, being, but not limited to:*
  - Increased floor to ceiling heights for residential levels as discussed by Panel;*
  - Review of residential unit layouts;*
  - Height clearance for the basement ramp for larger vehicles;*
  - Consequential impact of the height of the building which will need to be incorporated in any amended plans and raised with 'Fly Safe';*
  - The design of the colonnade and the ground floor setback.*
- 5. Clarification of the resulting building height and GFA/FSR, and the necessity for a Clause 4.6;*
- 6. Clarification on any planning documentation inconsistencies for example, the deep soil shown on the architectural plans and landscape plans are inconsistent.*

*The Panel recommend that prior to finalising any amended plans that the applicant and their representatives liaise with Council staff in relation to those amendments. As agreed at the Panel meeting, final amended plans shall be received for consideration by Council staff within three (3) weeks of the formal receipt of minutes of this matter.'*

The Panel considered the supporting documentation, Council's Supplementary Assessment Report and reasons for refusal together with discussions with both the applicant and Council at its meeting on 27 August 2025.

After consideration, the Panel is of the view that the matters identified in the deferral have been satisfactorily addressed.

In relation to the deferral relating to the Design Review Panel, it was not the Panel's intention that all the matters raised by the DRP throughout the assessment process should be amended as suggested, rather that they should be considered and addressed. This the applicant has done.

In relation to the cl4.6 variation sought to height; the Panel accepts the written variation sought by the applicant as it is satisfied that the applicant has adequately addressed the matters required to be demonstrated by Cl.4.6(3) and Cl.4.6(8) of that Plan.

The Panel is satisfied that compliance with the development standard is unnecessary and unreasonable in the circumstances of the case and that there are sufficient environmental planning grounds to approve the variation.

In this respect, the Panel notes that the height variation relates to equitable access to the communal rooftop open space and elements of the upper roof slab and shade elements.

In relation to cl4.6(8)(ba), the Panel is satisfied that the public benefit derived through the VPA delivered at the PP stage is satisfactory in this case.

However, in addressing the issues related to the DRP, and as discussed at the Panel meeting, it was identified that additional amendments would improve access around the site as well as architectural expression. Accordingly, the Panel seeks to impose the following additional conditions:

New Condition titled '**Design Amendments**' to read:

Prior to the issue of a Construction Certificate, amended plans are to be submitted to Council's Manager Development Services for approval to address the following matters:

- a. The proposed awning is to be deleted.
- b. A new awning is to be located in front of the building entry.
- c. The proposed colonnade to be increased in width to a minimum of 3.2m by moving the glass line of the retail area back to align with the front wall of the pump and services room. This will improve accessibility through the colonnade area whilst allowing seating for any future café type uses.
- d. Delete the upper level 'colonnade/brick structures fronting Kingsland Road and Abercorn Street. Following deletion, the facade fronting Kingsland Road and Abercorn Street shall follow the form of the third floor. Align the top of the colonnades on the two street frontages.
- e. The proposed pump and services area located on the southern boundary shall be deleted or relocated. The layout of the retail floor area is to be amended to provide additional retail GFA in place of the pump services area to offset the loss of floor area resulting from moving the glass line back. It must not result in a breach of the FSR development standard. The colonnade must be continued in front of the newly created retail space.

The Panel determined to approve the development application pursuant to Section 4.15 of the *Environmental Planning Assessment Act 1979* subject to the above changes to the draft Notice of Determination.

The decision was unanimous.

## DECISION

1. The Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979* approve the proposed contravention to Clause 4.3 – Height of Buildings of Bayside Local Environmental Plan 2021, as it is satisfied that the applicant has adequately addressed the matters required to be demonstrated by Cl.4.6(3) and Cl.4.6(8) of that Plan.
2. The Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application No.DA-2024/89 for demolition of existing structures and construction of a six (6) storey mixed use development, comprising 26 residential units, ground floor commercial units and basement level parking at 7 -11 Kingsland Rd South Bexley by GRANTING CONSENT subject to the recommended conditions of consent attached to these minutes and as modified.
3. Submitters are notified of the Panel's decision.

Certified as true and correct.

Sue Francis  
**Chairperson**