

JRPP No.	2013SYE009
DA No.	D/2012/295
Proposed Development	Re-configuration of parking to provide for an additional 81 buses and 21 car parking spaces at the Leichhardt Bus Depot.
Applicant	State Transit Authority of NSW
Report By	Regional Panels Secretariat
Report Date	4 March 2013

Summary Report

This Crown development application (DA) has been referred to the Sydney East Joint Regional Planning Panel (regional panel) under section 89(2)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The applicant is taken to be the Crown for the purposes of Part 4, Division 4, of the EP&A Act, as it is a public authority (not being a council).

Section 89(2)(b) of the EP&A Act states that if the consent authority fails to determine a Crown development application within the period prescribed by the regulations, the applicant or the consent authority may refer the application:

- (a) to the Minister, if the consent authority is not a council, or
- (b) to the applicable regional panel, if the consent authority is a council.

In this case, council has failed to determine the DA within the prescribed period of 70 days and the applicant has referred the DA to the Sydney East Joint Regional Planning Panel (regional panel). The DA relates to the reconfiguration of parking at Leichhardt Bus Depot to accommodate additional bus and car parking spaces.

If the regional panel does not determine the DA within 50 days, the DA may then be referred to the Minister for determination.

1. EXECUTIVE SUMMARY

A development application (DA) was lodged on 19 June 2012 by State Transit Authority (the applicant) to re-configure the basement car park and hardstand parking area to accommodate an additional 81 buses and 21 car parking spaces as well as a total of 38 motorcycle spaces and 20 bicycle spaces. The changes would also result in an increase in staff numbers on site by an additional 92 persons.

The DA was recommended for refusal by council assessment staff because of the increased demand for car parking in the surrounding local streets, additional traffic and a non compliance with the Building Code of Australia (BCA).

The proposed development is permissible with consent under the Leichhardt Local Environmental Plan 2000.

The Regional Panels Secretariat (secretariat) has summarised the issues for the regional panel's consideration. Two traffic and parking studies have been undertaken; one by the

applicant and another by Leichhardt Council. Both reports find that the traffic increase will be negligible and manageable. The report produced by GTA consultants on behalf of Leichhardt Council makes reference to several suggestions to manage car parking concerns, none of which have been addressed by council. BCA concerns could be dealt with as conditions of consent. The applicant is agreeable to this.

2. BACKGROUND

On 19 June 2012, the applicant submitted a DA to Leichhardt Council seeking approval for the reconfiguration of parking at the Leichhardt Bus Depot to accommodate an additional 81 buses and 21 car parking spaces on site.

The DA was notified by council from 27 June 2012 until 12 July 2012, council has not identified in its report if any submissions were received during this period. At a meeting on 26 June 2012, council resolved for a peer review assessment to be undertaken in order to survey the availability of parking in the surrounding residential streets which would then form part of the council assessment report. This peer review was undertaken by GTA Consultants and provided to council on 8 November 2012.

The DA was renotified by council for a further period of 30 days from 12 July 2012 until 10 August 2012, and the notification area was expanded to be identical to a previous DA in 2006 which was for the expansion of the depot. During this period, 45 objections were received by council. On 16 July 2012, council held a public information session in regard to the DA which explained the proposal in detail and the assessment process that would follow the notification period.

On 27 November 2012, the applicant wrote to council indicating their intention to refer the DA to the regional panel as the matter had not been determined within 70 days of lodgement.

On 3 December 2012, the applicant provided comments to council in regard to the council assessment report which was to be presented to council the following day.

On 4 December 2012, council unanimously resolved to refer the DA to the regional panel with a recommendation for refusal.

On 6 December 2012, the applicant formally referred the DA to the secretariat for the consideration of the Sydney East Joint Regional Planning Panel.

On 22 January 2013, council provided its revised assessment report and draft conditions of consent to the secretariat for the regional panels consideration.

On 25 January 2013, the applicant provided DA information to the secretariat.

On 27 February 2013, the applicant provided a submission with revised plans and response to the draft conditions of consent and councils assessment report to the secretariat. The regional panels secretariat submitted this additional information to council for consideration and the provision of supplementary report to be considered by the regional panel.

3. DOCUMENTS REVIEWED

In preparing this report, the secretariat has reviewed the following documents:

1. Leichhardt Council's draft conditions of consent for the DA.
2. Development Application (Statement of Environmental Effects) prepared by Peter Andrews + Associates (dated June 2012) including all appendices.

3. Letter from Peter Andrews + Associates (dated 16 July 2012) to Leichhardt Council to clarify matters in the Statement of Environmental Effects.
4. Leichhardt Council's report to council (Development Assessment Report) DA/2012/295 - Item 22 (dated December 2012) including the council resolution (dated 4 December 2012) to refer the DA to the JRPP
5. Leichhardt Council's amended assessment report for the consideration of the JRPP
6. Councils' peer review report undertaken by GTA Consultants (dated 8 November 2012).
7. Letter from STA to Leichhardt Council (dated 3 December) providing comments in response councils' development assessment report.
8. Letter from STA to the regional panel noting that council has failed to determine the DA within 70 days and wish to refer the DA to the regional panel (dated 6 December 2012).
9. Submission from STA to the regional panels secretariat with revised plans and comments on councils assessment report and draft conditions of consent (dated 27 February 2013).
10. Councils' presentation for the public information evening held on 16 July 2012.

4. SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The site is located at 230-240 Balmain Road, Leichhardt, in the Leichhardt local government area. The site has a slipway for bus access from City West Link road and bus access from William St/Derbyshire Rd and Balmain Rd/Alfred St. The basement carpark is accessed from Balmain Road. Refer to **Figure 1**.

Refer to council's assessment report at **Attachment 5** for a full description of the site and surrounding locality and a description of the proposal.



Figure 1 – Site Location

Source: NSW Land & Property Information – spatial information exchange 2013

5. VIEWS OF COUNCIL

Council's assessment officer has undertaken an assessment of the application with regard to the provisions of the EP&A Act and all matters specified under section 79C(1).

The views of council assessment staff, elected council and the applicant are summarised below.

5.1 Leichhardt Council - Assessment Report

The council assessment report recommended the application be refused, and referred to the Sydney East Regional Panel.

The report identified that the proposed development is generally consistent with the aims and objectives of the relevant environmental planning instruments with the exception of the following:

- Vision of the Plan –contained within the Leichhardt LEP 2000
- Leichhardt Planning Scheme Ordinance
- Aims of the plan –contained within the Draft Leichhardt LEP 2012
- Parking requirements of the Leichhardt DCP 2000.

Please refer to Section 5 –Assessment of the council assessment report for detailed analysis.

Council considers that the proposal will have an adverse impact on the locality because council calculates an additional 40 vehicles will park on surrounding streets as a result of the increased staff numbers on site. Council considers that the site is not suitable for the development and that the proposal is not in the public interest.

Council has been provided with the applicants submission and revised plans to the regional panel, and is expected to provide a supplementary assessment report for the regional panels consideration.

5.2 Leichhardt Council – Elected Council

After considering the DA at a council meeting on 4 December 2012, the elected council resolved to adopt the original development assessment report and refer the DA to the regional panel with a recommendation for refusal.

At this meeting Councillors raised additional reasons for refusal which include:

- Unacceptable acoustic impacts
- Unacceptable traffic impacts
- Impacts on users of Pioneer Park
- Speeding impacts on William Street and
- Safety impacts on William and Henry Street.

6. VIEWS OF THE APPLICANT

The applicant has provided a detailed response to council's resolution to refuse consent by way of a submission to council and the regional panel. Refer to **Attachment 9**. The applicant's responses are summarised in **Section 7** of this report.

The applicant reviewed the draft conditions of consent recommended by council and has provided comment within their submission. The applicant does not agree with the deferred

commencement conditions (which relate to the issue of additional parking) and has provided amended plans and documents in order to address councils' concerns. The applicant does not agree with several other conditions including:

- Condition 4 – councils request that previous DA D2006/660 conditions be satisfied
- Conditions 10, 11, 12, 15, 16 & 19 – relating to the deferred commencement conditions creating additional parking by widening Derbyshire Road and associated works and
- Condition 13 – acoustic and noise pollution issues raised by council requiring maximum noise levels emitted from site.

Additionally, the applicant considers several conditions to not be applicable including:

- Condition 5 – management procedures for the public address system on site
- Condition A – BASIX certification
- Condition B – BCA compliance for new building works and
- Condition C – residential building works as prescribed under the Home Building Act.

Finally, the applicant has proposed amendments to several conditions. This is detailed within Attachment 9 for the regional panels' consideration.

7. SUMMARY OF KEY ISSUES

The council's resolution to refuse the DA is based on concerns regarding the impact of parking within the surrounding residential streets and the increased traffic movements to and from the site. These concerns are considered in the following section, and are compared alongside the assessment report and comments by STA.

Council Assessment Report	Elected Council	Applicant comment	Secretariat comment
Based on the number of additional buses and staff on site, council calculates that an additional 41 parking spaces are required.	Council indicated that it considered the possibility of an additional 41 vehicles using on street parking in surrounding residential streets to be unacceptable and would impact on the amenity of residents.	Applicant notes that data used is 2006 travel to work data which is 6 years old, does not include consideration of the allocation of bicycle and motorbike spaces and notes increase in public transport usage and STA staff receiving free public transport. Additionally, the applicant provided a submission on 27 February with revised plans accommodating an additional 40 parking spaces on site based on their own calculations within their submission.	Applicant has submitted revised plans for council's consideration. See Attachment 9
Proposal will cause an increase in traffic movements on surrounding streets	Council indicated that it considered any increase in traffic movements to be unacceptable.	Applicant notes that council's assessment report identifies the additional users of the nearby highschool, function centre, park, sports teams for the playing fields and the Greek church. As such the applicant notes that it is relevant to consider that the impact on parking and traffic is not just related to the Leichhardt bus depot.	Council's peer review by GTA consultants comments on this issue as being of negligible impact. See Attachment 6
Concerns on the amenity of local residents within the vicinity of the Leichhardt bus depot.	Council expressed concerns that the proposal would result in unacceptable acoustic impacts, traffic impacts and speeding on William Street.		
Impact upon the users of Pioneer Park	Council reiterated concern on the impact the proposal would have on those that need to park nearby to use Pioneer Park.	Applicant notes that there is no evidence that park users are affected.	
Vehicle and pedestrian safety may be compromised by the additional traffic within the vicinity of the site.	Council expressed concern that there would be safety impacts on William and Henry Streets.		Council's peer review by GTA consultants comments on this issue as being of negligible impact. See Attachment 6

Council Assessment Report	Elected Council	Applicant comment	Secretariat comment
Insufficient information provided to demonstrate compliance with BCA.	Council agreed to adopt the assessment report in full.	Applicants comments on the draft conditions of consent indicate that they have no concerns with addressing conditions that relate to BCA compliance. See Attachment 9	
Subject site not considered suitable to accommodate proposal in its current form.	Council agreed to adopt the assessment report in full.		The SEE and Council's assessment report identify the proposal as being consistent with the site zoning. The applicant has provided revised plans which have been given to council for consideration. See Attachments 2 and 5 respectively
Proposal considered not to be in the public interest.	Council agreed to adopt the assessment report in full.	Applicant states in submission that the proposal results in additional public transport services for the area and additional local employment opportunities. See Attachment 9.	

8. CONCLUSION

Council has undertaken an assessment of the DA, and recommended the DA be refused because of the increased demand for car parking in the surrounding local streets, additional traffic from the increase in staff and a lack of documentation showing compliance with the Building Code of Australia.

The applicant has provided revised plans to address the issue of a lack of parking on site. The two traffic and parking assessment reports conclude that any traffic impacts are minor and manageable and that residents concerns could be addressed by conditions of consent.

Pursuant to section 89 of the EP&A Act the regional panel may recommend to the Minister for Planning and Infrastructure that:

- the development application be refused or
- the development application be approved subject to conditions

Should the regional panel determine to approve the application, council has provided draft conditions of consent for consideration by the regional panel as included in **Attachment 1**. The applicant has provided comment on the draft conditions of consent as included in **Attachment 9**.

Should the applicant agree to the imposition of conditions the regional panel may proceed to determine the application without referral to the Minister of Planning and Infrastructure.

Prepared by:

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LIST OF ATTACHMENTS

1. Leichhardt Council's draft conditions of consent for the DA.
2. Development Application (Statement of Environmental Effects) prepared by Peter Andrews + Associates (dated June 2012) including all appendices.
3. Letters from Peter Andrews + Associates (dated 4 July 2012 and 16 July 2012) to Leichhardt Council to clarify matters in the Statement of Environmental Effects.
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