

DATE OF DETERMINATION	10 September 2020
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Roberta Ryan, Deborah Laidlaw, Brian McDonald
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held via Microsoft Teams on 10 September 2020, opened at 10.30am and closed at 12.30pm.

MATTER DETERMINED

2018SCL044 – Inner West – D/2018/219 at 138-152 and 154-156 Victoria Road; 697 Darling Street; and 1 to 7 Waterloo Street, Rozelle NSW 2039 - The site is generally referred to as the Balmain Leagues Club Precinct – (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 site inspections listed at item 8 in Schedule 1.

The Panel adjourned after the meeting to deliberate on the matter and formulate a resolution.

Application to vary a development standard

Following consideration of a written request from the applicant, the Panel is satisfied that the objection made under SEPP 1 has demonstrated that:

- compliance with the development standards contained in Schedule 1, Part 3(4)(c) and (e) Leichhardt LEP 2000 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard; and is further satisfied that
- the concurrence of the Secretary has been assumed.

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 4:1 in favour, against the decision was Deborah Laidlaw.

REASONS FOR THE DECISION

- The Panel has carefully considered all submissions, both written and oral and is satisfied the current development warrants approval in accordance with Council's consultant's report and the recommendations contained therein. The Panel considers an additional Deferred Commencement Condition be imposed to allow the finalisation of the current VPA as this will provide for greater community benefits.

- The Panel notes the change in the mix of uses and the resultant decrease in the required number of carparking spaces, together with Transport for NSW (Roads and Maritime) approval for exit to Victoria Rd after 8pm and is satisfied that traffic impacts are reasonably ameliorated, and this would not warrant refusal of the application.
- The Panel notes the design is supported by the Architectural Excellence Panel and considers the development is satisfactory in its context, having regard to the planning framework.
- The development makes provision for the Balmain Leagues Club, or its successor, to have a continued presence on the site.
- The limited retail space in the development not only requires reduced parking, but also has regard to the importance of Rozelle high street.

Deborah Laidlaw disagreed with the majority decision for the following reasons:

- Deborah Laidlaw agrees that the proposal generally has merit and recognizes that the LEP and DCP planning controls anticipate a built form of the height proposed, but retains concerns over the increase in the residential floorspace relative to the LEP 2000 standard and the consequential building bulk and mass over the upper levels of the development, being that part that is most visible in terms of broader streetscape/locality/district views, using a single (albeit articulated) building mass in lieu of the separated tower forms anticipated by the site specific DCP.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments.






- Condition B - Traffic and Parking to become an Operational Condition, not a Deferred Commencement Condition. Paragraphs (e) and (f) are deleted. This Condition is to be satisfied to the approval of Council's Development Assessment Manager.
- Council's standard Condition relating to Green Walls be added to Condition 106.
- Condition 2 – the following words be added at the beginning of the Condition “unless provision is made in a VPA for payment of a monetary contribution in lieu of Section 7.11 Contributions”.
- Deferred Commencement Condition C – change C (c) a to k to lowercase Roman numerals.
- Delete Condition 125, 45 and 46.
- Condition 44 – delete the words “the building” and insert in its place the relevant street addresses.
- Condition 121 – delete the words in between the brackets.
- Condition 161 – delete “complying” and insert “shall comply”.
- Condition 131(f) change 5pm to 5am.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic and road issues
- Urban design
- Procedural issues

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Roberta Ryan	 Deborah Laidlaw
 Brian McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL044 – Inner West - D/2018/219
2	PROPOSED DEVELOPMENT	Demolish all existing improvements, carry out site remediation and construct a mixed-use development comprising three (3) basement levels for residential and commercial parking with three 11 to 12 storey buildings connected above a shared retail and commercial podium with 164 residential units above. The commercial area will include a new leagues Club. Development fronting Waterloo Street will comprise two (2) to three (3) storey buildings for three (3) live/work units resulting in 167 residential units on the site.
3	STREET ADDRESS	138-152 and 154-156 Victoria Road; 697 Darling Street; and 1 to 7 Waterloo Street, ROZELLE NSW 2039 The site is generally referred to as the Balmain Leagues Club Precinct
4	APPLICANT/OWNER	Applicant - Mecone Pty Ltd on behalf of the Heworth Group of companies Owner - Grand Rozelle Pty Ltd (ACN: 619 872 749)
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"> State Environmental Planning Policy No. 65 – Design Quality Residential Apartment Development and Apartment Design Guide State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy BASIX 2004 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy No. 1 – Development Standards Draft State Environmental Planning Policy (Remediation of Land) Draft State Environmental Planning Policy (Environment) Leichhardt Local Environmental Plan 2000 Draft Inner West Local Environmental Plan 2020 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Leichhardt Development Control Plan 2000 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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

		<ul style="list-style-type: none"> 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: 28 August 2020 Amended Conditions dated: 9 September 2020 SEPP 1 Objection - Floor Space Ratio Written submissions during public exhibition: 234 Verbal submissions at the public meeting: <ul style="list-style-type: none"> David Hunt, David Anderson, Harriet Lacey, Glenda Sandars, Oliver Freeman, Anne Van Vuuren, Jami Parker MP, Simon Cook, David Eckstein Council assessment officer – Brian Kirk (independent consultant planner), Ken Welsh, Luke Murtas, Sean Howie On behalf of the applicant – Kate Bartlett, Christopher Walsh, Esther Dickins, Josh Milston, Doug Southwell, Anthony Whealy
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 15 August 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Sue Francis, John Roseth, Deborah Laidlaw, Brian McDonald <u>Council assessment staff</u>: Luke Murtas, Conor Wilson, Brian Kirk, Ryan Lennox Briefing: 2 April 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Brian McDonald <u>Council assessment staff</u>: Luke Murtas, Chirag Bhavan Briefing: 4 June 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Brian McDonald, Deborah Laidlaw <u>Council assessment staff</u>: Luke Murtas, Chirag Bhavan, Sean Howie, Ken Welsh Site inspection: 6 August 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, <u>Council assessment staff</u>: Chirag Bhavan, Ken Welsh <u>Applicant</u>: Kate Bartlett, Josh Milston <i>Roberta Ryan, Deb Laidlaw and Brian McDonald all visited the site independently, prior to 10 September 2020</i> Final briefing to discuss council's recommendation, 10 September 2020 at 9.25am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Deb Laidlaw, Brian McDonald <u>Council assessment staff</u>: Brian Kirk, Chirag Bhavan, Ken Welsh, Luke Murtas
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report