

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	11 April 2025
DATE OF PANEL DECISION	10 April 2025
DATE OF PANEL MEETING	4 April 2025
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo, Susan Budd, Matthew Owens and Elizelle Juanee Cilliers
APOLOGIES	Brian McDonald and John Engeler
DECLARATIONS OF INTEREST	<p>Darcy Byrne declared a conflict of interest as he participated in Council's consideration of the proposal. He did not participate in the meeting.</p> <p>Philippa Scott declared a conflict of duties as Council is the Crown land manager and she is a Councillor. She did not participate in the meeting.</p>

Papers circulated electronically on 28 March 2025.

MATTER DETERMINED

PPSSEC-304 – Inner West – DA/2023/1125 – 66 & 68 Mary Street, Lilyfield – Integrated development for construction of a two-storey recreational club facility including rowing boatshed, publicly accessible boat launching pontoon, kiosk and ancillary spaces (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.

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 unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

1. The development is consistent with the objectives of the zone;
2. The development is generally consistent with the development controls;
3. The development will not unreasonably compromise the amenity of nearby properties;
4. The development is generally compatible with the character of the area;
5. The development is generally considered suitable for the site; and
6. Approval is considered to be in the public interest.

Although the Panel decision was unanimous, it was noted that Matthew Owens suggested that some bicycle parking, that was recommended in condition 4, was not unreasonable.

CONDITIONS

The Development Application was approved subject to the conditions attached to the Council Supplementary Assessment Report with the following amendments.

- Delete Condition 4 Car Parking

- Amend Condition 6 Other works to remove 'on the forecourt' and replace with 'within' in the second paragraph
- Amend Condition 20 Materials and Finishes, to read as follows:

20. Materials and Finishes

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an updated schedule of materials and finishes and evidence that the updated schedule of materials and finishes has been submitted to and approved by Council's Director of Planning.

Reason: To ensure the colours and materials are sympathetic to the heritage character and landscape setting of Leichhardt Park.

- Amend Condition 31 Structural and Geotechnical Report to read as follows:

31. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the structural stability and any proposed changes to the sea wall adjacent to the proposed development. The report and plans must be prepared/ amended to make provision for the following:

- a) Any alterations to existing, or any proposed sea walls that provide support to the Council's land must be adequate to withstand the loadings that could be reasonably expected including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
- b) Recommendations regarding the method of construction, vibration emissions and identifying risks to the sea wall and existing structures; and
- c) Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

Reason: To ensure that the design of the sea wall is structurally sound and has been appropriately certified.

- Amend Condition 32 Public Domain Works – Prior to Construction Certificate, to delete (b) and amend part (j) to delete 'and the Bay Run' and insert the following note at the end of the condition: 'Note. For clarity, the applicant is not responsible for the widening of the Bay Run path.'

- Amend Condition 36 Revised Plan of Management, to read as follows

36. Revised Plan of Management

Prior to the issue of a Construction Certificate, the Plan of Management must be revised to incorporate the following requirements (but not limited to):

- Section 3.3 'Hours of operation' chapter to be updated to include:
 - Waste collection and deliveries :
 - Monday to Friday: 5:00am – 7:00am or 9:00am – 4:00pm;
 - Saturday to Sunday: 5:00am – 8:00am
- Section 3.3 'Hours of operation' be updated to specify that the 'Multi purpose space' and 'Off-Water Training, events and purposes related to operation of the rowing club' uses are to be of a maximum venue capacity of 75 people (including if being used concurrently)
- Section 3.5 'Acoustic Management' be updated to specify that amplification systems would not be used after 10:00pm.
- 'Waste Management' chapter to be updated to 'daily' litter patrols and include the adjacent foreshore area of Leichhardt Park (approximately 40m radius).
- Section 3.12 'Boat Transportation' heading to be amended to specify the following:
 - A register of boat trailer transportation to include time, date, number of boats. The register is to be made available to Council on request.
 - No loading or unloading to occur within Leichhardt Park.

- Identification and details of the specialised equipment and training requirements for personnel to effectively manage the transportation of boats and location for storage specified.

Pursuant to Section 4.17(10B) of the Environmental Planning and Assessment Act, 1979, this condition is to be reviewed by Council after 12 months from the commencement of operations.

Reason: To protect the amenity of Leichhardt Park.

- Amend Condition numbering for the second Condition 36 Tree Protection to Condition 36A
- Amend Condition 47 Works to Trees, to remove '1A' in the first sentence and replace with '19'
- Amend Condition 59 Easements, Restrictions on the Use of Land and Positive Covenants, to insert '88D' after the words 'Section 88B'
- Amend Condition 63 Hours of Operation, to read as follows:

63. Hours of Operation

- a) The hours of operation of the rowing club and boat storage (Downstairs Area, Staging and Deck) must not exceed the following:

Day	Hours
Monday to Sunday	4.45am – 9.00pm

- b) The hours of operation of the off-water training, events and purposes related to operation of the rowing club must not exceed the following:

Day	Hours
Monday to Sunday	5:00am – 11:00pm

- c) All waste collection, deliveries and boat transportation by the rowing club and their affiliates must not exceed the following:

Day	Hours
Monday to Friday	5:00am – 7:00am 9:00am – 4:00pm
Saturday and Sunday	5:00am – 8:00am

- d) The hours of operation of the multipurpose space must not exceed the following:

Day	Hours
Monday to Sunday	7:00am – 10:00pm

- e) The hours of operation of the kiosk must not exceed the following:

Day	Hours
Monday to Sunday	6:00am – 4:00pm

Pursuant to Section 4.17(10B) of the Environmental Planning and Assessment Act, 1979, this condition is to be reviewed by Council after 12 months from the commencement of operations.

Reason: To protect the amenity of Leichhardt Park.

- Amend Condition 69, to read as follows:

69. Loading/Unloading on Site

All loading and unloading of boats on/off the trailer must be undertaken within or directly adjacent to the decking area on site.

Reason: To protect the amenity of Leichhardt Park.

- Insert new condition –

61A . Bus/Coach Management Plan

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with evidence that a Bus/Coach Management Plan (including the size, type and associated swept paths) has been submitted and approved by Council's Development Engineering Coordinator.

Reason: To protect cyclist and pedestrian safety.

- Amend Condition 71 No Bus/Coach Pick Up

71. Bus/Coach Pick Up

Bus/coach pick up drop offs must be in accordance with the approved Bus/Coach Management Plan submitted to satisfy condition 61A.

Reason: To protect cyclist and pedestrian safety.

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:

- Location of facility
- Justified need
- Membership mix
- Funding
- Environmental Impacts
- Water traffic
- Parking and traffic impacts/Trailer parking and movement is not addressed in the Traffic Report
- Traffic Report overestimates public transport availability at 4.30am
- Pedestrian/cyclist/boat trailer conflicts/Safety impacts of regular traffic movements over this section of the Bay Run
- Storage of boat trailers will end up in the public car park
- Loss of views/Visually intrusive built form/Visual bulk/impacts
- Overdevelopment of Leichhardt Park
- Water sports on Iron Cove Bay already at capacity/Overuse of Iron Cove
- Impacts of 'privatising' this portion of the park/Locates an active business into tranquil area of Leichhardt Park
- Alienates community from public open space/Public access to facility/Accessibility
- Disregard of the needs of the wider community/Community engagement/Consultation with Rowing NSW

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

PANEL MEMBERS



Carl Scully (Chair)



Susan Budd



Alice Spizzo



Elizelle Juanee Cilliers



Matthew Owens

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-304 – Inner West – DA/2023/1125
2	PROPOSED DEVELOPMENT	Integrated development for construction of a two-storey recreational club facility including rowing boatshed, publicly accessible boat launching pontoon, kiosk and ancillary spaces
3	STREET ADDRESS	66-68 Mary Street, Lilyfield (Part Lot 120 DP 1279860)
4	APPLICANT/OWNER	Barbara Ramjan Crown Lands
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Transport and Infrastructure) 2021 Crown Land Management Act, 2016 Inner West Local Environmental Plan 2022 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Leichhardt Development Control Plan 2013 Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 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 October 2024 Written submissions during public exhibition: 169 (135 prior to public meeting and 34 post public meeting) Verbal submissions at the public meeting held on 7 November 2024: <ul style="list-style-type: none"> Mark Tietjen, Andrew Mainsbridge, Deanna Fekete, Colin May, James Johnson, Christopher James, James Johnson, Andrew Dick and Brian Kilbridge Council assessment officer – Annalise Ifield and Thomas Irons On behalf of the applicant – Barbara Ramjan, Brett Sperling, Mark Relf, Liam James Council Supplementary Assessment Report: 28 March 2025 Total number of unique submissions received by way of objection: 19 (including 3 post public meeting)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 6 February 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair)

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Annalise Ifield, Martin Amy, Thomas Irons and Alexander Cave ○ <u>Applicant Representatives</u>: Barbara Ramjan, Philip Thalys, Brett Sperling, Liam James and Phillip Bull ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis <ul style="list-style-type: none"> ● Briefing: 23 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe and Philippa Scott ○ <u>Council assessment staff</u>: Annalise Ifield, Martin Amy, and Alexander Cave ○ <u>Department staff</u>: Carolyn Hunt <ul style="list-style-type: none"> ● Site inspection: 7 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Brian McDonald and Matthew Owens ○ <u>Council assessment staff</u>: Annalise Ifield, Martin Amy, Thomas Irons and Alexander Cave <ul style="list-style-type: none"> ● Briefing to discuss Council's recommendation: 7 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Brian McDonald and Matthew Owens ○ <u>Council assessment staff</u>: Annalise Ifield, Martin Amy, Thomas Irons and Alexander Cave ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis <ul style="list-style-type: none"> ● Public meeting: 7 November 2024 <ul style="list-style-type: none"> ● Applicant briefing: 3 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Matthew Owens and Elizelle Juanee Cilliers ○ <u>Applicant Representatives</u>: Barbara Ramjan, Philip Thalys, Liam James and Phillip Bull, Victoria King ○ <u>Council assessment staff</u>: Annalise Ifield, Martin Amy and Thomas Irons ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova <ul style="list-style-type: none"> ● Final briefing to discuss Council's recommendation: 3 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Matthew Owens and Elizelle Juanee Cilliers ○ <u>Council assessment staff</u>: Annalise Ifield, Martin Amy and Thomas Irons ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Council Supplementary Assessment Report