



DATE OF DETERMINATION	Thursday 27 June 2019
PANEL MEMBERS	Carl Scully (Chair), John Roseth, Sue Francis, Vic Macri, Sam Iskandar
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Leichhardt Town Hall, corner of Marion and Norton Streets Leichhardt on 27 June 2019, opened at 12:10 pm and closed at 2:25 pm.

MATTER DETERMINED

2017SCL027 – Inner West – DA2017/00185 at 728-750 Princes Highway Tempe (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 during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision to approve the application was unanimous; the decision to remove the deferred commencement condition was 3:2 in favour, against the decision were Vic Macri and Sam Iskander.

REASONS FOR THE DECISION

- The Panel noted, after the first public meeting on 18 October 2018, that it is mindful of the many positive aspects of this application as it gives renewed life to a heritage item facing Princes Highway, provides a service to the public and creates employment in Tempe. The Panel was conscious, however, that the proposal would have impact on existing traffic and parking conditions in the area, and that these impacts had to be kept to an acceptable level. For this reason, the Panel required the appointment of an independent traffic consultant, who is acceptable to both the council and the applicant. Mr Rhys Hazell was appointed as the traffic consultant.
- At the second public meeting, held on 4 April 2019, Mr Hazell advised that the traffic impact at the corner of Princes Highway/Union Street/Smith Street was unacceptable. However, if parking were removed along the western side of Princes Highway north of Union Street, the impact would become acceptable. However, the RMS had refused the removal of parking. At that time, the impact of Stage 1 WestConnex (M5 to M4 link) on traffic on Princes Highway was raised. Mr Hazell undertook to examine that impact as well as the impacts associated with Stage 2 of WestConnex.
- In the time between the second and the third public meeting on 27 June 2019 the RMS provided concurrence for the removal of parking on the western side of Princes Highway north of Union Street. This meant that the traffic impact of the proposal would become acceptable. In addition, Mr Hazell advised that Stage 1 WestConnex would be operational in 2020 and that its impact would be to reduce northbound peak traffic flows on Princes Highway to the extent that the impact of the proposal would become acceptable.
- Thus the expert opinion before the Panel is that the traffic impact of the proposal will be acceptable, both as a result of the removal of parking spaces on Princes Highway and the completion of Stage 1 WestConnex. Given that there were no other major issues in the consideration of the application, the Panel unanimously agreed to grant approval.

Sam Iskander and Vic Macri disagreed with the majority decision in that they would have approved the development for the reasons above, but they did not want to remove the deferred commencement condition, as below, to give the residents clarify of which Local Area Traffic Management treatments were being proposed to protect their amenity.

CONDITIONS






The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Delete the Deferred Commence Condition and replace it as an operational condition ensuring that no CC be issued until the LATM was approved and that the store not operate until the works of the LATM were constructed and in operation.
- Insert the following condition as Condition 68A
 - a) Prior to the issue of any Construction Certificate, the applicant shall submit to the satisfaction of Inner West Council Local Traffic Committee a full comprehensive Local Area Traffic Management study. The study is to be funded by the applicant and undertaken by Council.
 - b) The LATM assessment shall identify appropriate measures to be implemented to mitigate the impacts associated with the proposed development on the local (and arterial) road network. A key objective is to limit the effects on local area residents by influencing development traffic approach and departure routes. Local street traffic volume environmental capacities should be retained in peak periods and across a typical day. The following local streets must be considered: Smith, Barden, Fanning, Wentworth, Hart, Station, South, Holbeach, Union and Foreman Streets.
 - c) The LATM study must be finalised and approved by the Traffic Committee before the issue of any Construction Certificate.

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 were related to traffic and parking. While the Panel accepts that there will be an impact on some residents, it also accepts Mr Hazell’s expert opinion that the impact will be acceptable.

The consent includes a condition requiring the applicant to undertake a Local Area Traffic Management Study and to implement the outcomes of that study. The Panel believes that these measures will further mitigate the traffic impact experienced by affected residents.

PANEL MEMBERS	
 Carl Scully (Chair)	 John Roseth
 Sue Francis	 Vic Macri
 Sam Iskandar	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL027 – Inner West – DA2017/00185
2	PROPOSED DEVELOPMENT	To partially demolish the rear of the existing building, construction of a new building form and adaptively reuse the site for use as a 2 level hardware and building supplies store with undercroft car parking, erection of signage, boundary adjustments to provide a slip lane from the Princes Highway into Smith Street and the widening of Smith Street on the north-eastern side.
3	STREET ADDRESS	728-750 Princes Highway, Tempe
4	APPLICANT/OWNER	Bunnings Properties Pty Ltd
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.55 – Remediation of Land ○ State Environmental Planning Policy No.64 – Advertising and Signage ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (State and Regional Development 2011 ○ Marrickville Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Draft Marrickville Development Control Plan 2011 (Amendment 4) • 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 • 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: 8 October 2018 • Applicant submission: 10 October 2018 • Council supplementary report no 1: 22 March 2019 • Applicant submission: 29 March 2019 • Council memo: 3 April 2019 • Council supplementary report no.2: 13 June 2019 • Applicant submission: 20 June 2019 • Submission of the elected Council: 27 June 2019 • Written submissions during public exhibition: 108 • Verbal submissions at the public meeting 18 October 2018: <ul style="list-style-type: none"> ○ In objection – Darcy Byrne, Katy Rogers, Stephanie Ward, Mark Ludbrooke, Catherine Stewart, Ian Hudson, Graham Griffith, Angus Hughson, Margaret Simpson, Juliet Barr ○ On behalf of the applicant – Phil Drew, Bernard Lo • Verbal submissions at the public meeting 4 April 2019:

		<ul style="list-style-type: none"> ○ In objection – Katy Rogers, Jenny Griffiths, Tim Mills, Scott Liddicoat, Jude Cobb, David Walker, Stephen Laws ○ On behalf of the applicant – Phil Drew, Ross Nettle ○ On behalf of council – Rhys Hazell (consultant for Council), Asher Richardson ● Verbal submissions at the public meeting 27 June 2019: <ul style="list-style-type: none"> ○ In objection – Katy Rogers, Julie Barr, Ken Moxham, Stephanie Ward, Tim Mills, Catherine Stewart ○ On behalf of Council – Rhys Hazell ○ On behalf of the applicant – Phil Drew
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site inspection and briefing: 8 February 2018 ● Final briefing meeting to discuss council’s recommendation, 18 October 2018 at 9.50am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), John Roseth, Sue Francis, Sam Iskandar, Vic Macri ○ <u>Council assessment staff</u>: Jair Reid Ruba Osma, Asher Richardson, George Tsaprounis Ian McKenzie, Graham Hall (council consultant), Simon Watts ● Final briefing meeting to discuss council’s recommendation, 4 April 2019 at 10am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), John Roseth, Sue Francis, Sam Iskandar, Vic Macri ○ <u>Council assessment staff</u>: Ruba Osma, Asher Richardson, George Tsaprounis, Rhys Hazell (council consultant), Luke Murtas ● Final briefing meeting to discuss council’s recommendation, 27 June 2019 at 11.15am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), John Roseth, Sue Francis, Sam Iskandar, Vic Macri ○ <u>Council assessment staff</u>: Ruba Osma, Asher Richardson, George Tsaprounis, Rhys Hazell (council consultant), Luke Murtas and Cameron Gray
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report