



DATE OF DEFERRAL	13 April 2022
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Sue Francis, Philippa Scott
APOLOGIES	Deb Laidlaw, Brian McDonald
DECLARATIONS OF INTEREST	Darcy Byrne declared a conflict of interest and did not participate.

Public meeting held Public Teleconference on 31 March 2022, opened at 1.30pm and closed at 3.35pm.
Papers circulated electronically on 13 April 2022.

MATTER DEFERRED

PPSSEC-171- Inner West - MOD/2021/0376 – 750 Princes Highway, Tempe – Bunnings Tempe (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel agreed to defer the determination of the matter until all the necessary notification and assessments under the relevant parts of the Act have been completed. This includes section 4.55(3) that requires the consent authority to have regard to the original reasons for the imposition of conditions in any assessment.

The Panel does not agree with the assessing officer that the amendments to the modifications by the Applicant, submitted in November and further amended in February do not require notification. In the opinion of the Panel, given the reasons in the original approval for the imposition of conditions relating to local traffic then any proposed modification to conditions 68 A and 112 warrant notification.

As such, the Panel considers the matter should be deferred to allow the necessary processes to occur and for a supplementary assessment report to be completed and referred back to the Panel for determination in a timely manner. Furthermore, there should be clarity and certainty in any modified condition as to the traffic measures required to mitigate impacts on local streets. In this regard measures that require approval from TfNSW, including the proposed soft road closure, should be sought.

Given that the Panel in its original decision did so with the knowledge that a signalised intersection at the Princes Highway was not to be provided, because of no approval from TfNSW, the Panel cannot through this modification impose such a requirement. The Panel now notes that the LATM study required by the condition of consent has been completed and submitted to the Local Traffic Committee (LTC) for approval. The Panel requests that the LTC conclude, as soon as possible, its consideration of that study in order not to circumvent the consent already granted to this development.

While the Panel notes many of the submissions requested a deferral to allow TfNSW to reconsider the question of a signalised intersection from Princes Highway this does not form part of the reasons for the Panel's deferral for the majority of members. Panel Member Philippa Scott did give some weight to the consideration of the possibility of a signalised intersection in agreeing to the deferral.

The original approval clearly was based on no signalised intersection but rather an LATM to manage local traffic impacts arising from the development. Should sometime in the future TfNSW consider a signalised intersection to be acceptable it would be up to the Applicant to submit a modification to its proposal to facilitate this change. It is not open for the Panel to modify the original approval which must be done through a modification application from the Applicant. The Panel recognises that the Council may wish to continue to pursue the signalised intersection with the State Government.

When the Panel has received a supplementary assessment report from Council responding to the matters raised above the Panel will hold another public determination meeting.

The decision to defer the matter was unanimous. However, Philippa Scott had differing reasons for the deferral. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Sue Francis	 Philippa Scott

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSEC-171 – Inner West – MOD/2021/0376
2	PROPOSED DEVELOPMENT	To modify modified Determination No. MOD/2020/0096 dated 18 September 2020 to reduce on-site car parking, reconfigure the internal layout, carry out alterations to achieve NCC compliance, provision of roof services, façade changes and addition of internal ceiling fans and modify conditions of consent.
3	STREET ADDRESS	750 Princes Highway, Tempe
4	APPLICANT/OWNER	Bunnings Properties Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 64 – Advertising and Signage ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Marrickville Local Environmental Plan 2011 ○ Draft Inner West Local Environmental Plan 2020 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Marrickville Development Control Plan 2011 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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: 17 March 2022 • Written submissions during public exhibition: 44 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Jack Breen on behalf of Facebook page Safe Traffic Plan for Bunnings Tempe, Carly Green, Gemma Scott, Ben Steware, Rebecca Curran, Yasmin Bell, Angus Hughson, Katrina Widauer, Graham Griffith, Scott Liddicoat, Asma Tbessi, Martin Walters, Juliet Barr, Clr Justine Langford, Mayor Darcy Byrne, Clr Mat Howard, Annie Pettitt, Alyse Harvison, Liz Walker, Jenny Griffith, Tim Mills, Katherine Murphy,

		<p>Kat Costigan</p> <ul style="list-style-type: none"> ○ Council assessment officer – Andrew Newman, Ruba Osman, Martin Amy ○ On behalf of the applicant – Aaron Sutherland, Gary Turner ○ Total number of unique submissions received by way of objection: 44
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Applicant Briefing: 9 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Chris Wilson ○ <u>Council assessment staff</u>: Luke Murtas, Ruba Osman, Asher Richardson, Joe Bertacco, Andrew Newman ○ <u>Applicant representatives</u>: Phillip Drew, Aaron Sutherland, Gary Turner <p><u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues</p> ● Site inspection: Panel members visited the site independently, prior to 31 March 2022 ● Final briefing to discuss council’s recommendation: 31 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Sue Francis, Philippa Scott ○ <u>Council assessment staff</u>: Andrew Newman, Ruba Osman, Martin Amy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report