

DATE OF DETERMINATION	Wednesday, 18 October 2017
PANEL MEMBERS	Maria Atkinson (Chair), John Roseth and Sue Francis
APOLOGIES	Brian McDonald, Deborah Laidlaw, Jacinta Reid
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre, 3 Spring St, Sydney on 18 October 2017, opened at 10:10 am and closed at 11:45 am.

MATTER DETERMINED

2017SCL048 – Inner West – DA2017/250 AT 5 White Street Lilyfield (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

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

The decision to approve the application was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposal provides for a much needed local affordable housing to be available for a minimum of 30 years.
2. The amenity of the local area lends itself to residential use. The current industrial activity is dormant.
3. With the proposed conditions of consent imposed, there will be no unacceptable adverse impact on the surrounding natural or built environments. The introduction of new stormwater infrastructure will reduce the impacts of flooding.
4. The Panel considered concerns raised by objectors with regard to waste management and the issue of insufficient information to determine the application. The Panel considers that it has sufficient information to determine the application. With regard to waste management, the issue does not justify refusal of the application.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report as amended below.

The Panel has altered the approval so that it is no longer a deferred commencement. Conditions 1 to 5 are no longer deferred commencement conditions. In addition, the following amendments are made.

- Condition 1 to be amended to read:
 1. An engineering design of the proposed relocation of the Sydney Water stormwater pipeline along the southern boundary of the property must be prepared by a qualified practicing Civil Engineer and approved by Inner West Council and Sydney Water prior to issue of a Construction Certificate.

The design must address the following requirements:

- a) The stormwater pipeline must be designed to convey the flows generated by a 20 year Average Recurrence Interval (ARI) storm event.
- b) The stormwater pipeline must extend for the length of the property between White Street and the rear laneway, with connection to the existing Sydney Water Whites Creek stormwater culvert adjacent to the eastern frontage of the property.
- c) The design must include the provision of additional/ upgraded stormwater inlet pits in White Street to maximise inflow into the pipeline.
- d) A structural design must be provided for the connection to the existing Whites Creek stormwater culvert, including closure of the existing connection in accordance with Sydney Water requirements.

- Condition 2 to be amended to read:

The entire basement level must be set back a minimum of 3 metres from the southern property boundary to provide a consistent and unobstructed flowpath for flood waters along this side of the property, between White Street and the rear lane. This will require the Plant and Pump Rooms and Waste Storage areas to be redesigned/ reconfigured. This may also require deletion of Parking Space 1. Details to be provided prior to issue of Construction Certificate.

- Condition 3 to be amended to read:

A structural engineering design of the proposed bridging structure over the Sydney Water Whites Creek stormwater culvert to provide vehicle access to the site from Arguimbau Street must be provided to and approved by Inner West Council and Sydney Water prior to the issue of a Construction Certificate.

The design must be prepared by a suitably qualified Structural Engineer and must address the following:

- a) The design must accommodate all vehicles up to and including the B99 design vehicle.
- b) The plans must demonstrate that the driveway is structurally independent of the stormwater channel, and does not impose any loading onto the culvert structure.
- c) Any support piers required within Council land must be clearly detailed in plan and section views.
- d) The design must address any requirements of Sydney Water.

- Condition 4 to be amended to read:

A Detailed Site Contamination Investigation must be undertaken by an independent appropriately qualified environmental consultant and submitted to Council prior to commencement of works on site.

The report is to be carried out in accordance with Council's Local Environment Plan 2013 and relevant NSW EPA Guidelines for Contaminated Sites. Also as detailed in the Planning Guidelines SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of land contamination.

Should the Detailed Site Investigation Report not find any site contamination to both land and groundwater, the conclusion of the report must clearly state that 'the land is suitable for its intended land use' posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear jurisdiction for the statement.

Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant Health Based Investigation Level, a Remediation Action Plan (RAP) will be required to be submitted to and

approved by Council prior to commencing remediation works. The RAP is to be prepared in accordance with the relevant Guidelines or approved by NSW Environmental Protection Authority, including the Guidelines for Consultants Reporting on Contaminated Sites. This RAP is to include procedures for the following:

- Excavation of Hydrocarbon-contaminated soil;
- Site management planning;
- Validation sampling and analysis;
- Prevention of cross contamination and migration or release contaminants;
- Groundwater remediation, dewatering, drainage, monitoring and validation;
- Unexpected finds.

- Condition 5 to be amended to read:




Amended plans are to be submitted to the satisfaction of Council prior to issue of the relevant Construction Certificate incorporating the following amendments:

- a) Any window to the bedroom of units 2 and 11 shall contain obscure glazing below 1.5m
- b) All windows on the southern boundary adjoining 1 White Street are to be acoustically treated to minimise the operational activity from the adjoining warehouse.
- c) Adequate storage being provided for the dwellings in the development in accordance with Apartment Design Guide requirements.
- d) The roller door to the basement carpark must be set back a minimum 6000mm from the eastern boundary to allow for a vehicle to store within the property while waiting for the door to open
- e) All breezeway lighting shall be located at a low level, be low lux level and have sensor(s) for intermittent lighting.

Details demonstrating compliance with the requirements of this condition are to be marked on the plans and be submitted to Council's satisfaction.

- Condition 8 to be amended so that the first paragraph reads:

A contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 for the services detailed in column A and for the amount detailed in column B must be made to Council prior to the issue of any Occupation Certificate:

PANEL MEMBERS	
 Maria Atkinson AM (Chair)	 John Roseth
 Sue Francis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL048 – Inner West – DA2017/250
2	PROPOSED DEVELOPMENT	Demolition of existing warehouse and construction of affordable housing residential flat development containing 22 units within two buildings over a basement car park, and associated works.
3	STREET ADDRESS	5 White Street Lilyfield
4	APPLICANT/OWNER	Amelie Housing The Trustees of The Society of St Vincent De Paul NSW
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (State and Regional Development) 2011 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Leichhardt Local Environmental Plan 2013 • 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: 6 October 2017 • Written submissions during public exhibition: 11 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Object – Zsafia Korosy on behalf of Fruzsina Korosy and Ross Baker on behalf of Annandale North Society ○ On behalf of the applicant – Mairead Hawes, Russell Prescott and Jeremy Swan
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting on 28 September 2017 • Final briefing meeting to discuss council's recommendation, 18 October 2017, 9:30 am Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Maria Atkinson (Chair), John Roseth and Sue Francis ○ <u>Council assessment staff</u>: Jamie Erken, Christian Hemsley, Samantha Campbell
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report