

DATE OF DETERMINATION	Thursday 2 May 2019
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, John Roseth, Brian McDonald, Deborah Laidlaw
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Fraser Suites, 488 Kent Street Sydney on 2 May 2019, opened at 12.15pm and closed at 1:00 pm.

MATTER DETERMINED

2018ECI013 – Inner West – DA2018/450 - Off 48 Fitzroy Avenue Balmain – Dawn Fraser Baths (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 was unanimous.

REASONS FOR THE DECISION

The proposed upgrade and refurbishment of the Dawn Fraser Pool are essential to the continued existence and functioning of an important heritage item, which is also a much-loved community facility.

CONDITIONS






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

- The deletion of prescribed Condition A (BASIX Commitments)
- The deletion of prescribed Condition C (Home Building Act)

These conditions are deleted because they do not apply.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from two objectors at the public meeting. The Panel noted that the objectors' concerns related to bigger change rooms, more showers and a different design for the entrance. While the Panel appreciates the concerns of the objectors, it considers that it cannot involve itself in the detailed architectural design of a State heritage item, on which opinions vary widely. It therefore accepts the proposal before it as a legitimate response to the need to retain the Dawn Fraser Pool.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 John Roseth	 Deborah Laidlaw
 Brian McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018ECI013 – Inner West – DA2018/450
2	PROPOSED DEVELOPMENT	Upgrade and refurbishment of the existing Dawn Fraser Baths facility involving partial demolition and reconstruction of structures in the south of the facility and the installation of new solar panels and flood lights.
3	STREET ADDRESS	Dawn Fraser Baths, off 48 Fitzroy Avenue, Balmain
4	APPLICANT/OWNER	Inner West Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development 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 No 55—Remediation of Land ○ State Environmental Planning Policy (Coastal Management) 2018 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ○ Leichhardt Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: Nil • 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: 23 April 2019 • Written submissions during public exhibition: 4 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In objection – Carolyn Allen, Peter Hickey ○ Council assessment officer – Brian Kirk ○ On behalf of the applicant – Patrick Caran
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 7 March 2019 • Briefing: 7 March 2019 • Final briefing to discuss council's recommendation, 2 May 2019 at 11.50am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Sue Francis, John Roseth, Brian McDonald, Deborah Laidlaw ○ <u>Council assessment staff</u>: Brian Kirk, Luke Murtas
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report