

DATE OF DEFERRAL	5 April 2018
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, Peter Brennan, Debra Laidlaw
APOLOGIES	Monica Wangmann
DECLARATIONS OF INTEREST	None

Public meeting held at Rydges World Square on 5 April 2018, opened at 10:00 am and closed at 10:30 am.

MATTER DEFERRED

2018SCL001 – Inner West – DA10.2017.249.1 at 160 - 178 ELIZABETH STREET, 2-12 BASTABLE STREET & 10-18 FREDERICK STREET, ASHFIELD (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND REASONS FOR DEFERRAL

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 agreed to defer the determination of the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel chose to defer the application due to the absence of Council's expert flooding engineer needed to assist the Panel understand the flood risk and the poor wording of the draft conditions of consent.

The application is to be deferred until the further information has been supplied by the Applicant and assessed by the Council.

Specifically, the following is required before the matter will be further considered by the Panel:





1. Flood modelling to establish the flood risk and whether there is reason for removal/retention of the flood gate. If not, establish alternative methods to mitigate flood risk. If the flood gate is to be relied on then the management issues concerning its operation need to be fully explained.
2. Clarification of the flooding risk and possible solutions to be discussed between the applicant and the Council's engineer. Sydney Water's position as to the installation of the flood gate on its stormwater asset is to be clarified.
3. Appropriate, agreed, clear and certain conditions of consent relating to the issue of flooding are to be drafted by the Assessment staff.
4. Clarification is required as to the need or otherwise for the bus drop off on Elizabeth Street, whether this is formally part of the proposal and confirmation that RMS has reviewed it as such in granting its concurrence.
5. A Plan of Management relating to flood management, traffic and parking management (including buses) shall be submitted and assessed prior to the DA determination.
6. A review of all the proposed conditions of consent. These need to be redrafted to address:
 - a) Consecutive numbering and clear headings;

- b) Certainty, clarity and for a planning purposes as required by the Newberry Principles. No extraneous statements or comments shall be included in a condition. Leaving or deferring matters for 'consideration' or 'investigation' in any condition is inappropriate.

7. Clarification is required as to the Plan of Management under the Local Government Act relative to the land. What does it say in relation to the use of the land?

Following receipt of the above information the Council shall prepare a supplementary report for the Panel. When this information has been received, the Panel will hold another public determination meeting.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 Peter Brennan	 Debra Laidlaw

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL001 – Inner West – DA10.2017.249.1
2	PROPOSED DEVELOPMENT	Alterations and Additions to Ashfield Aquatic Centre including demolition of existing pools and construction of new facilities
3	STREET ADDRESS	160 - 178 ELIZABETH STREET, 2-12 BASTABLE STREET & 10-18 FREDERICK STREET, ASHFIELD
4	APPLICANT/OWNER	Inner West Council
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 55 ○ Ashfield Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Inner West Comprehensive Development Control Plan 2016 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000: 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 Environmental Planning and Assessment Act 1979 or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Amended Conditions as supplied at the meeting of 5 April 2018. • Updated Plans dated 22 March 2018. • Council assessment report: 26 March 2017 • Written submissions during public exhibition: One • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Sean Brasier
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting 8 February 2018 • Final briefing meeting to discuss council's recommendation, 5 April 2018 at 9:30 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Sue Francis, Peter Brennan, Debra Laidlaw ○ <u>Council assessment staff</u>: Jamie Erken, Jai Read and Alison Davidson and Linley Love on behalf of Planning Ingenuity.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report