



INNER WEST LOCAL PLANNING PANEL
MEETING

23 NOVEMBER 2021

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on Tuesday, 23 November 2021.

Present: Adjunct Professor David Lloyd QC; Ms Lisa Trueman, Ms Kim Crestani and Ms Silvia Correia

Staff Present: Acting Development Assessment Manager; Team Leader Corporate Support and Administration Officer.

Meeting commenced: 2:02pm

**** ACKNOWLEDGEMENT OF COUNTRY**

I acknowledge the Gadigal and Wangal people of the Eora nation on whose Country we are meeting today, and their elders past and present.

**** DECLARATION OF PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS**

There were no declarations of interest.

IWLPP951/21 Agenda Item 1	DA/2021/0255
Address:	1 Trevor Street, Lilyfield
Description:	Demolition of existing structures and construction of a two (2) storey new generation boarding house comprising eleven (11) rooms over 2 levels and over a basement car park, and associated works, including fencing, landscaping, excavation and site works.
Applicant:	Mr Ibrahim Conlon

The following people addressed the meeting in relation to this item:

- *Ben Shine*
- *David Staume*
- *Paul Foster*
- *Ibrahim Conlon*

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved** as per the recommendation contained in that report, subject to the following changes:

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. DA/2021/0255 for Demolition of existing structures and construction of a two (2) storey new generation boarding house comprising eleven (11) rooms over 2 levels and over a basement car park, and associated works, including fencing, landscaping, excavation and site works at 1 Trevor Street, LILYFIELD NSW 2040 subject to the conditions listed in Attachment A of the officer's report, and subject to the changes listed below:

Amend Conditions:

- Condition 9 (d) to read: Bicycle storage capacity for eighteen (18) bicycles is to be provided within the site; and
- Condition 9 (e) to read: The proposed carwash bay is to be converted to a secure bicycle storage space.
- Condition 63 (a) to read: The use must comply at all times with the Plan of Management specified by condition 33 in this Determination;

The decision of the panel was unanimous.

IWLPP952/21 Agenda Item 2	DA/2021/0777
Address:	250 Liverpool Road, Ashfield
Description:	Alterations and additions to existing commercial tenancies fronting Liverpool Road including the creation of a new commercial tenancy with the removal of an existing kiosk and enclosure of existing areas.
Applicant:	Sanjay Halasagi c/- Mecone

The following people addressed the meeting in relation to this item:

- Jack Wu
- Kai Man Vivian Wong
- Angie
- Paul Keywood
- Sanjay Halasagi
- David Rollison

DECISION OF THE PANEL

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be **refused** for the following reasons:

- The site of the proposed development is part of the existing forecourt of the Strata Plan and the Panel is not satisfied that, post construction, the existing services in that area will be able to be accessed for maintenance, repair and replacement as required;
- There is a lack of certainty of outcome;
- It is unclear that owner's consent has been lodged with this application;
- Alternative provisions for mechanical exhaust and air intake is lacking;
- There is a lack of detail on the proposed plans;
- The applicant has not demonstrated how the carpark ventilation can be relocated;
- **NOTE:** The Panel notes –
 - A surveyor should be engaged to certify the strata plans.
 - The reasons relating to services need to be supported by consultant/specialist reports showing how the services can be maintained and accessed during and after construction.
 - That the applicant may apply for s8.2 review of this decision with additional information to demonstrate these services will be accessible and that the Strata Committee has consented to this proposal.

The decision of the panel was unanimous.

IWLPP953/21 Agenda Item 3	DA/2021/0619
Address:	77 Brighton Street, Petersham
Description:	Alterations and additions to existing bowling club.
Applicant:	Petersham Bowling Club

The following people addressed the meeting in relation to this item:

- *Judy Cumming*
- *Chris Rees*
- *Kirsty Muddle*
- *George Catsi*
- *Vanessa Palfreeman*

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved** as per the recommendation contained in that report, subject to the following changes:

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. DA/2021/0619 for alterations and additions to an existing bowling club at 77 Brighton Street, Petersham subject to the conditions listed in Attachment A of the officer's report, and subject to the changes listed below:
- Amend the first sentence of condition 2 to read: 'Prior to the issue of a Construction Certificate, the Council must issue written confirmation that amended plans have demonstrated the following.'
 - Amend 2 (a) to read: 'The roofing material shall be unglazed, Marseille pattern, terracotta tiles in colour and profile to match existing.'
 - Amend 2 (d) to read: 'The schedule of material and finishes is to be amended to include details of the balustrades being painted timber with vertical balusters.'
 - Add a sentence at the end of condition 2 to read: 'All design changes are to be to the written satisfaction of Council's Heritage Advisor prior to the issue of a construction certificate.'
 - Amend condition 28 to add the following sentence: 'An updated Plan of Management that excludes the verandah from being used for dining or drinking and is to not accommodate any furniture is to be prepared.'

The decision of the panel was unanimous.

IWLPP954/21 Agenda Item 4	MOD/2021/0142
Address:	307 Nelson Street, Annandale
Description:	Section 4.55(1A) Modification of Development Consent DA/2020/0627 which approved new dwellings and associated works, seeking various changes, including to delete various conditions, including required design change conditions to the front of the house and that require the lowering of the pool and rear deck levels, and various tree protection conditions.
Applicant:	Candella Properties Pty Ltd

The Panel notes that this application was withdrawn by the applicant prior to the meeting.

IWLPP955/21 Agenda Item 5	MOD/2021/0404
Address:	31a Mallett Street, Camperdown
Description:	Section 4.55(1A) application to modify Determination No 201500378.04 to continue extended trading hours for the restaurant of 6.00am to 11.00pm Mondays to Thursdays, 6.00am to 12.00 midnight Fridays and Saturdays and 6.00am to 10.00pm on Sundays and Public Holidays and the trading hours for the caravan café of 6.00am to 10.00pm daily including Public Holidays.
Applicant:	Lloyd Pollard

The following people addressed the meeting in relation to this item:

- *Michael Murphy*
- *Dean Thomas*

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved** as per the recommendation contained in that report, subject to the following changes:

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to/refuse Development Application No. MOD/2021/0404 to modify DA201500378 to continue extended trading hours for the restaurant of 6.00am to 11.00pm Mondays to Thursdays, 6.00am to 12.00 midnight Fridays and Saturdays and 6.00am to 10.00pm on Sundays and Public Holidays and the trading hours for the caravan café of 6.00am to 10.00pm daily including Public Holidays at 31A Mallett Street, Camperdown subject to the conditions listed in Attachment A of the officer's report, and subject to the changes listed below:
 - Amend condition 2 (ii) to add the following sentence at the end of the condition: 'The updated and consolidated Plan of Management is to be consistent with the approved operating hours included in the trial period hours and to incorporate the acoustics requirements and is to be submitted within 30 days of this modified consent (MOD/2021/0404) being issued.'
 - Amend Condition 2 (iii) to add the following sentence at the end of the condition: 'The venue manager is to be contactable by residents during the operating hours of the premises including during functions. This is to be included in the Plan of Management.'

The decision of the panel was unanimous.

IWLPP956/21 Agenda Item 6	DA/2021/0228
Address:	40 Milton Street, Ashfield
Description:	Demolition of existing building. Construction of a boarding house containing basement car parking, landscaping and associated works.
Applicant:	SNP Equities

The following people addressed the meeting in relation to this item:

- Joseph Panetta (Architect)
- Andrew Martin (Town Planner)

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved** as per the recommendation contained in that report, subject to the following changes:

- The applicant has made a written request pursuant to Clause 4.3 of Ashfield Local Environmental Plan 2013. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- The applicant has made a written request pursuant to Clause 4.4 of Ashfield Local Environmental Plan 2013. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. DA/2021/0228 for demolition of existing building. Construction of a boarding house containing with basement car parking, landscaping and associated works at 40 Milton Street, ASHFIELD NSW 2131 subject to the conditions listed in Attachment A of the officer's report, and subject to the changes listed below:

Add the following conditions:

Under the Heading 'Prior to Construction Certificate'

- Amended Plans

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- (a) An amended Landscaped Plan and supporting landscaping details are to be submitted to Council that indicate mature planting to the south-western corner of the site. The Plan and supporting details are to be to the written satisfaction of Council's Landscape Officer.
- (b) The proposed car parking space to the east of the lift, adjacent to the proposed bicycle storage on Basement-1 is to be converted to bicycle parking spaces. This area and the existing bicycle space are to provide for a minimum of 40 bicycle spaces.

The decision of the panel was unanimous.

IWLPP957/21 Agenda Item 7	DA/2021/0428
Address:	13 Kalgoorlie Street, Leichhardt
Description:	Demolition of the existing structures on the site and erect a new two-storey dwelling.
Applicant:	Mario Mourad

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the **approval** contained in that Report.

- A. The applicant has made a written request pursuant to Clause 4.4 of the Leichhardt Local Environmental Plan 2013. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.

- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. DA/2021/0428 for Demolish Existing Structures on-site and erect a new two storey dwelling at 13 Kalgoorlie Street, LEICHHARDT NSW 2040 subject to the conditions listed in Attachment A of the officer's report.

The decision of the panel was unanimous.

IWLPP958/21 Agenda Item 8	DA/2021/0746
Address:	7 Prospect Road, Summer Hill
Description:	Change of use to Green Living Centre, Reverse Garbage and Bower repair centre with ancillary retail and office purposes.
Applicant:	Naomi Brennan

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the **approval** contained in that Report.

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. DA/2021/0746 for Change of use to Green Living Centre, Reverse Garbage and Bower repair centre with ancillary retail and office purposes at 7 Prospect Road, SUMMER HILL NSW 2130 subject to the conditions listed in Attachment A of the officer's report.

The decision of the panel was unanimous.

IWLPP959/21 Agenda Item 9	DA/2021/0671
Address:	1-13 Darley Street, Newtown
Description:	Alterations and additions to existing community facility. Change in hours of operation.
Applicant:	Mr Stephen Iacono

The following people addressed the meeting in relation to this item:

- Andrew Nimmo (Architect)
- Lisa Bella Esposito (Town Planner)
- Stephen Iacono

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be approved as per the recommendation contained in that report, subject to the following changes:

A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. DA/2021/0671 for alterations and additions to existing community facility. Change in hours of operation. at 1-13 Darley Street, NEWTOWN NSW 2042 subject to the conditions listed in Attachment A of the officer's report, and subject to the changes listed below:

- Delete condition 3 - *Section 7.12 (formerly section 94A) Development Contribution Payments*
- Amend condition 14 to read: No live music is to be being provided within the premises without the prior approval of Council.
- Delete condition 25 - *Contamination – Retention of Ground Slab*
- Add the following condition under the Heading: 'During Demolition and Construction'

The applicant must ensure that if any unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

The decision of the panel was unanimous.

IWLPP960/21 Agenda Item 10	DA/2021/0590
Address:	156A Old Canterbury Road, Summer Hill
Description:	Boundary adjustment and demolition of outbuildings.
Applicant:	Le Mottee Group Pty Ltd

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report.

- A. The applicant has made a written request pursuant to Clause 4.1A(2)(c) of Ashfield Local Environmental Plan 2013. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.

- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, approve Development Application No. DA/2021/0590 for boundary adjustment and demolition of outbuildings at 156A Old Canterbury Road, SUMMER HILL NSW 2130 subject to conditions outlined in Attachment A of the officer's report.

The decision of the panel was unanimous.

The Inner West Planning Panel Meeting finished at 4:24pm.

The Inner West Planning Panel Closed Meeting commenced at 4:28pm

The Inner West Planning Panel Closed Meeting closed at 5:39pm

CONFIRMED:



Adjunct Professor David Lloyd QC
Chairperson
23 November 2021