



INNER WEST LOCAL PLANNING PANEL
MEETING

10 AUGUST 2021

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via
Teleconference on Tuesday 10 August 2021.

Present: Dr Gary A Shiels in the chair; Ms Jan Murrell; Mrs Mary-Lynne Taylor;
Mr Kenneth Hawke; Mr Brian Kirk; Ms Kath Roach

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

Meeting commenced: 2.07 pm

**** 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**

The following declarations of interest were made:

Item 8 - Jan Murrell, Kenneth Hawke and Mary-Lynne Taylor were on the panel that determined the original DA.

IWLPP1025/21 Agenda Item 1	Standing Item - Report in Accordance with Ministerial Direction: Pending Local Planning Panel Matters
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Matters pending have been presented to the Panel Chairman and the following was noted:

- DA/2020/1104 - 267 Darling Street, Balmain to be called to the next available meeting

IWLPP1026/21 Agenda Item 2	DA/2020/1022
Address:	55, 57 & 61-63 Smith Street Summer Hill
Description:	Demolition of existing structures and construction of a house containing 97 boarding rooms (incl on site managers) over 1 basement level of parking.
Applicant:	Appwam Pty Ltd

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

- Mark Drury
- Pristine Ong
- Richard Lie
- Vanessa Liell
- Marcus Strom
- Andrew Laughlin
- Rose Redmayne
- Helen Hughes
- Timothy Coen
- Stephen J Corbett
- Tony Moody (Planning Consultant)
- John Cole

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the refusal 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*, REFUSE Development Application No. DA/2020/1022 for the demolition of existing structures and construction of a boarding house containing 97 boarding rooms (incl on site managers) over 1 basement level of parking at 55, 57 & 61-63 Smith Street Summer Hill for the following reasons with additional amendments:

1. The proposal will have an unreasonable impact on adjoining and surrounding Heritage Items and is unacceptable in the Heritage Conservation Area, thereby not satisfying Clause 5.10 – Heritage Conservation, *Ashfield Local Environmental Plan 2013*.
2. The application has not provided reports to an acceptable standard to allow the consent authority to be satisfied of the tests in clause 7 of State Environmental Planning Policy No 55—Remediation of Land. The Consent Authority therefore lacks the jurisdictional power to grant consent.
3. The plans submitted with the application indicate that the room labelled “UNIT 204” has an area that exceeds the 25m² standard in clause 30(1)(b) of State Environmental Planning Policy (Affordable Rental Housing) 2009. The Consent Authority therefore lacks the jurisdictional power to grant consent.

4. The plans submitted with the application indicate that the rooms labelled UNIT G03, and UNIT 103 are undersized having regard to clause 29(2)(f) of State Environmental Planning Policy (Affordable Rental Housing) 2009 and inconsistent with the requirements of Performance Criteria 3 and Design Standard 3.1 within Part 6 of Chapter F of the Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.
5. The proposed development involves excavation within the structural root zones of trees located on the adjoining properties to the east and the consent authority cannot be satisfied that the likely impacts on neighbouring trees are sufficient to maintain their long-term retention having regard to the likely impacts of the development which is contrary to control c12 in Chapter C part 4 section 6 of the Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill
6. The application has not demonstrated that the existing natural overland flows from external catchments shall not be blocked or diverted and can be captured and catered for within the proposed site drainage system having regard to Clauses 5.20 and 6.1 of ALEP 2013.

The decision of the panel was unanimous

IWLPP1027/21 Agenda Item 3	DA/2021/0222
Address:	17 Mary Street Leichhardt
Description:	Demolition of existing dwelling and subdivision of site into two lots
Applicant:	Ms Giovanna Fragomeli

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

- *Wen-Ts'ai Lim*
- *Ann-Therese King*
- *Louise Appel*

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/2021/0222 for the demolition of existing dwelling and subdivision of site into two lots at 17 Mary Street LILYFIELD NSW 2040 subject to the conditions listed in Attachment A to the officer's report subject to the following changes:

The Panel does not share the views of the Council officers report, that the site might reasonably cater for "pairs of semi-detached dwellings" on each lot. This approval does not imply a recognition of the indicative building footprint and additional driveway.

The decision of the panel was unanimous

IWLPP1028/21 Agenda Item 4	DA/2020/0978
Address:	9 Adolphus Street Balmain
Description:	Subdivision of lot into two Torrens title lots, alterations and additions to existing heritage listed dwelling-house fronting Adolphus Street, demolition of existing flats for new dwelling-house on the newly created lot fronting Waite Avenue, and associated works.
Applicant:	Mrs Van H Allen

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

- Colin Robinson
- Hayley Tasdarian
- Nicholas Yates
- Van Allen
- Brian McDonald
- Kendal Mackay

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 'Deferred Commencement' Consent to Development Application No. DA/2020/0978 for subdivision of lot into two Torrens title lots, alterations and additions to existing heritage listed dwelling-house fronting Adolphus Street, demolition of existing bedsits for new dwelling-house on the newly created lot fronting Waite Avenue, and associated works at 9 Adolphus Street BALMAIN NSW 2041 subject to the conditions listed in Attachment A to the officer's report and subject to the following changes:

1. Arrangements for existing tenants

Documentary evidence is to be provided confirming that the operator has made the following arrangements to assist the residents of the building displaced by the proposed works to find alternative comparable accommodation:

- a. A written agreement with a local estate agent giving displaced residents first option for comparable accommodation that comes onto the market;
- b. An extension of the period of notice to vacate beyond the 120 days required by the *Residential Tenancies Act 2010*;
- c. Payment of each tenant's reasonable relocation costs up to a maximum of \$1520, with receipts to be provided by the tenants for reimbursement; and
- d. Payment of one month's rent for comparable accommodation (up to a level of no more than the current rental plus 5%) in order to assist each tenant pay the bond for a new dwelling being leased, with documentary evidence to be provided by the tenants for reimbursement.

Note: in this condition, “comparable accommodation” means accommodation which has the same rental level or is not more than 5% higher than that level in accordance with Clause 47 of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

~~If the applicant fails to satisfy Council as to the above matters within 2 years from the date of determination this consent will lapse.~~

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

The decision of the panel was unanimous

IWLPP1029/21 Agenda Item 5	MOD/2020/0378
Address:	89 Balmain Road Leichhardt
Description:	Section 4.55 Modification of Development Consent D/2019/25 which approved construction of a boarding house seeking various internal and external change, including internal design and layout changes, deletion of car stackers, and reduction in building height and bulk.
Applicant:	Habitation Design

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

- *Wayne Drower*
- *Kim Ibrahim*
- *Joseph Panetta*

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 s4.55 of the *Environmental Planning and Assessment Act 1979*, grant consent to MOD/2020/0378 to carry out various internal and external changes, including internal design and layout changes, deletion of car stackers, and reduction in building height at 89 Balmain Road Leichhardt subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous

IWLPP1030/21 Agenda Item 6	DA/2020/1053
Address:	132 Louisa Road, Birchgrove
Description:	Alterations and additions to a three storey dwelling and roof terrace, new swimming pool and associated works.
Applicant:	Jeremy G Cridland Meredith L Cridland

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

- Shaun Carter
- Meredith Cridland

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 written requests pursuant to Clause 4.6 to vary Clauses 4.3A(3)(a)(i), 4.3A(3)(b) 4.4 and 6.5 of the *Leichhardt Local Environmental Plan 2013*. After considering these requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that the Written Request has adequately addressed the matters that need to be demonstrated; compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations. The proposed development will be in the public interest because the variations are not inconsistent with the objectives of the standards 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/2020/1053 for alterations and additions to a three storey dwelling and roof terrace, new swimming pool and associated works at 132 Louisa Road Birchgrove, subject to the conditions listed in Attachment A to the officer's and subject to the following changes:

Amend condition 9 to remove (a), (b) and (c) and insert a new condition 9 (a) to read:

“Ground floor - western side”

The decision of the panel was unanimous

IWLPP1031/21 Agenda Item 7	DA/2020/1184
Address:	220 Young Street Annandale
Description:	Alterations and additions to dwelling plus new garage off Alfred Street with a second storey studio over.
Applicant:	Ms Suzanne James

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

- Suzanne James

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 written requests pursuant to 4.6 to vary Clauses 4.3A(3)(b) and 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that the Written Request has adequately addressed the matters that need to be demonstrated; compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standards 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/2020/1184 for alterations and additions to dwelling plus new garage off Alfred Street with a second storey studio over, at 220 Young Street Annandale subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous

IWLPP1032/21 Agenda Item 8	REV/2020/0034
Address:	1A Orchard Crescent Ashfield
Description:	Section 8.2 review of alterations and additions to residential flat building.
Applicant:	Mp Australia Pty Ltd

Jan Murrell, Kenneth Hawke and Mary-Lynne Taylor excluded themselves from the meeting due to a conflict of interest and were not involved in the discussion or voting. Alternate members Brian Kirk and Kath Roach joined the panel for this item only.

The panel brought this item forward in the closed session to consider first

DECISION OF THE PANEL

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

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.2 of the *Environmental Planning and Assessment Act 1979*, to refuse REV/2020/0034 for alterations and additions to the existing residential flat building at 1A Orchard Crescent Ashfield for the following reasons with additional amendments:
1. A written request as required by Clause 4.6 of *Ashfield Local Environmental Plan 2013* to vary the FSR and building height development standards has not been submitted.
 2. The proposal has not satisfactorily demonstrated compliance with Schedule 1 – Design Quality Principles as required by clause 30 (2) (a) & (b) of SEPP 65 – Design Quality of Residential Flat Buildings.
 3. A written request as required by Clause 4.6 of *Ashfield Local Environmental Plan 2013* to vary the FSR development standard has not been submitted.
 4. The proposal is inconsistent with the aims set out in clause 1.2(2) of *Draft Inner West Local Environmental Plan 2020* as the proposal is not considered to provide a high-quality urban form thereby failing to exhibit architectural and urban design excellence.
 5. The proposal is inconsistent with the provisions of Clause 6.19 of *Draft Inner West Local Environmental Plan 2020* as the proposal does not achieve design excellence.
 6. The proposal is contrary to Performance Criteria PC6 of Chapter A, Part 2 of the Comprehensive Inner West Development Control Plan 2016 as the proposal fails to provide high quality amenity through physical, spatial and environmental design.

7. The proposal is contrary to Performance Criteria PC2 of Chapter F, Part 5 of the Comprehensive Inner West Development Control Plan 2016 as the proposal fails to respond to and contribute to its context or reinforce desirable elements of the established street and neighbourhood.
8. In accordance with Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development would have adverse environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
9. Pursuant to the provisions of Section 4.15(1)(d)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposal would not be in the public interest.

The decision of the panel was unanimous.

Brian Kirk and Kath Roach left the meeting.

IWLPP1033/21 Agenda Item 9	MOD/2021/0253
Address:	160 Elizabeth Street Ashfield
Description:	Modification to sun shading structures and screening to approved aquatic centre.
Applicant:	Andrew Lee

Jan Murrell, Kenneth Hawke and Mary-Lynne Taylor returned to the public meeting and closed meeting.

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 s4.55(1a) of the *Environmental Planning and Assessment Act 1979*, grant consent to Application No. MOD/2021/0253 for the modification to sun shading structures and screening to the approved aquatic centre at 160 Elizabeth Street ASHFIELD and a modified Determination be issued with Condition 1 being modified in accordance with the recommendation in the assessment report.

The Panel notes what an excellent facility this provides for the Local government area and applauds the work that Council has done.

The decision of the panel was unanimous

**The Inner West Planning Panel Meeting finished at 3.50pm.
The Closed session commenced at 4.10pm
The Closed session finished at 4.59pm**

CONFIRMED:

A handwritten signature in black ink, appearing to read "Gary A Shiels". The signature is written in a cursive style with a large, looping initial 'G'.

**Dr Gary A Shiels
Chairperson
11 August 2021**