



## ELECTRONIC DETERMINATION – INNER WEST LOCAL PLANNING PANEL

<b>Site Address:</b>	95 Ramsay Street, HABERFIELD NSW 2045
<b>Application No.</b>	REV/2021/0006
<b>Type of Determination</b>	Electronic
<b>Date of Determination</b>	27 October 2021
<b>Panel Members</b>	Ms Jan Murrell, Chair Ms Lisa Trueman Mr Brian Kirk
<b>Declarations of Interest</b>	Nil

### BACKGROUND

This matter is a Review under Section 8.2 of the *Environmental Planning and Assessment Act 1979* of the Determination of Modification Application MOD/2020/0401. The modification application seeks to modify the original consent and includes:-

- to regularise various works carried out on the site; and
- other works, including a dog wash facility.

On 14 September 2021, as shown in the Minutes, the Panel decided:

*“...to defer determination of the application and the Applicant is given the opportunity to submit a revised set of plans and documentation to address outstanding issues including the following:*

- a) deletion of the large, illuminated box sign and structure, ‘Crystal car wash cafe’, that is located for the most part above the roof. This may also require the air conditioning to be relocated so as not to be generally visible from the public domain. (This excessively large sign adversely impacts on the HCA and is unnecessary);*
- b) all signage for the car wash and cafe to be rationalized and of a reduced size and not to protrude above the built form;*
- c) the reduction of driveways for the site to allow for perimeter hedge planting as far as possible;*



- d) *the provision of 8 car spaces on-site;*
- e) *relocation or removal of the vacuum and air pump on the corner;*
- f) *a landscape plan prepared by an appropriately qualified person in consultation with Council, to show perimeter hedging and a large evergreen canopy tree for the corner;*
- g) *an accurate and consistent set of revised plans drawn to scale;*
- h) *a revised Plan of Management to provide: a phone number and name clearly visible on the outside of the premises for neighbours to be able to contact in the event of the car wash operation creating unreasonable disturbance; and a complaints register to be maintained that also includes action taken by management to resolve issues (the register is to be made available for Council to inspect as required); and*
- i) *a revised acoustic report that has regard to the changes.*

*The Applicant has until 12 October 2021 to submit the above. Council officers are then to prepare a supplementary report for the Panel to determine at its meeting on 9<sup>th</sup> November 2021.*

*In the event the applicant fails to submit revised plans and documentation by the required date then the application will be refused.”*

## **CURRENT POSITION**

Council informed the Panel that the applicant submitted additional information on 14 October 2021, and this was then circulated to each member of the Panel. The late submission is not a reason as to why the application fails.

The Panel considers both the absence of revised plans and the additional information submitted is unsatisfactory and fails to properly address matters listed above. The documentation submitted does not include, amongst other things, *f) a landscape plan prepared by an appropriately qualified person in consultation with Council, to show perimeter hedging.... and g) an accurate and consistent set of revised plans drawn to scale.* While the Applicant agrees to the preparation of revised plans, the deferral was on the basis that the revised plans be submitted by 12 October 2021.

The Panel convened audio-visual meetings on Monday 18 October and again on Friday 22 October 2021 to consider this application and the applicant's additional documentation of 14 October 2021.

The Panel notes the Applicant's comments with regard to a) in the Minutes and while the large structure with the sign, which is visible above the roof, is not illuminated, nonetheless, it is excessive in size, and unnecessary given the approved signage on the site, and inappropriate for the Haberfield Heritage Conservation Area. The original approval in 22 January 2018 specifically notes that the signage was designed and the landscaping was to ameliorate impacts to respect the HCA.



The Panel reviewed the modification application and the additional information against the original consent and approved plans and considers the proposed modified development to be not substantially the same as the development for which consent was originally granted.

Given the Applicant's failure to satisfy the Panel's necessary requirements, the Panel considers a supplementary report from the Officers of Council for the IWLPP meeting of 9 November 2021 is unwarranted. The Panel unanimously agreed that this application now be determined electronically.

The Panel resolved to confirm the earlier decision to refuse the modification application for the reasons set out in the Minutes of the IWLPP of 23 February 2021 and as amended below. The decision was unanimous.

## **DETERMINATION OF APPLICATION**

That the Inner West Local Planning Panel, on behalf of Inner West Council as the consent authority, **confirms** the determination to **refuse** Modification Application MOD/2020/0401 following consideration of the amended proposal in REV/2021/0006 for modification of the approved development to regularise works and carry out other works including a dog wash facility at 95 Ramsay Street HABERFIELD NSW 2045 for the following **amended** reasons.

## **REASONS FOR DETERMINATION**

1. Pursuant to the provisions of s. 4.55(2) of the Environmental Planning and Assessment Act, the Panel is not satisfied the development to which the consent as modified is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified. If the Panel is wrong on this reason for refusal, then the modification application also fails on a merits assessment in the context of the relevant planning framework.
2. The modification application will have a negative impact on the environmental heritage of the Inner-West Local Government Area and the heritage significance of the Haberfield Heritage Conservation Area as the works are incompatible with the objectives of clause 5.10 of the Ashfield Local Environmental Plan 2013.
3. The unauthorised works and proposed works in the modification application fail to respect the heritage significance or character of the historic suburb of Haberfield and detrimentally impact the heritage significance of Haberfield as a whole. The unauthorised works and proposed works are inconsistent with the objectives of Chapter E2 - *Haberfield Heritage Conservation Area* of the Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

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4. *The modification application fails to demonstrate that parking for staff and customers can be satisfactorily accommodated on the site. The proposed on-site car parking is both deficient in numbers and unsatisfactory in layout for further intensification and additional uses on the site, and this includes dog wash facilities.*
5. *The unauthorised works and proposed works result in unacceptable noise and visual impacts on the public domain and neighbouring properties in the Haberfield Heritage Conservation Area and the modification application is not in the public interest.*

**The decision of the panel was unanimous.**

Date 27 October 2021

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<b>Item No: 2</b>	
<b>Application No.</b>	REV/2021/0006
<b>Site Address:</b>	95 Ramsay Street, HABERFIELD NSW 2045
<b>Proposal</b>	S8.2 Review Application to MOD/2020/0401 for modification of existing development to regularise works and inclusion of a dogwash facility.
<b>Applicant</b>	Mr Victor Sahade
<b>Reason for Referral to IHAP</b>	<ul style="list-style-type: none"> <li>• Previous application refused by the Panel</li> <li>• Greater than 10 submissions</li> </ul>
<b>Material considered by the Panel</b>	Assessment Officer's Report
<b>Meeting</b>	14 September 2021
<b>Site Inspections</b>	Conducted independently by the Panel
<b>Officers Recommendation</b>	Approval