



INNER WEST LOCAL PLANNING PANEL
MEETING

Tuesday, 9 May 2023

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 9 May 2023

Present: Ms Heather Warton in the chair; Mr David Johnson; Mrs Mary-Lynne Taylor; Ms Silvia Correia.

Staff Present: Martin Amy, Development Assessment Manager; Angela Berryman, Assessment Planner, Sara Sullivan and Clare Fitzpatrick-Clark, Development Support Officers.

Meeting commenced: 2:11pm

**** 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.

IWLPP1111/23 <i>Agenda Item 1</i>	Standing Item - Report in Accordance with Ministerial Direction: Pending Local Planning Panel Matters
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Matters pending were presented to the Panel Chair and noted.

*The Panel noted the decrease in the amount of applications required to go the Panel and the new applications over 180 days to the credit of the development assessment team.

IWLPP1112/23 Agenda Item 2	Interim Heritage Order
Address:	3 Macarthur Parade Dulwich Hill (individual listing), 7-13 Macarthur Parade Dulwich Hill (group listing)
Description:	Council-led Planning Proposal to heritage list five properties on Macarthur Parade, Dulwich Hill.
Applicant:	Inner West Council

DECISION OF THE PANEL

The Inner West Local Planning Panel advises the Council as follows:

1. The draft Planning Proposal prepared by Council officers dated April 2023 to amend Schedule 5 of the IWLEP 2022 to heritage list five properties on Macarthur Parade, Dulwich Hill is supported as it has sufficient strategic and site-specific merit for submission to Minister for Planning and Public Spaces for a Gateway Determination in accordance with Section 3.34 of the Environmental Planning & Assessment Act 1979.
2. The Panel noted in the Council Officer's report that:
 - a. The map on page 4 requires modification to identify the relevant properties; and
 - b. In Section 7 Part 5 – the community consultation should also include local heritage groups, such as Marrickville Heritage Society.

The decision of the Panel was unanimous.

IWLPP1113/23 Agenda Item 3	DA/2022/0791
Address:	14 Hillcrest Avenue, Ashfield
Description:	Proposal for strata subdivision of an existing heritage listed building and tree removal.
Applicant:	Paolo Festa

- *There were no registered speakers for this Item.*

DECISION OF THE PANEL

- A. 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*, grants consent to Development Application No. DA/2022/0791 for the Strata Subdivision of an existing heritage listed building and tree removal at 14 Hillcrest Avenue, Ashfield subject to the conditions listed in Attachment A of the officer's report with the changes listed below:
- Delete the heading 'Prior to Occupation Certificate'
 - Delete any references to 'Occupation Certificate' and replace with 'Strata Subdivision Certificate' in Conditions 7-11
 - Conditions 7-11 be moved to 'Prior to Subdivision Certificate'.

Reasons for the Decision:

The Panel concurs with the reasons for approval in the officer's report. The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The Panel supported the removal of the conifer tree, given its the location close to the building.

The decision of the Panel was unanimous.

IWLPP1114/23 Agenda Item 4	DA/2022/0920
Address:	28 Church Street, Balmain
Description:	Alterations and additions to an existing dwelling including construction of a new first floor addition with balcony and new attic level with dormer.
Applicant:	Mr Dean M Lonergan

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

- Dean Lonergan (Applicant)

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the floor space ratio development 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. 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*, grants consent to Development Application No. DA/2022/0920 for alterations and additions to an existing dwelling including construction of a new first floor addition with balcony and new attic level with dormer at 28 Church Street, Balmain subject to the conditions listed in Attachment A of the officer's report.

Reasons for the Decision:

The Panel concurs with the reasons for approval in the officer's report. The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The decision of the Panel was unanimous.

IWLPP1115/23 Agenda Item 5	DA/2022/0898
Address:	250 Liverpool Road, Ashfield
Description:	Alterations and additions to an existing mixed use building to facilitate an expanded ground floor commercial tenancy and associated amendments to approved strata subdivision
Applicant:	Sanjay Halasagi

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

- *Jack Wu* (Objector)
- *Jin Li* (Objector)
- *Vaughan Milligan* (Consultant on behalf of the applicant)
- *Sanjay Halasagi* (Applicant)

DECISION OF THE PANEL

The Panel defers DA/2022/0898 in order for further review of the information in terms of the owner's consent and works to common property and Shared Facilities. The Panel seeks the following information:

1. Identify and summarise the location of the Shared Facilities and easements that affect the retail strata. The location of the Shared Facilities and easements should also be cross-referenced/layered on the proposed architectural plans.
2. Identify the Shared Facilities and easements that will be affected by the proposal, including the exhaust louvres and services under the floor.
3. Establish whether the existing terms of or location of any easement that is in the retail common property, but will now be within the new retail lot, will need to be amended as a result of the proposal, for example, to ensure access is maintained to shared or residential services. It is noted that the advice from CJ Boyd, Solicitor for the Applicant dated 23 March 2023 indicated that the proposal "does not obstruct access to the site of these services", but it is unclear how this will be the case if the easement will now be within a shop within a retail lot.
4. Identify whether the works required in the proposal affect common property in the ownership of a lot other than the retail strata plan eg: works required to the external wall of the building for the relocated louvres.
5. Advise whether the extent of works to or changes to the Shared Facilities means that the consent of the owner, other than only the owner of the subject retail Strata lot and the Retail Owners Corporation, is needed for the DA.

This information is to be sought from the Applicant's Registered Survey and/or solicitor and shall be provided within two weeks. The response should then be reviewed by Council who may need to seek its own legal/surveying advice.

The Panel will consider the new information and Council's response and determine the application electronically.

Reasons for Decision

This proposal had been considered previously by a Panel on 23 November 2023 and had been refused for reasons including the lack of clarity of the affectation on the strata schemes in the overall development, and whether the appropriate consent of the owner/s had been provided. Whilst some additional information has been provided in this new DA, aspects are still unclear, as evidenced by the submissions to the DA and the additional written submissions and oral objections heard by the Panel at the meeting.

Additional information is still required in order for the Panel to make a determination on this DA.

The Panel notes the issues raised by the objectors regarding whether the owner's consent was properly obtained in terms of the process at the subject meeting of the Owner's Corporation, but that this aspect is outside the remit of the consent authority and the objectors should seek their own legal advice.

The decision of the Panel was unanimous.

IWLPP1116/23 Agenda Item 6	DA/2022/0761
Address:	Lot 1 in DP 1262751, Darley Road, Leichhardt
Description:	Construction of a new mobile base station facility within the reserve of the light rail corridor on Lot 1 in DP 1262751, Darley Road, Leichhardt, between William Street and Athol Street. The proposal comprises a new 25m monopole, six (6) panel antennas and a standard Telstra equipment shelter, ancillary equipment, all located within a secure fenced compound.
Applicant:	Kuda Dzinotizei

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

- Josephine La-Vite (objector)
- Peter La Vite (objector)
- Kuda Dzinotizei (Consultant for Applicant)
- Alan Ayres (Amplitel/Telstra)

DECISION OF THE PANEL

A. 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*, grants a deferred commencement consent to Development Application No. DA/2022/0761 for construction of a new mobile base station facility within the reserve of the light rail corridor on Lot 1 in DP 1262751, Darley Road, Leichhardt, between William Street and Athol Street. The proposal comprises a new 25m monopole, six panel antennas and a standard Telstra equipment shelter, ancillary equipment, all located within a secure fenced compound. Approval is subject to the conditions listed in Attachment A of the officer's report, subject to the changes listed below:

1. The following Deferred Commencement condition is imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matters:
 - a) Amended plans are to be submitted showing the pole structure and shed is to be set back from the front site boundary at the street by at least two metres.
 - b) A landscape plan is to be provided showing screening vegetation to include, but not limited to, trees of a mature height between 10 to 15 metres located along the Darley Road boundary.

Evidence of the above matters must be submitted to Council within 2 years otherwise the Consent will not operate.

Reasons for the Decision:

Given that the site is in a prominent location, and that no attempt has been made to soften the visual impact of the pole and associated structures, the Panel has determined that the facility needs to be setback from the street and landscaping provided in order to screen the facility. A Deferred Commencement approval is required in order for the Council to assess the amended plans and landscape plan.

The Panel otherwise generally concurs with the reasons for approval in the officer's report.

The Panel noted the objections raised by residents with regards to EME issues, and accepts the Council's advice that this is satisfactory, based on the findings of the applicant's EME report.

The decision of the Panel was unanimous.

IWLPP1117/23 Agenda Item 7	MOD/2022/0463
Address:	230 Victoria Street, Ashfield
Description:	4.55 Modification to DA10.2016.053.1, modifications include changes to trading hours, and construction of a timber deck and awning
Applicant:	Jessica Matson Architecture

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

- Caleb Maynard (Applicant)
- Graham Hall (Heritage Consultant for Applicant)
- Jessica Matson (Architect for Applicant)
- Clr Jessica D'Arienzo (Supporter)
- Jennifer Richardson (Supporter)

The Panel notes that amended plans changing the location of the proposed deck and awning were discussed in the Panel Meeting and a full set of the amended drawings were provided to the Council and the Panel prior to determination.

DECISION OF THE PANEL

A. 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*, approves MOD/2022/0463 which seeks to modify Determination No DA10.2016.053.1 dated 26 June 2016 under s4.55(2) of the *Environmental Planning and Assessment Act 1979* so as to increase trading hours (for a trial period), provide new signage and construct a new timber deck and awning at the approved café at 230 Victoria Street, Ashfield, in accordance with amendment to the conditions listed in Attachment A of the officer's report, subject to the changes below.

1. Condition A(1) is to be amended to refer to the amended plans submitted on 9 May 2023.
2. Delete Condition B1(a) that required the deletion of the awning (described as a 'steel pergola') over the timber deck. The awning is approved, in the amended location as shown on the approved amended drawings.
3. Delete Condition B1(b) that required the retention of the semi-circular area of concrete.
4. Condition B1(c) becomes Condition B1(a)
5. Apply a new Condition B1(b) to read:

The proposed balustrade with signage is deleted so as to ensure that the new awning structure is to be as unobtrusive as possible. The sign is to be relocated to the side of the building at a location approved by Council's Heritage Advisor.

6. Apply a new Condition 1A to read:

No additional elements that will cause visual clutter such as drop-down blinds and balustrading, lighting, speakers etc are to be provided on or around the awning structure.

7. Appropriate additional construction standard conditions are inserted.

Reasons for the Decision

The proposal is generally in accordance with the aims, objectives and design parameters contained in Inner West Local Environmental Plan and Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill. The development meets the tests under s4.55(2) of the *Environmental Planning and Assessment Act 1979*.

The Panel is supportive of the continued adaptive re-use of the former baby health centre heritage item, and the effort undertaken to date by the café operator to activate the building and this part of Yeo Park.

The Panel supports the provision of a deck and awning, which would provide wet weather protection but only based on the amended plans shown at the Panel meeting and submitted to the Council the same day. This moves the structures further to the east, obstructing less of the main façade of the building. The balustrade and sign is deleted, but the sign may be affixed to the building.

The Panel notes that the amended plans will require an amendment to the licence area of the café, but that the Council's Manager – Strategic Property and Investments advised on 10 May 2023 that this is satisfactory.

The additional seating and extended hours of operation are supported subject to the recommended trial period.

Subject to the imposition of the amended recommended conditions, the Panel is satisfied that development will not result in any significant impacts on the heritage significance of the building, amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The decision of the Panel was unanimous.

IWLPP1118/23 Agenda Item 8	MOD/2023/0005
Address:	1 Cross Street, Rozelle
Description:	Section 4.55(2) modification of D/2018/418, which approved alterations and additions to an existing dwelling house, seeking ground and first floor changes including a new first floor bay window.
Applicant:	Anthony Zonaga - Ballast Point

- *There were no registered speakers for this Item.*

DECISION OF THE PANEL

- A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, approves MOD/2023/0005 which seeks to modify Determination No. D/2018/418 dated 27 November 2018 under s4.55(2) of the *Environmental Planning and Assessment Act 1979* to carry out ground and first floor changes including a new first floor bay window at 1 Cross Street, Rozelle subject to the amendment to the conditions listed in Attachment A of the officer's report.

Reasons for the Decision:

The Panel concurs with the reasons for approval in the officer's report. The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

The development meets the tests under s4.55(2) and as conditioned, will not result in any significant or undue adverse impacts on the amenity of the adjoining properties and the streetscape and is not considered to be contrary to public interest.

The decision of the Panel was unanimous.

The Inner West Planning Panel Public Meeting finished at 4.24pm.

**The Inner West Planning Panel Closed Meeting started at 4:35pm
The Inner West Planning Panel Closed Meeting finished at 6:17pm**

CONFIRMED:



**Heather Warton
Chairperson, 16 May 2023**