

INNER WEST LOCAL PLANNING PANEL
MEETING

TUESDAY, 27 JULY 2021

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on Tuesday, 27 July 2021.

Present: Adjunct Professor David Lloyd QC in the chair; Mr Kenneth Hawke, Ms Lindsey Dey, Mr David Johnson

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

Meeting commenced: 2:03 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**

There were no declarations of interest.

IWLPP1013/21 <i>Agenda Item 1</i>	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 are duly noted

IWLPP1014/21 Agenda Item 2	DA/2020/1159
Address:	73 Nelson Street, Rozelle
Description:	Ground and first floor alterations and additions to existing detached dwelling-house, new swimming pool and associated works, including tree removal.
Applicant:	Raymond Panetta Architects

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

- Jason Berton
- Sunil Badami
- Raymond Panetta
- Joy Rozis

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.

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/2020/1159 for ground and first floor alterations and additions to existing detached dwelling-house, new swimming pool and associated works, including tree removal at 73 Nelson Street Rozelle subject to the conditions listed in Attachment A in the officer's report, and subject to the following changes:

- Insert a new condition as 6(b) to read

"References in the applicant's Landscape Plan to maintaining new landscaping for 3 months shall be amended, prior to the issue of a Construction Certificate, to require maintenance for at least 12 months."
- Condition 13 - amend the words "adjoining property, 75 Nelson Street...." to "adjoining properties, 75 and 71 Nelson Street... "

Note – The Panel noted that the note titled '*Public Domain and Vehicular Crossings*' should be moved to the top of the list of Advisory Notes, and that its reason should be deleted.

The decision of the panel was unanimous.

IWLPP1015/21 Agenda Item 3	REV/2021/0005
Address:	470 Parramatta Road, Petersham
Description:	Section 8.2 application to review the determination of DA/2020/0811 to fitout and use the ground floor of the premises as a restaurant and cafe
Applicant:	Mr Tim Cooper

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

- Dennis Pahos

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.

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*, refuses Development Application No. REV/2021/0005 to review the determination of DA/2020/0811 to fitout and use the ground floor of the premises as a restaurant and cafe at 470 Parramatta Road, Petersham for the reasons listed in Attachment A in the officer's report, with the following amendments:

- Insert a new reason for refusal as 3(h) to read:
"Acoustic impacts to adjacent and nearby residents."
- Insert a new reason for refusal as 9 to read:
"The documentation submitted is unclear in terms of the proposed stage and dance floor, 'party area' due to the following -
 - The classification of this element of the proposal as a different use that has a definition more aligned with the activity (e.g. an entertainment facility); and
 - A qualitative and quantitative assessment of the activity to demonstrate it is truly an ancillary function of the food and drink premises, having regard to Planning Circular PS 13-001 which provides guidance on determining ancillary uses."

The decision of the panel was unanimous.

IWLPP1016/21 Agenda Item 4	DA/2021/0404
Address:	Australia Street, Newtown
Description:	Newtown Community Markets in Newtown Square - 10 stalls for a period of 5-years on Saturday and Sunday. Trading 10:00am to 4:00pm and 10:00am to 7:00pm during Daylight Saving.
Applicant:	Napa Enterprises Pty Ltd

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

- Robert Irvine
- Pana Wiya

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.

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/2021/0404 for Newtown Community Markets in Newtown Square for 10 stalls on Saturday and Sunday. Trading 10:00am to 4:00pm and 10:00am to 7:00pm during Daylight Saving. at Australia Street, Newtown subject to the conditions listed in Attachment A in the officer's report, and subject to the following changes:

- Condition 5 – amend the words “a period of five (5) years from the date...” to “a period of two (2) years from the date.....”.
- Condition 7 – amend to read:
“No food is to be cooked or prepared on the site.”
- Condition 11 (c) – amend to read:
“No motorised vehicles are permitted on the entire site.”

The decision of the panel was unanimous.

IWLPP1017/21 Agenda Item 5	DA/2021/0161
Address:	Glover Street, Lilyfield
Description:	Demolition of Buildings 505 and 514 at Callan Park and associated landscaping and fencing.
Applicant:	Josh Owen

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.

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/2021/0161 for demolition of Buildings 505 and 514 at Callan Park and associated landscaping and fencing at Glover Street, Lilyfield, subject to the conditions listed in Attachment A in the officer's report.

The decision of the panel was unanimous.

IWLPP1018/21 Agenda Item 6	DA/2021/0038
Address:	5a Bungay Street, Leichhardt
Description:	First floor addition to existing single storey dwelling
Applicant:	Anne Colville

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

- Gavin Barnes

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.

The applicant has made written request pursuant to Clause 4.6 to vary Clauses 4.3A and 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering the requests, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstances of the case and that there are sufficient environmental planning 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 standards and of the zone in which the development is to be carried out.

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/2021/0038 for a first floor addition to the existing single storey dwelling at 5A Bungay Street, Leichhardt subject to the conditions listed in Attachment A in the officer's report.

The decision of the panel was unanimous.

IWLPP1019/21 Agenda Item 7	DA/2020/1120
Address:	63 Northumberland Avenue, Stanmore
Description:	To carry out alterations and additions to the existing building to provide a mixed use development containing a ground floor shop and 3 one bedroom apartments with associated landscaping and parking and construction of an office building at rear of the site.
Applicant:	Mr Bill Jurukovski

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

- Bill Jurukovski
- Eli Gescheit

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.

The applicant has made a written request pursuant to Clause 4.6 to vary Clause 4.4 of the *Marrickville Local Environmental Plan 2011*. 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 planning 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 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/2020/1120, to carry out alterations and additions to the existing building to provide a mixed use development containing a ground floor shop and 3 one bedroom apartments with associated landscaping and parking and construction of an office building at rear of the site at 63 Northumberland Avenue, Stanmore to the conditions listed in Attachment A in the officer's report, subject to the following changes:

- Condition 2b — insert the word 'or' between the words 'rendered' and 'painted'.
- Delete condition 2d.
- Amend Condition 9:
 - Delete the word 'Car' in the title.
 - Amend 9 (a) to read:
 - a. 1 car parking space must be permeably paved.
 - Insert a new condition as 9 (b) to read:
 - “Shared parking facilities compliant with the relevant Australian Standard for 2 bicycles are to be provided at an appropriate location within the site.”

- Insert a new condition as 50A to the “ongoing” section of the consent to read:
““Clothes drying facilities”
Clothes drying facilities for the residential tenancies are not to be located upon the roof top deck level and must not be visible from the public domain.”

The decision of the panel was unanimous.

IWLPP1020/21 Agenda Item 8	DA/2021/0014
Address:	38 Denison Street, Rozelle
Description:	Demolition of existing dwelling, construction of two storey dwelling house above basement garage and pool.
Applicant:	Hussein Chalich

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

- Hussein Chalich
- Chahrazad Rahe

DECISION OF THE PANEL

The applicant has made a written requests pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013*. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is **not** satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will **not** be in the public interest because the exceedance is **inconsistent** with the objectives of the standards and of the zone in which the development is to be carried out.

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*, refuses Development Application No. DA/2021/0014 for demolition of existing dwelling, construction of two storey dwelling house above basement garage and pool at 38 Denison Street, Rozelle for the reasons stated in the Assessment Report, with the following amendment:

- Reason 1(l) – after the words “future character of the area” add the words “contrary to the Easton Park Distinctive Neighbourhood, held in Part C2.2.5.2 of Leichhardt Development Control Plan 2013.”

The decision of the panel was unanimous.

IWLPP1021/21 Agenda Item 9	DA/2021/0245
Address:	4 Haberfield Road, Haberfield
Description:	Demolition and construction of a secondary dwelling.
Applicant:	Mr Abraham Nemco Design Pty Ltd

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.

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*, refuses Development Application No. DA/2021/0245 for demolition and construction of a secondary dwelling at 4 Haberfield Road, Haberfield for the following reasons.

1. The proposal is inconsistent with Clause 1.2 of *Ashfield Local Environmental Plan 2013* as the proposal will result in adverse effects on the environmental heritage of Haberfield.
2. The proposal is inconsistent with Clause 5.10 of *Ashfield Local Environmental Plan 2013* as the proposal will result in adverse effects on the Haberfield Heritage Conservation Area.
3. The proposal does not comply with the landscaped area development standard within Clause 6.5(3)(d) of *Ashfield Local Environmental Plan 2013* as the proposal does not result in at least 50% of the site being landscaped area.
4. No application pursuant to Clause 4.6 of *Ashfield Local Environmental Plan 2013* to vary the landscape area development standard within Clause 6.5(3)(d) of *Ashfield Local Environmental Plan 2013* was included with the application.
5. The proposed development is inconsistent with Part 2.3 and 2.45 of Chapter E2 of the Comprehensive Inner West Development Control Plan 2016 as the proposal does not maintain a similar pattern of development and garden elements with the surrounding locality.
6. The proposed development is inconsistent with Part 2.39 of Chapter E2 of the Comprehensive Inner West Development Control Plan 2016 as the proposal does not include traditional colour schemes and materials to the proposed structure.
7. The application has failed to adequately demonstrate that the site is suitable for the development in relation to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.

8. The application as submitted has not provided adequate information in order to undertake a full and proper assessment of the application in accordance with the *Environmental Planning & Assessment Act 1979*.

The decision of the panel was unanimous.

IWLPP1022/21 Agenda Item 10	DA/2021/0188
Address:	144 Elizabeth Street, Ashfield
Description:	To carry out ground and first floor alterations and additions to a dwelling house
Applicant:	50One Pty Ltd

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

- *Gerard Turrisi*
- *Stephen Davies*
- *Renato Ius*
- *Rick Mazzeo*

DECISION OF THE PANEL

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be **approved** as per the draft conditions of consent in the officer's report, subject to the following change:

- Delete recommended condition 2.

REASON FOR THE DECISION:

The Panel accepts the assessments by each of the Applicant's heritage expert, architect, and planner that the proposed development is sensitively designed and will not compromise the heritage values of the existing building.

The decision of the panel was unanimous.

IWLPP1023/21 Agenda Item 11	DA/2021/0266
Address:	27 Hercules Street, Ashfield
Description:	Strata subdivision of an existing 2 storey commercial building
Applicant:	Sky Town Planning

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

- *Melissa Neighbour*

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, subject to the following change:

- Refusal reason 5 – Add, at the end of reason for refusal number 5, the following sentence:
“In particular, the application has not addressed the requirements of Regulation No 50 or Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*, requiring the submission of properly detailed plans to support the application which proposes physical work to a listed heritage item.”

The decision of the panel was unanimous.

IWLPP1024/21 <i>Late Item</i>	REV/2021/0007
Address:	29 Tupper Street, Enmore
Description:	S8.2 Review of Determination – Construct a residential flat building with basement parking.
Applicant:	Ms Krystal Narbey

Lindsey Dey excused herself from proceedings on this Item, as she was a member of the Panel which determined the original application.

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

- *Susannah Howen*
- *Ewa Wetzlich*
- *Gerard Turrisi*
- *David Randerson*

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.

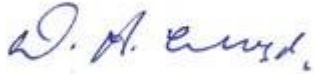
The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to S8.2 of the *Environmental Planning and Assessment Act 1979*, grants consent to Development Application No. REV/2021/0007 for S8.2 Review of Determination to construct a residential flat building with basement parking at 29 Tupper Street, Enmore subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

The Inner West Planning Panel Public Meeting finished at 3:53pm.

**The Inner West Planning Panel Closed Meeting started at 3:59pm.
The Inner West Planning Panel Closed Meeting finished at 5:02pm.**

CONFIRMED:

A handwritten signature in blue ink, appearing to read 'D. A. Lloyd', is positioned below the 'CONFIRMED:' text.

**Adjunct Professor David Lloyd QC
Chairperson
27 July 2021**