



INNER WEST LOCAL PLANNING PANEL
MEETING

19 July 2022

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 19 July 2022

Present: Adjunct Professor David Lloyd QC in the chair; Mr Brian Kirk; Ms Andrea Connell

Staff Present: Acting Development Assessment Manager – Ruba Osman, and Administration Officers

Apologies from Jan Murrell who could not attend the meeting

Meeting commenced: 2.01 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.

IWLPP1028/22 <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 Chairman and noted.

IWLPP1029/22 Agenda Item 2	DA/2021/1281
Address:	12 Railway Street PETERSHAM
Description:	Alterations and additions to the existing dwelling, construction of swimming pool, landscaping and associated works.
Applicant:	Design Delta Architects

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

- *Mark Tomkins*
- *Demetrios Stavropoulos*

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 changes listed below:

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/2021/1281 for alterations and additions to the existing dwelling, construction of swimming pool, landscaping and associated works. at 12 Railway Street, Petersham subject to the conditions listed in Attachment A of the officer's report and subject to the following change:

1. That an additional condition be inserted:

16a. Contamination – New Evidence

Any new information revealed during demolition, remediation, excavation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

The decision of the panel was unanimous.

IWLPP1030/22 Agenda Item 3	DA/2021/1268
Address:	143 Annandale Street ANNANDALE
Description:	Alterations and additions to an existing dwelling house including rear first floor level
Applicant:	Studio Prineas

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

- *Jo Smith*
- *Eva-Marie Prineas*
- *Jeremy Swan*
- *Jan Preston*
- *Sheelagh Cunneen*

DECISION OF THE PANEL

The Panel has decided to defer this Item in order for the applicant to submit a revised Clause 4.6 objection. The revised objection is to be submitted to Council within 7 days from 20 July 2022. A supplementary report is then to be prepared by Council's Assessment officer and submitted as soon possible to the Panel for an electronic determination. The assessment officer shall also include a modified condition 17- design changes, which related to changes to the roof pitch of the dwelling and height of the studio as identified in the assessment report but did not transfer to the conditions.

The decision of the panel was unanimous.

IWLPP1031/22 Agenda Item 4	DA/2021/0783
Address:	178 Princes Highway ST PETERS
Description:	Alterations and additions to existing building; use of site as a hotel and pub; associated parking, landscaping and signage
Applicant:	Blairgrove Pty Ltd C/O Hamptons Property Services

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

- Kristy Hodgkinson

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 changes below:

- 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/2021/0783 for alterations and additions to existing building; use of site as a hotel and pub; associated parking, landscaping and signage at 178 Princes Highway, St Peters subject to the conditions listed in Attachment A of the officer's report and subject to the following changes:

A Deferred Commencement Consent is to be imposed as per the following;

The following is a Deferred Commencement condition 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:

1. Additional information/amended plans to be submitted to the satisfaction of Council demonstrating the following:
 - a. Amended plans to be provided to show 2 more car parking spaces.
 - b. If part (a) of this condition is not practicable then the applicant is to give consideration to the provision of a courtesy bus service and amended plans are to be submitted to show where this bus will be parked when not in operation without any reduction the 41 spaces provided.
2. Provide a wayfinding plan with wayfinding signage for pedestrians and vehicles to navigate around the site.
3. An external security lighting plan is to be prepared by a suitably qualified and experienced security management consultant ensuring that all alcoves and recesses surrounding the building are illuminated.

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

The following additional conditions shall be added:

14A External Security Lights

External security lights shall be vandal proof and the lights shall be maintained in good working order to Council's satisfaction. The intensity, colour, and illumination must be varied if, at any time in the opinion of the consent authority, adverse impact or Obtrusive Light in accordance with the Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor is being caused to the amenity of the area.

14B No Speakers or Music Outside

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

50A. Plan of Management- Operation

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

The decision of the panel was unanimous.

IWLPP1032/22 Agenda Item 5	REV/2022/0003
Address:	319 Trafalgar Street PETERSHAM
Description:	Application under Section 8.2 of the Environmental Planning and Assessment Act to review Determination No.MOD/2021/0236 dated 25/08/2021 to modify the existing approval for an adaptive reuse of existing warehouse to a boarding house
Applicant:	Mr Mark Assad

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

- *Peter Lonergan*

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. 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 Review Application No. REV/2022/0003 for application under Section 8.2 of the Environmental Planning and Assessment Act to review Determination No.MOD/2021/0236 dated 25/08/2021 to modify the existing approval for an adaptive reuse of existing warehouse to a boarding house at 319 Trafalgar Street, Petersham for the reasons listed in Attachment A of the officer's report.

The decision of the panel was unanimous.

IWLPP1033/22 Agenda Item 6	DA/2021/1209
Address:	3 Lyall Street LEICHHARDT
Description:	Demolition of existing dwelling, construction of two attached two storey dwellings, and torrens title subdivision
Applicant:	Mr Barry A Sargeant

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

- Marion Higginson
- Paul La Macchia
- Stuart Dorrien Wilmot
- Dr Nathalie Scipioni

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:

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* seeking to vary the minimum lot size for Torrens Title subdivision. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is not satisfied that compliance with the minimum lot size standard is unnecessary in the circumstance of the case and that there are insufficient 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 standard and of the zone in which the development is to be carried out. There are no circumstances about this site which justifies a variation to the minimum lot size development standard. The Panel therefore does not have the jurisdiction to approve the application.
- 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*, refuses Development Application No. DA/2021/1209 for the demolition of the existing dwelling, construction of two attached two storey dwellings, and torrens title subdivision at 3 Lyall Street, Leichhardt for the following reasons:
1. The 200m² minimum lot size has been imposed for a purpose being to prevent the creation of lots of less than that size.
 2. As the subject site is only 12.192m wide each of the two proposed under-sized lots has a width of only 6.096m which is insufficient to accommodate a two storey house with a side setback of 2.0m which is what Council's DCP requires;
 3. The proposal only provides a side setback of 0.9m which is well below what is required.

The decision of the panel was unanimous.

IWLPP1034/22 Agenda Item 7	DA/2021/1078
Address:	14 Leys Avenue LILYFIELD
Description:	Alterations and additions to an existing dwelling, including lower ground and first floor extension, internal reconfiguration of space, swimming pool, detached studio, removal of tree, landscaping and associated works.
Applicant:	Mr Adrian R Wilson

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

- *Dr Catherine Sengupta*
- *Dawn Brown*
- *Adrian Wilson*
- *Alexander Ko*

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 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/2021/1078 for alterations and additions to an existing dwelling, including lower ground and ground floor extension, internal reconfiguration of space, swimming pool, removal of tree, landscaping and associated works at 14 Leys Avenue, Lilyfield subject to the conditions listed in Attachment A of the officer's report, together with an additional condition as follows:

- 7a) The landscaped area shall be increased to a minimum of 20% of the site area.

Note: If the applicant seeks to provide the studio and work from home in a future application, the studio should not be capable of being used as a separate domicile.

The decision of the panel was unanimous.

The Inner West Planning Panel Meeting finished at 4.27pm.

The Inner West Planning Panel Closed Meeting commenced at 4:34pm.

The Inner West Planning Panel Closed Meeting finished at 5:36pm.

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
19 July 2022**