



INNER WEST LOCAL PLANNING PANEL
MEETING

14 JUNE 2022

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 14 June 2022

Present: Adjunct Professor David Lloyd QC in the chair; Mr David Johnson; Ms Lisa Trueman and Ms Andrea Connell

Staff Present: Acting Development Assessment Manager – Ruba Osman; Team Leader Corporate Support and Administration Officers.

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**

Lisa Trueman declared a conflict of interest with Item 5 and did not participate in the determination of this item.

IWLPP1013/22 <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.

IWLPP1014/22 Agenda Item 2	MOD/2021/0451
Address:	17 Wharf Road Birchgrove
Description:	Modify approval for demolition of existing dwelling house, subdivision into two lots, construction of a new dwelling house and pool on each new lot, with remediation of both lots. Modifications include additional excavation, new dormer windows and additional floor area
Applicant:	ESNH Design Pty Ltd

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

- *Joanne McGuinness*
- *Paul Lunsmann*
- *Eugenia Harley*

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved**.

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to S4.55(2) of the Environmental Planning and Assessment Act 1979, **grant consent** to Modification Application No. MOD/2021/0451 to modify approval for Demolition of an existing single dwelling house, subdivision of the land into two lots and construction of a new dwelling house and pool on each new lot, with remediation of both lots, including additional excavation, new dormer windows and additional floor area at 17 Wharf Road, Birchgrove subject to the conditions listed in Attachment A below:

A. Modify the following Condition/s to read as follows:

1. Development must be carried out in accordance with Development Application No. D/2015/299, as modified, and the following plans and supplementary documentation, except were amended by the conditions of this consent.

- Condition 2 Design Change 2(i) to be deleted.
- Amend condition 2(m) to read:-

That only excavation required for placement of the dwelling within the site shall be undertaken. Excavation beyond the immediate location of approved footings and walls shall not be undertaken **except unless specifically required by Condition 6 of this Determination**, and the extent of excavation shall be specified on drawings prior to issue of any construction certificate shall not be undertaken.

The decision of the panel was unanimous

IWLPP1015/22 Agenda Item 3	DA/2021/1023
Address:	68-86 The Boulevard Lewisham
Description:	Change of use to an educational establishment with associated works
Applicant:	Trustees of Edmund Rice Education Australia

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

- Carmel Baker
- Glenda Pontes Despose
- Sophie Litherland
- Michael Blowes
- Edward O'Hanlon

DECISION OF THE PANEL

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be **approved**.

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, **approve** Development Application No. DA/2021/1023 for a change of use to an educational establishment with associated works at 68-86 The Boulevard, Lewisham for the reasons listed below:

- The development is permissible in the R2 Low Density Residential Zone.
- The removal of 8 car parking spaces will have a positive public benefit to the community by way of lessening the amount of traffic generated by the development.
- The objection to the FSR development standard is accepted and panel is satisfied that compliance with the standard is unnecessary and unreasonable, since the exceedance is within the existing building envelope and no change to the built form is proposed. The panel is satisfied that the applicant request adequately addresses the matters required to be demonstrated by s.4.6(3) of the Marrickville Environmental Plan 2011, that there are sufficient grounds to demonstrate that there is sufficient environmental planning grounds to support the variation, and there is no material benefit in upholding the standard in this instance.
- The Panel is satisfied that the acoustic assessment dated 27 April 2022 and prepared by Day Design Pty Ltd demonstrates that the level of noise emitted from the development will meet all relevant statutory standards subject to the recommended conditions of Part 5 of that assessment report.

Additional conditions to be added

- Recommendations of part 5 of the acoustic assessment report.

5.0 NOISE CONTROL RECOMMENDATIONS

5.1 Mechanical Plant

The following options are recommended to reduce the noise emission from the condenser units serving the education facility to the nearby residential receptors to the south-west.

5.1.1 Option 1 – Alternative Location

We recommend that the condenser units serving the education facility be located along the ground floor, north-eastern façade of the building, between the existing building and the existing CBHS. These condenser units would then discharge toward the CBHS building, and would have minimal impact on the residences to the south.

5.1.2 Option 2 – Mechanical Plant Room Louvres

For the assessment of mechanical plant noise emission, the location of the condenser units serving the education facility has been assumed to be within a ground floor store room, adjacent to the Meter Room shown on the architectural plans attached as Appendix C.

Should the condenser units be located within this area, or in any adjacent store room, acoustic louvres in place of the existing roller door would be required, to allow ventilation to the space while attenuating noise from the condensers during operation. Acoustic louvres installed within this area should achieve an insertion loss equal to that shown below in Table 7.

Table 7 Acoustic Louvre Insertion Loss

Description	Insertion Loss (db)							
	At Octave Band Centre Frequencies (Hz)							
	63	125	250	500	1K	2K	4K	8K
Acoustic Louvre NapSilentflow 300 S-Line	1	3	5	10	13	17	18	15

5.1.3 General Requirements – Construction Certificate

For typical mechanical plant equipment with sound power levels not exceeding those listed in Table 5, it is reasonable and feasible to acoustically treat the plant area or equipment itself so that noise will not impact the neighbouring properties.

Once mechanical plant selection has been finalised, a detailed acoustic assessment should be made, prior to the issue of a Construction Certificate (or during the detailed design stage). We recommend that the mechanical services engineers select mechanical plant equipment with the lowest sound power levels to reduce the amount of acoustic treatment necessary to achieve the noise criteria at nearby receivers.

We offer to provide detailed noise controls when specifications of the mechanical plant equipment have been finalised.

5.2 General Learning Areas – Glazing

We recommend that the south-western sliding doors to any GLA remain closed while the room is in use, to reduce the level of noise emission to receptors 'R4' and 'R5' to the south-west and west of the site. As these doors are to remain closed while the area is in use, alternate methods of ventilation may be required. Rooms are to be ventilated to the standards set out in clause F4.5 of the Building Code of Australia and Australian Standard AS1688.2:1991.

- New Condition 38 - The use of the new Building shall be strictly in accordance with the Plan of Management and Condition 37 of the Determination.

The decision of the panel was unanimous

IWLPP1016/22 Agenda Item 4	DA/2021/0793
Address:	34 Wharf Road Birchgrove
Description:	Lower ground, ground and first floor alterations and additions to existing heritage listed semi-detached dwelling-house, including new garage accessed via driveway and landscaping works
Applicant:	Cunningham Gill Architecture

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

- *Julia Hill*
- *Leonie Hellmers*
- *Rose Pickard*
- *John Oultram*
- *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.

- 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/2021/0793 for lower ground, ground and first floor alterations and additions to existing heritage listed semi-detached dwelling-house, including new garage accessed via driveway and landscaping works at 34 Wharf Road, Birchgrove subject to the conditions listed in Attachment A.

The decision of the panel was unanimous

IWLPP1017/22 Agenda Item 5	REV/2021/0023
Address:	39 Short Street Birchgrove
Description:	S8.2 Review of Development Application DA/2021/0603 which refused an application seeking consent for basement, ground and first floor alterations and additions to the existing dwelling-house.
Applicant:	Benjamin R Morrison

Lisa Trueman declared a conflict of interest with this application and did not participate in the determination of this item.

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

- Benjamin Morrison
- Rick Gates

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** the Review Application No. REV/2021/0023 for S8.2 Review of Development Application DA/2021/0603, for basement, ground and first floor alterations and additions to existing dwelling-house at No. 39 Short Street, Birchgrove for the reasons outlined in Attachment A.

The decision of the panel was unanimous

IWLPP1018/22 Agenda Item 6	DA/2021/1353
Address:	64 Premier Street Marrickville
Description:	Demolition of a single enclosed garage and construction of basement parking level, including changes to boundary fences
Applicant:	George Matsos

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

- *Jennifer Hill*
- *Andrew Burns*
- *Kerwyn Foo*

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/2021/1353 for the demolition of a single enclosed garage and construction of basement parking level, including changes to boundary fences at 64 Premier Street, Marrickville for the following reasons.
1. The proposal is a prohibited use under the land use table of the Marrickville Local Environmental Plan 2011, pursuant to Section 4.3 (a) of the Environmental Planning and Assessment Act 1979.
 2. In accordance with Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the Marrickville Local Environmental Plan 2011, Clause 1.2 (2)(g) – Aims of Plan as the proposal does not identify and conserve the environmental cultural heritage of Marrickville.
 3. In accordance with Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the Marrickville Local Environmental Plan 2011, Clause 5.10 – Heritage Conservation as follows;
 - a. The proposal does not conserve archaeological site as required by clause (1)(c).
 - b. The proposal has not demonstrated the impact of the proposed works on the heritage item.
 4. 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.

5. The application has failed to adequately demonstrate that the site is suitable for the development pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
6. 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

IWLPP1019/22 Agenda Item 7	DA/2021/1211
Address:	539 Darling Street Rozelle
Description:	Alterations and additions to an existing townhouse and associated works
Applicant:	Christopher Jordan

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 a written request pursuant to Clause 4.3A(3)(ii) of the Leichhardt Local Environmental Plan 2013. 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 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 applicant has made a written request pursuant to Clause 4.4 of the Leichhardt Local Environmental Plan 2013. 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 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.

- C. 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/2021/1211 for alterations and additions to an existing townhouse and associated works at 539 Darling Street, Rozelle subject to the conditions listed in Attachment A.

The decision of the panel was unanimous

IWLPP1020/22 Agenda Item 8	DA/2021/1071
Address:	342 Annandale Street Annandale
Description:	Lower ground, ground and first floor alterations and additions to existing heritage-listed residence, new pool and garage and terrace over at rear, and associated works, including tree removal
Applicant:	Andrew CP McCulloch

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

- *James Alexandre-Hatziplis*
- *Alice Fuller*
- *Tom Goode*

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 applicant has made a written request pursuant to Clause 4.4 of the Leichhardt Local Environmental Plan 2013. After considering the request, 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 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.
- 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, refuse Development Application No. DA/2021/1071 for lower ground, ground and first floor alterations and additions to existing heritage-listed residence, new pool and garage and terrace over at rear, and associated works, including tree removal at 342 Annandale Street, Annandale for the reasons listed in Attachment A.
 1. The proposed development is inconsistent with Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 in that the proposed development will result in unreasonable impacts on the neighbouring Weeping Bottlebrush tree.
 2. The proposed development does not comply with Chapter 5.4, Control C11 and C12 of Inner West Council Tree Management Controls in that the proposed development is incapable of providing the required canopy cover and the proposed development has not been designed to maintain or improve the urban forest value of site.
 3. The proposed development does not comply with Clause 4.3A(3)(a)-(b) of Leichhardt Local Environmental Plan 2013 in that the proposed development does not provide sufficient landscape area and exceeds the maximum site coverage permitted. Additionally, no Clause 4.6 Variation Request has been submitted to support the variations, pursuant to Clause 4.6 of Leichhardt Local Environmental Plan 2013.

4. The proposed development does not comply with Clause 4.4(2B) of Leichhardt Local Environmental Plan 2013 in that the proposed development exceeds the maximum floor space ratio permitted. The Clause 4.6 Variation Request fails to demonstrate that compliance with the standard is unnecessary in the circumstance of the case, nor are there sufficient environmental grounds to support the variation pursuant to Clause 4.6 of Leichhardt Local Environmental Plan 2013.
5. The proposed development does not comply with Clause 5.10 of Leichhardt Local Environmental Plan 2013 and C1.4 – Heritage Conservation Areas and Heritage Items of the Leichhardt Development Control Plan 2013 in that the design, bulk and scale of the proposed development will result in unacceptable impacts to the heritage significance of the heritage item and the surrounding heritage conservation area.
6. The proposed height, siting, bulk and scale of the garage and elevated deck with pool does not comply with the following sections of the Leichhardt Development Control Plan 2013:
 - i. C1.4 – Heritage Conservation Areas and Heritage Items
 - ii. C1.18 – Laneways
 - iii. C3.2 – Site Layout and Building Design
 - iv. C3.11 – Visual Privacy
 - v. C3.12 – Acoustic Privacy

Having regard to the above the proposal will result in unacceptable amenity and landscape impacts.

7. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
8. Having regard to the submissions received and the adverse environmental impacts of the proposal, the application as proposed is not in the public interest, pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

The decision of the panel was unanimous

IWLPP1021/22 Agenda Item 9	DA/2021/1188
Address:	2C Gladstone Street Newtown
Description:	Construction of a mixed-use development consisting of 1 level of basement carparking, office premises and 12 residential apartments above
Applicant:	Martin Shor

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

- *Matt Lippiatt*
- *Mitchell Favaloro*
- *Taliya*
- *Peter Mansfield*

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 a written request pursuant to Clause 4.3 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 grounds to support the height 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 applicant has made a written request pursuant to 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 grounds to support the FSR 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.
- C. 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/2021/1188 for construction of a mixed use development consisting of 1 level of basement carparking, office premises and 12 residential apartments above. at 2C Gladstone Street, Newtown subject to the conditions listed in Attachment A.

The decision of the panel was unanimous

The Inner West Planning Panel Meeting finished at 4:16pm.

The Inner West Planning Panel Closed Meeting commenced at 4:21pm.

The Inner West Planning Panel Closed Meeting finished at 5:21pm.

CONFIRMED:

A handwritten signature in blue ink, appearing to read 'D. A. Lloyd', is positioned above the typed name.

**Adjunct Professor David Lloyd QC
Chairperson
14 June 2022**