



# **INNER WEST COUNCIL**

## **INNER WEST LOCAL PLANNING PANEL MEETING**

**7 May 2019**

**MINUTES**

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held in the Council Chambers, Leichhardt Town Hall, Norton Street, Leichhardt on 7 May 2019

Present: Mr Kevin Hoffman; Mr John McInerney; Ms Kath Roach, Ms Annelise Tuor

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

Meeting commenced: 2:07pm

**\*\* 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**

The following declarations of interest were made:

Ms Kath Roach declared a non-pecuniary in relation to item 3.

Mr Kevin Hoffman declared a non-pecuniary in relation to an objector on item 9.

<b>IWLPP696/19 Agenda Item 1</b>	<b>D/2019/43</b>
<b>Address:</b>	2 Lizzie Webber Place Birchgrove
<b>Description:</b>	Alterations and additions to an existing dwelling and associated works.
<b>Applicant:</b>	Mr C S Connolly

## **DECISION OF THE PANEL**

**Item 1 was adjourned at 2:18pm to consider item 4.**

**Item 1 resumed at 2:52pm**

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report.

Remove the words 'has been given' from part A of the recommendation.

<b>IWLPP697/19</b> <b>Agenda Item 2</b>	<b>DA201800569</b>
<b>Address:</b>	32 London Street, Enmore
<b>Description:</b>	To carry out alterations and additions to an existing dwelling including a first floor rear addition.
<b>Applicant:</b>	Mr M Rossi

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

- *Danny Fubelli*
- *Mark Rossi*
- *Tony Maluccio*

## **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 following changes:

Additional conditions:

- 15(B) 'further details be provided to Councils satisfaction regarding the planter box above the rear lounge extension
- 15(c) the roof of the ground floor extension to be a non-trafficable skillion above the lounge to the Councils satisfaction.

The decision of the panel was unanimous

<b>IWLPP698/19 Agenda Item 3</b>	<b>M/2018/206</b>
<b>Address:</b>	233A Johnston Street, Annandale
<b>Description:</b>	To modify development application D/2013/200 dated 21 May 2015 which approved a mixed use development. The modifications are to Unit 17 located on levels 3 and 4 of the building, including changes to openings and terrace.
<b>Applicant:</b>	Mrs B Pitcher

## **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 following changes:

Change in the wording of the resolution wording to say (after “subject to the...”)  
“...amendment of Condition (2) as listed below”

The decision of the panel was unanimous

<b>IWLPP699/19 Agenda Item 4</b>	<b>D/2018/535</b>
<b>Address:</b>	13 Jane Street, Balmain
<b>Description:</b>	Part demolition and alterations and single storey addition to the rear of the existing heritage listed dwelling-house and associated works, including new pool in the rear garden, removal of trees and new fencing.
<b>Applicant:</b>	Studio Prineas

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

- *Brendan O'Brien*
- *Jeremy Swan*
- *Stephen Davies*

## **DECISION OF THE PANEL**

Item 4 was brought forward to consider as the first item.

**The panel adjourned the meeting at 2:34pm to consider item 4.**

**The Panel resumed the meeting at 2.47pm**

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 following changes:

Add a condition 6A:

The plans are to be amended to incorporate a traditional open palisade fence with a maximum height of 1.2m along the southern boundary from the front fenceline to the rear wall of the new study on the ground floor, and thereafter with 1.6m high timber paling fence.

[inserting in this new condition afterward the last two paragraphs of existing Condition 6, excluding the second sentence "...if one treatment cannot satisfy..." and without the words "ventilation" and "privacy"].

The new condition would read:

**6A** *The plans are to be amended to incorporate a traditional open palisade fence with a maximum height of 1.2m along the southern boundary from the front fenceline to the rear wall of the new study on the ground floor, and thereafter with 1.6m high timber paling fence.*

*The treatment must ensure that the requirements of the Building Code of Australia are met. Details must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The measures must be maintained for the life of the building.*

The decision of the panel was unanimous

<b>IWLPP700/19 Agenda Item 5</b>	<b>D/2018/386</b>
<b>Address:</b>	9A Johnston Street, Balmain East
<b>Description:</b>	Alterations and additions to existing dwelling-house, including new external balcony and roof top terrace with stair access.
<b>Applicant:</b>	Oikos Architects

## **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.

Remove the words 'has been given' from part A of the recommendation.

The decision of the panel was unanimous.

<b>IWLPP701/19 Agenda Item 6</b>	<b>D/2018/546</b>
<b>Address:</b>	55 Church Street, Lilyfield
<b>Description:</b>	Demolition of existing dwelling-house and construction of 2X2 storey semi-detached dwellings with garages and associated works, including landscaping and tree removal, fencing works, and Torrens title subdivision into 2 lots.
<b>Applicant:</b>	T Polvere

## **DECISION OF THE PANEL**

Item 6 was withdrawn prior to the Panel Meeting



<b>IWLPP702/19</b> <b>Agenda Item 7</b>	<b>D/2018/583</b>
<b>Address:</b>	28 Waterloo Street Rozelle
<b>Description:</b>	Demolition of existing structures
<b>Applicant:</b>	R Makari

## **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 following changes:

Add part (f) to Condition (10) a requirement to “salvage and make available for reuse all heritage/ original building material existing on site eg. stained glass windows, sandstone blocks, decorative cast iron work”.

Reword Condition (4) (p) to read “Prior to any works commencing...” at the start of the condition.

The decision of the panel was unanimous.

<b>IWLPP703/19</b> <b><i>Agenda Item 8</i></b>	<b>DA201800430</b>
<b>Address:</b>	220 Marrickville Road, Marrickville
<b>Description:</b>	To carry out alterations and modify the ground floor layout of the approved Hotel and to carry out works to the first floor and fit-out for use as tourist and visitor accommodation.
<b>Applicant:</b>	Alex Papas

## **DECISION OF THE PANEL**

Item 8 was withdrawn prior to the Panel meeting.

<b>IWLPP704/19 Agenda Item 9</b>	<b>DA201700611</b>
<b>Address:</b>	2 McGill Street, Lewisham
<b>Description:</b>	To demolish existing improvements and construct a 6 storey mixed use development comprising 2 levels of basement parking, 2 commercial tenancies on the ground floor with 20 residential dwellings over 5 levels and a communal roof terrace.
<b>Applicant:</b>	BKA Architecture

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

- *David Rollinson*
- *Bruna Souto*
- *Genevieve Slattery*
- *Rhiannon McDermot*

## **DECISION OF THE PANEL**

Item 9 was adjourned at 3:51pm

The meeting resumed at 4:15pm

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 following changes:

Imposition of a deferred commencement conditions as follows;

### **PART A – DEFERRED COMMENCEMENT CONSENT**

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

1. Documentation being submitted to the satisfaction of Council indicating:
  - a) Providing a car lift or similar mechanical access for vehicles to the basement with limited impact on the public domain; or
  - b) Demonstration of legal and actual physical access to the basement via the basement of 4-12 McGill Street

Evidence of the above matters must be produced to the Council or its delegate within 2 years of the date of this Determination otherwise the consent will lapse.

### **PART B – CONDITIONS OF CONSENT**

Once operative the consent is subject to the following conditions:

NOTE: in Part B Condition 1 needs to be amended to include the matters referred to in Part A.

Delete condition 23 and insert the following at Condition 23

All hydrant booster pump and fire service equipment shall be housed in a recessed enclosure within an external wall (with doors suitable to screen the installation from public view) and not located in footway areas likely to be used by the public.

Details of this enclosure are to be assessed by an accredited fire safety engineer, comply with the requirements of the BCA and be shown on the plans submitted to Council and the Certifying Authority for approval prior to the release of a Construction Certificate.

The decision of the panel was unanimous.

<b>IWLPP705/19</b> <b>Agenda Item 10</b>	<b>DAREV/2019/1</b>
<b>Address:</b>	Strata Scheme, 15 King Street, BALMAIN
<b>Description:</b>	Review of Determination of D/2018/563 which was refused seeking consent for removal of tree in southern corner of site.
<b>Applicant:</b>	Verdun Walsh Strata Management

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

- Mary Coupe
- Robert Foster

## **DECISION OF THE PANEL**

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the refusal contained in the Officers Assessment Report with additional reasons 1-4 taken from the Arborists report being:

1. It is acknowledged that there is some damage to the driveway entrance, structures and infrastructure that may be caused in part by the tree's roots. However, whilst there is no question that the tree roots are contributing, it appears likely that the concrete surfaces and plumbing infrastructure are quite old and would require maintenance/repairs, over time, regardless of the trees proximity
2. An alternative to tree removal has not been considered by the expert arborist or building assessor. Tree roots have not been exposed and considered for pruning or removal when repairs/reinstatement of the driveway is being undertaken. Also the concrete, paved stairs and small garden edge could be restored without the need to remove the tree
3. The conflict between roots and pipes does not justify the removal of the Plane Tree. When a pipe cracks it is inevitable that fine roots will penetrate the pipe and will then proliferate causing the crack to worsen and the pipe to become blocked. Removing a single tree will rarely solve the problem. Roots from other trees will also penetrate pipes once they are cracked.
4. Repairs to aged infrastructure can be undertaken without requiring the removal of a large, healthy tree. Investigation of the root system, by careful removal of cracked concrete, under arborist supervision, when repairs are being undertaken will identify roots suitable for pruning or removal to allow reinstatement of the new driveway.

Advisory Note: Any future tree removal applications should include root mapping and exploration giving consideration to site remediation without removing the tree.

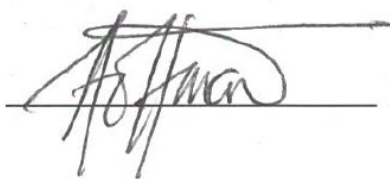
- 5 The proposal does not satisfy the following Clauses of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979:
  - (i) Clause 3(b) – Aims of policy

6. The proposal does not satisfy the following Clauses of the Leichhardt Local Environmental Plan 2013 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979:
  - ii) Clause 1.2 – Aims of plan
  - iii) Objectives of Zone R1 General Residential
7. The proposal does not satisfy the following Parts of the Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
  - iv) Part C – Section 1 – C1.0 – General Provisions
  - v) Part C – Section 1 – C1.12 – Landscaping
  - vi) Part C – Section 1 – C1.14 – Tree Management
  - vii) Part C – Section 1 – C2.2.2.6 Birchgrove Distinctive Neighbourhood
8. The proposal will result in adverse built environment impacts pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
9. The proposal is not considered suitable for the site pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
10. The proposal is not considered to be 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

**The Inner West Planning Panel Meeting finished at 5:00pm.**

**CONFIRMED:**

A handwritten signature in black ink, appearing to read 'Kevin Hoffman', is written over a horizontal line.

**Kevin Hoffman  
Chairperson  
7 May 2019**