



# **INNER WEST COUNCIL**

**INNER WEST LOCAL PLANNING PANEL  
MEETING**

**TUESDAY, 19 NOVEMBER 2019**

**MINUTES**

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held in the Council Chambers, Leichhardt Town Hall, Norton Street, Leichhardt on 19 November 2019.

Present: Mr Kevin Hoffman in the chair; Mr John McInerney; Ms Kath Roach, Ms Lindsey Dey.

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

Meeting commenced: 2:15 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.

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<b>IWPP794/19 Agenda Item 1</b>	<b>10.2019.39</b>
<b>Address:</b>	18 Julia Street, Ashfield
<b>Description:</b>	Subdivision of land into 2 Torrens Title Lots and alterations to the existing dwelling.
<b>Applicant:</b>	Mrs J M Illingworth

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

- *Glen Apps*
- *Judith Rintoul*

## **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:

Deferred commencement conditions to be amended as below:

- A. Front Fence and B. Garage are deleted, and C. (the landscape condition) to become a standard condition and the Consent be issued without any deferred commencement requirements and conditions renumbered accordingly with the addition of the following to the landscape condition:

“The landscape plan is to be prepared and submitted to Council for its approval prior to the issue of a Construction Certificate.”

The decision of the panel was unanimous.

<b>IWPP795/19 Agenda Item 2</b>	<b>D/2018/675</b>
<b>Address:</b>	237 Marion Street, Leichhardt
<b>Description:</b>	Alterations and additions to the existing residential Aged Care Facility known as "The Marion".
<b>Applicant:</b>	JK Martin

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

- *Karen Eldrige*
- *Stephen Kerr*
- *Louise Collier*

## **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:

Conditions 4(a), 4(c), 4(d) are deleted.

Condition 4(f) is replaced with the following "The proposed new signage is to conform with AS 4282-1997- Control of the Obtrusive Effects of Outdoor Lighting."

Condition 4(g) is replaced with the following: "The café servery opening adjacent the entrance to the building on Marion Street shall be used only for take away service to the public and no seating to be provided outside the building".

Condition 8 to be retitled "Recycling and Waste Management Plan".

The decision of the panel was unanimous.

<b>IWPP796/19 Agenda Item 3</b>	<b>D/2019/113</b>
<b>Address:</b>	145 Darling Street, Balmain
<b>Description:</b>	Alterations and additions to the existing building and change of use to a boarding house with ground floor café.
<b>Applicant:</b>	Boston Blyth Fleming Town Planners

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

- *Jeremy Arnott*

## **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 changes:

Reason 1 shall be renumbered 1(b).

A new reason 1(a) shall be added “No clause 4.6 requests have been received to vary the landscape area and site coverage standards under the Leichhardt Local Environmental Plan 2013.”

After reason 5 add reason 6 “The proposal is not considered to be in the public interest pursuant to section 4.15(1)(e) of the Environment and Assessment Act 1979 because it is incompatible with the desired future character of the locality.”

Include an additional reason 7: “The proposal is considered not to meet the requirements under State environmental Planning Policy (Affordable Rental Housing) 2009.”

The duplicated reasons for refusal are to be deleted.

The decision of the panel was unanimous.

<b>IWPP797/19 Agenda Item 4</b>	<b>DA201800560</b>
<b>Address:</b>	437-439 Illawarra Road, Marrickville
<b>Description:</b>	To demolish part of the premises and construct a 6 storey mixed use building comprising 2 commercial tenancies on the ground floor and residential units above with associated basement parking.
<b>Applicant:</b>	C D Architects

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

- Gerard Turrisi
- Rudy Jasin

## **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:

Condition 5(j) is to be amended to delete the word “by” in the second line and add the following: “such ventilation is to be not visible from the public domain and comply with the applicable Australian Standards for food and drinks uses.”

Condition 5 - (Items a-l) is to become condition 1 and be a deferred commencement condition with the applicable standard provisions and the remaining conditions renumbered accordingly.

Condition 67 – to be amended to read “8:00am to 10:00pm Monday to Sunday with the exception of New Year’s Eve when the terrace is permitted to be used until 2am New Year’s Day.”

The decision of the panel was unanimous.

<b>IWPP798/19 Agenda Item 5</b>	<b>DA201900016</b>
<b>Address:</b>	11-13 Hunter Street, Lewisham
<b>Description:</b>	To demolish part of the premises and carry out ground and first floor alterations and additions to a boarding house.
<b>Applicant:</b>	MJ Hunter Enterprises Pty Ltd

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

- *Simon Hill*
- *Penelope Smith*
- *Brad Delapierre*

## **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 changes:

Reason 10 – additional points below to be included:

- c) lack of a fully detailed Plan of Management especially regarding control of smoking and privacy impact on adjacent neighbours.
- d) Protection of a large Pepper tree on the uphill neighbouring property and the interplay of that Pepper tree with the suggested 5m hedge wherein the lower limbs of the tree may be in conflict with a proposed privacy hedge.
- e) Overland stormwater flows to be controlled and drained from the site.

Note to be added to file for Council's future reference: "If any future approval is sought there is to be a Plan of Management that is comprehensive and thorough and addresses, but is not limited to, the location of a smoking area on the site.

The decision of the panel was unanimous.

<b>IWPP799/19 Agenda Item 6</b>	<b>DA200400670.06</b>
<b>Address:</b>	386 Parramatta Road, Petersham
<b>Description:</b>	To modify Determination No. 200400670, dated 2 March 2005 under Section 4.55 of the Environmental Planning and Assessment Act to extend the existing trading hours and to extend trading hours for 12 special calendar events a year.
<b>Applicant:</b>	Giovanni Cirillo

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

- *Barbara Hearne*
- *Giovanni Cirillo*

## **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:

Amend the ‘Recommended modified conditions of consent’ on Page 496:

After “(i) THAT the following conditions being amended to read” and before condition 1a, insert Subheading “**PART A**”:

Insert Subheading “**PART B**” prior to the amended condition 16.

Condition 16(ii) - delete the words “World Cup Final (Soccer)”

Condition 1a on page 496 replaces Condition 1a in the original document.

Plan of management be amended as follows:

Clause 2.7(b) - delete the words “when entertainment is on offer.”

Clause 10.3 - After the word “management” on the first line add the following “and made available on demand to police and/or Council. The complaints register form part of the applicant’s submission to Council for any extension request after the 12 month trial.”

Delete after the words “phone messaging paging service” and replace with the words “mobile phone number that is staffed 24 hours a day”.

Delete the words “as soon as possible” and replace with “immediately during night hours”.

Clause 2.9(e) – add “the recording be retained for a minimum of 28 days and supplied to the police as required for criminal investigation.”

Clause 3(k) – add the words “this part is to be considered in conjunction with 10.3 Complaints of this Plan.”

Clause 2.7 –to be amended to add the following:

(11) The definition of ‘vicinity’ of a licensed premises taken from the Liquor Act means any place less than 50 metres from any point from the boundary of the premises.

The decision of the panel was unanimous.



<b>IWPP800/19 Agenda Item 7</b>	<b>DA201900038</b>
<b>Address:</b>	1/2C Gladstone Street, Newtown
<b>Description:</b>	To demolish part of the premises and carry out ground and first floor alterations and additions to the building and use the premises as a brewery and restaurant operating 7:00am to 10:00pm.
<b>Applicant:</b>	Samcourt Pty Ltd

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

- Merylyn Fairskye
- Ian Denham
- Daniel McNamara / Danny Yeung

Item adjourned 5:37pm

Item resumed 6:01pm

## 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:

The Panel considers the proposal to have an excessive bulk and scale, has an inappropriate transition to the residential properties in the vicinity, results in the loss of significant trees, and there is a significant shortfall in on-site car parking (including accessible parking) and bicycle and end of trip facilities. The proposed development is not consistent with the desired future character of the locality. As a result, the proposal should be refused for the following reasons:

- i. The proposal does not demonstrate that it satisfies the following Clauses of the *MLEP 2011*, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*:
  - a. Clause 1.2 2(b) protecting residential amenity, 2(g) preserving the environmental and heritage character of the area, 2(h) to promote a high standard of design in public domain – Aims of Plan
- ii. The proposal does not demonstrate that it satisfies the following Parts of MDCP 2011, pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act, 1979*:
  - a. Part 2.1 – Urban Design;
  - b. Part 2.6 – Acoustic and Visual Privacy;
  - c. Part 2.7 – Solar Access and Overshadowing;
  - d. Part 2.8 – Social Impact;
  - e. Part 2.9 – Community Safety;
  - f. Part 2.10 – Parking;
  - g. Part 2.20 – Tree Management and,
  - h. Part 6 – Industrial Development.

- iii. The proposal has not demonstrated that it will not have any significant social and streetscape impacts on the locality, with particular reference to the adjoining and nearby residential building uses, pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
- iv. The proposal has not demonstrated it is suitable on the site, pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
- v. The proposal has not demonstrated that it has been designed to consider the submissions made, pursuant to Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*.
- vi. The proposal has not demonstrated 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.

<b>IWPP801/19 Agenda Item 8</b>	<b>10.2009.157.2</b>
<b>Address:</b>	141 Parramatta Road, Haberfield
<b>Description:</b>	Modification of hours of operation to 24 hours a day, 7 days a week.
<b>Applicant:</b>	McDonald's Australia Ltd

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

- *Nicholas Bron*
- *Dr Erol Digusto*
- *Malachy Ward*
- *Madeleine Perrignon*
- *Ben Holden / Glen Simmons*
- *Steve O'Connor*

Item adjourned 7:10pm

Item resumed 7:42pm

## **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:

1. This fast food outlet is located within an otherwise quiet residential area except for having frontage to Parramatta Road.
2. Parramatta road is a classified main road that gives no access to the site and therefore all access is via Dalhousie Street and St Davids Road and these are quiet residential streets at night.
3. As a result all traffic to and from the McDonalds is via Dalhousie and St Davids either from Parramatta Road or from within the quite suburban area of Haberfield.
4. Residents gave strong assurances that already noise from traffic coming and going from the site and whilst on the site can cause a disturbance in nearby houses and apartments due to loud car stereos, some with noise boosters (sub-woofers), loud engines, loud talking by patrons at night and occasional boisterous behaviour but made worse with occasional misbehaviour.
5. That the methodology and feasibility of any monitoring during the trial has not been demonstrated. There are serious doubts as to whether appropriate monitoring is possible.

The decision of the panel was by majority votes (Kath Roach voted against the decision).

Kath Roach's reason for her decision:

*In relation to this application, I respect the views of the other panel member, however, I am of the view that the 12 month trial could be undertaken within the conditions of consent as recommended by staff, with some amendments relating to noise, increased levels of security, increased litter patrols and an independent monitoring and review of data at the conclusion of the 12 month trial period. For these reasons I dissent on this matter.*

<b>IWPP802/19 Agenda Item 9</b>	<b>10.2019.13</b>
<b>Address:</b>	202 Parramatta Road, Ashfield
<b>Description:</b>	Demolition of existing structures, tree removal and construction of a Woolworths supermarket with liquor outlet and café over an at-grade and basement car park, signage and associated landscaping and drainage works.
<b>Applicant:</b>	Fabcot Pty Ltd

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

- Sharon Laura
- Pravin Trivedi
- Maria Bell
- Rachel Davies
- Clare Brown/Tim Rogers/Donald Challoner

Item adjourned 8:54pm

Item resumed 9:18pm

## **DECISION OF THE PANEL**

The Panel generally 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:

That a Deferred Commencement Consent be issued with the following conditions:

1. That a plan indicating full details of the solar panels proposal is to be submitted to the satisfaction of Council for assessment and determination.
2. The plan of management is to be edited and updated to include a provision for the ongoing engagement with the community and local schools regarding road / pedestrian safety and other matters arising of community interest as well as an appropriate provision relating to incident reporting.
3. End of trip bicycle facilities are to be provided for staff.

Note:

Condition 4 is to be updated to include the correct plan numbers reflected in the plan set:

DA014 edition E should be dated 14/10/2019

DA023C should be dated 26/08/2019

DAC401C should be dated 13/12/2018

DAC402C should be dated 13/12/2018

The decision of the panel was unanimous.

**The Inner West Planning Local Panel Meeting finished at 9:33pm.**

**CONFIRMED:**

A handwritten signature in black ink, appearing to read 'K. Hoffman', is written over a horizontal line. The signature is stylized and cursive.

**Kevin Hoffman  
Chairperson  
19 November 2019**