

INNER WEST LOCAL PLANNING PANEL
MEETING

10 NOVEMBER 2020

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via
Teleconference on Tuesday, 10 November 2020.

Present: Mr Kevin Hoffman in the Chair; Mrs Mary-Lynne Taylor; Ms Annelise Tuor; Ms Heather Warton.

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

Meeting commenced: 2:06pm

**** 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:

Heather Warton declared a conflict of interest for Item 7, as she owns a unit in the apartment development, and therefore won't participate in the decision of that application.

IWLPP922/20 Agenda Item 1	DA/2020/0477
Address:	85 Hill Street, Leichhardt
Description:	Boundary realignment of two existing Torrens title lots, and construction of two x two storey semi-detached dwellings
Applicant:	Blu Print Designs Pty Ltd

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

- Anthony Charbel

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* to vary Clause 4.1 Minimum subdivision lot size 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 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/2020/0477 for boundary realignment of two existing Torrens title lots, and the construction of a two storey semi-detached dwelling on each lot at 85 Hill Street LEICHHARDT NSW 2040 subject to the conditions listed in Attachment A and subject to the following changes:
1. That Condition 4 of the conditions of consent be amended to read as follows:

4. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate or issue of a Subdivision Certificate (which ever occurs first) written evidence must be provided to the Certifying Authority that a monetary contribution of \$30,017.45 has been paid to the Council.

The above contribution is the contribution applicable as at 11 November 2020.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Local Infrastructure Type:

Local Infrastructure Type:	Contribution \$
Open space and recreation	\$25,811.00
Community facilities and services	\$3,945.00
Local area traffic management	\$227.32
Bicycle	\$34.13
TOTAL	\$30,017.45

Note: This contribution amount has been calculated in accordance with the Leichhardt Contributions Plan and includes a credit for 1 dwelling.

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

2. That the following additional condition be inserted:

15A – Acoustic Amenity

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of Aircraft Noise Intrusion Assessment report dated 22 May 2020 prepared by Acoustic Logic and demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

3. That Condition 21 be amended as follows:

Insert the words “with matching stone” after the final word “replaced”.

The decision of the panel was unanimous.

IWLPP923/20 Agenda Item 2	DA/2020/0428
Address:	73 Ferris Street, Annandale
Description:	Alterations and additions
Applicant:	Karl Howard

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

- Paul Connor

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* to vary Clause 4.3A(3)(a) Landscaped Area, Clause 4.3A(3)(b) Site Coverage and Clause 4.4 Floor Space Ratio 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 variations. The proposed development will be in the public interest because the variations are inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- 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*, grants consent to Development Application No. DA/2020/0428 for Alterations and additions at 73 Ferris Street ANNANDALE NSW 2038 subject to the conditions listed in Attachment A and subject to the following changes:.
- 1 That condition 10 be deleted.
 2. That condition 19 be amended as follows:

Insert the words “with matching stone” after the word “replaced”.

The decision of the panel was unanimous.

IWLPP924/20 Agenda Item 3	DA/2020/0233
Address:	16 William Street, Leichhardt
Description:	Demolition of the existing building, erection of a three storey boarding house containing 25 boarding rooms with basement parking and associated works.
Applicant:	William Assets Pty Ltd

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

- Neil Kennen (on behalf of applicant)
- Ghazi Al Ali (on behalf of the applicant)
- Liz Zhang (applicant)
- Jennifer Aaron
- Peter Gillard
- Michelle Manion
- David Baxter
- John Storch (on behalf of the applicant)

DECISION OF THE PANEL

- 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 Development Application No. DA/2020/0233 for Demolition of the existing building, erection of a three-storey boarding house containing 25 boarding rooms with basement parking and associated works 16 William Street Leichhardt for the following reasons:
1. The proposal is in breach of Clause 30A State Environmental Planning Policy (Affordable Rental Housing) 2009 because the design is not compatible with the character of the local area.
 2. The application has failed to satisfactorily address Clause 50 of State Environmental Planning Policy (Affordable Rental Housing) 2009, because it is likely to reduce the local availability of affordable housing and does not make provision to offset any loss.
 3. The proposed development has not demonstrated compliance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP) because it seeks unjustified removal of public street trees.
 4. The proposed development is inconsistent with the relevant objectives of the Leichhardt Local Environmental Plan 2013, because the design is not in keeping with the character and style of the surrounding buildings, streetscapes and landscaped areas and inadequate provision has been made for stormwater management.
 5. The proposed development is has not demonstrated compliance with the relevant provisions of Leichhardt Development Control Plan 2013 because the development will result in adverse impacts relating to Social Impact, Site Layout and Building Design, Heritage, Amenity and Stormwater.
 6. The proposal will result in adverse environmental impacts in the locality.
 7. The adverse impacts of the proposal mean that the site is not considered to be suitable to accommodate the development as proposed.
 8. The public submissions raise valid grounds of objection and approval of this application is considered contrary to the public interest.

The decision of the panel was unanimous.

IWLPP925/20 Agenda Item 4	DA/2020/0375
Address:	115 Short Street, Birchgrove
Description:	Demolition of existing dwelling and construction of a new multi level dwelling with parking at rear and associated works
Applicant:	Whiting Architects

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

- Marcus Hewitt
- Shirley Ann Cameron
- Robert Clark
- Sam Lettece
- Zoltan Kovacs
- Josie Somerville

DECISION OF THE PANEL

- A. The applicant requested the Panel to defer the Item in order to submit amended plans. The Panel considers that there is no utility in this due to the extent of changes, the time this would take and the available mechanism of a Section 8.2 review.
- 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*, refuse Development Application No. DA/2020/0375 for the demolition of existing dwelling and construction of a new multi level dwelling with parking at rear and associated works at 115 Short Street BIRCHGROVE NSW 2041, subject to the reasons for the following reasons:
1. A Clause 4.6 request to vary the development standard for Landscaped Area is required but has not accompanied the application and, as such, there is a lack of jurisdiction to approve the application.
 2. The Clause 4.6 requests to vary the development standards for Site Coverage and Floor Space Ratio do not demonstrate sufficient environmental planning grounds to vary either standard.
 3. The proposed development is inconsistent and / or has not demonstrated compliance with the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a) Clause 1.2 – Aims of Plan
 - b) Clause 2.3 – Zone objectives and Land Use Table
 - c) Clause 4.3A(3)(a) – Landscaped Area for residential accommodation in Zone R1
 - d) Clause 4.3A(3)(b) - Site Coverage for residential accommodation in Zone R1
 - e) Clause 4.4 – Floor Space Ratio
 - f) Clause 5.10 – Heritage Conservation
 - g) Clause 6.4 – Stormwater Management

4. The proposed development is inconsistent and has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - a) Clause C1.0 - General Provisions
 - b) Clause C1.4 – Heritage Conservation Areas and Heritage Items
 - c) Clause C1.5 - Corner Sites
 - d) Clause C1.11 Parking
 - e) Clause C1.12 – Landscaping
 - f) Clause C1.14 – Tree Management
 - g) Clause C1.19 – Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls
 - h) Clause C1.21 – Green Roofs and Green Living Walls
 - i) Clause C.2.2.2.5: Mort Bay Distinctive Neighbourhood
 - j) Clause C3.1 - Residential General Provisions
 - k) Clause C3.2 - Site Layout and Building Design
 - l) Clause C3.3 - Elevation and Materials
 - m) Clause C3.5 - Front Gardens and Dwelling Entries
 - n) Clause C3.6 - Fences
 - o) Clause C3.8 - Private Open Space
 - p) Clause C3.9 - Solar Access
 - q) Clause C3.10 - Views
 - r) Clause C3.11 - Visual Privacy
 - s) Clause C3.12 - Acoustic Privacy
 - t) Clause E1.2.2 - Managing Stormwater within the Site
 - u) Clause E1.2.3 - On-Site Detention of Stormwater
5. The proposal would result in adverse environmental impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
6. 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.
7. The approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.

The decision of the panel was unanimous.

IWLPP926/20 Agenda Item 5	REV/2020/0016
Address:	29 William Street, Tempe
Description:	S8.2 Review of Development Application for alterations and additions to an existing dwelling
Applicant:	Mr D Pidcock & Ms D O'Rourke

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

- Gerard Turrisi
- David Pidcock
- Dee Pidcock

DECISION OF THE PANEL

A. The Panel **disagrees** with the findings contained in the Assessment Report and resolves that the application be **approved** for the following reasons:

1. The Panel is conscious that William Street is a dead-end street with a variety of housing types but predominantly single storey period buildings.
2. There have been approvals for two storey additions to nearby period buildings.
3. This proposal retains the front section of the existing house so that it is sympathetic to the character of the street and the extensions at the rear are more than 2m lower than the previous extensions to the house, thereby allowing the single storey section to be dominant. The Panel has sought and obtained the agreement of the applicant to lower the rear extension by 350mm thereby bring it level with the ridge line of the original house and further reducing any impact within the streetscape.
4. The built form and character extension is a simple architectural form, representing current designs standards and sustainability principles, and will provide an improved amenity over the earlier extensions.
5. The locality is not a Conservation Area and there are no Heritage Items within close proximity to the house that might be adversely affected by the proposal, and there being no objectors to the design the Panel is of the view it will be a suitable addition compared to the existing earlier extension which will be demolished.

B. It is therefore resolved that the application be approved, subject to the draft conditions contained in Attachment B of the report and subject to the following changes:

That the following conditions be added:

2(b) –The overall height of the extension be lowered by 350mm.

2(c) A materials finishes and colours selection schedule to be provided for the approval of the Manager, Development for approval prior to the issue of a Construction Certificate.

The decision of the panel was unanimous.

IWLPP927/20 Agenda Item 6	DA/2020/0787
Address:	143 Park Avenue, Ashfield
Description:	Demolition of rear portion of dwelling and construction of a new two storey rear addition and landscaping works.
Applicant:	Mr T McLain

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

- Tony McLain
- David McLain

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 to vary Clause 4.4 – Floor Space Ratio of the *Ashfield Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, 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 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/2020/0787 for Demolition of rear and construction of a new two storey rear addition and landscaping works. at 143 Park Avenue, Ashfield subject to the conditions listed in Attachment A and subject to the following changes:
- a) The first word of the second line of Condition 11 “identified” is to be replaced by the word ‘adjoining’.
 - b) A new condition 13A is to be added which reads:

“13A No Encroachment- Survey to Verify
The Certifying Authority must be provided with certification from a registered Surveyor that no part of the approved development will encroach across any property boundary prior to the Issue of a Construction Certificate.
 - c) The Landscape Concept Plan Number 2810.DA.16A prepared by Tony McLain Architect dated September 2020 Revision A is to be added to the approved plans in the table in condition 1.
 - d) A new condition 18A is to be added which reads:

“18A Fire Separation – where required
The Certifying Authority must be provided with details of any required upgrade work, with particular regard to fire separation between the adjoining properties 143 and 145 Park Avenue, as necessary.

ADDITIONAL NOTE:

Noting the concern raised by the owner of the neighbouring dwelling regarding the potential use of the attic space at No. 143 Park Avenue, the Panel ask that Council investigate any unauthorised works or use of that part of the site.

The decision of the panel was unanimous.

IWLPP928/20 Agenda Item 7	DA/2020/0623
Address:	6-26 Grove Street Dulwich Hill
Description:	Use of premises as a restaurant with associated works.
Applicant:	Henry Wolf Consulting

Heather Warton left meeting 4:39pm due to a conflict of interest.

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

- *Jo Blackman*
- *Michelle Nancarrow*
- *Nikolai Morozow*
- *Katya Morozow*
- *Lynne Pickering*
- *Jill Carroll*
- *James Farrugia*

DECISION OF THE PANEL

- 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/2020/0623 for internal layout works associated with restaurant, patron seating layout and hours of operation with associated works at 6-26 Grove Street Dulwich Hill subject to the conditions listed in Attachment A and subject to the following changes:
1. That the following condition be added:
 - 1a. That the Plan of Management referred to in condition 18 be updated to reflect and comply with all conditions of this consent prior to the issue of a Construction Certificate.
 2. That Condition 18 be amended to read:
 18. The operation of the premises must comply at all times with the Plan of Management approved under condition 1a. The approved 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.


Heather Warton did not attend and did not vote.

The Inner West Planning Panel Meeting finished at 5:19pm.

Closed Panel Meeting started at 5:24pm

Closed Panel Meeting finished at 6:40pm

CONFIRMED:

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

**Mr Kevin Hoffman
Chairperson
10 November 2020**