



INNER WEST LOCAL PLANNING PANEL
MEETING

8 DECEMBER 2020

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held by Zoom
Teleconference on 8 December 2020.

Present: Adjunct Professor David Lloyd QC; Mr John McInerney; Mr Kenneth Hawke and Ms Lindsey Dey.

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

Meeting commenced: 2:02 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.

IWLPP929/20 Agenda Item 1	Standing Item - Report in Accordance with Ministerial Direction: Pending Local Planning Panel Matters
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Matters pending have been presented to the Panel and is duly noted.

The Panel Chairman directed Council's Manager, Development Assessment that 2 applications which are more than 180 days old are to be reported to the next available Local Planning Panel.

The Manager, Development Assessment actioned this item to the appropriate Council staff.

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The Panel agreed to a prior request from Giovanni Cirillo to hear Item 7 first.

IWLPP930/20 Agenda Item 7	DA/2020/0182
Address:	71 John Street, LEICHHARDT
Description:	Construction of a new service lift and three new mezzanines within the existing building adding a total area of 336.76m ²
Applicant:	Giovanni Cirillo

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

- Giovanni Cirillo

DECISION OF THE PANEL

The decision of the matter was moved forward to be considered as item 2 of the agenda.

- A. The applicant has made a written request pursuant to Clause 4.6 to vary Clause 4.4 Floor Space Ratio of the *Leichhardt 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 planning 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. 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*, hereby grants consent to Development Application No. DA/2020/0182 for construction of a new lift and three new mezzanines within the existing building adding a total area of 336.76m² at 71 John Street LEICHHARDT NSW 2040 subject to the conditions listed in Attachment A to the officer's report and subject to the following changes:
- Add condition 5A under *General Conditions* as follows:

5A. Bicycle Facilities

Within 3 months of the issue of this development consent, suitable documentary evidence is to be provided to the Manager, Development Assessment at Inner West Council that the following facilities have been provided within the tenancy:

- At least 1 bicycle space including a bicycle locker facility for staff use, and
- 1 end-of-trip locker to be made available to staff who choose to ride to the premises, and
- 1 shower/ change cubicle for staff who choose to ride to the premises.

The decision of the panel was unanimous.

IWLPP931/20 Agenda Item 2	MOD/2020/0174
Address:	2-8 Weston Street, Balmain East
Description:	Modify hours of operation of restaurant to allow evening use.
Applicant:	The Fenwick Balmain Pty Ltd

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

- Jonathan Simpkins
- Christopher Brown
- Garry Saunders
- Helen Quilliam
- Bill Drakopoulos
- Cr Darcy Byrne

DECISION OF THE PANEL

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55 of the *Environmental Planning and Assessment Act 1979*, hereby grants consent to Modification Application No. MOD/2020/0174 for Modified hours of operation of restaurant to allow evening use at 2-8 Weston Street BALMAIN EAST NSW 2041 subject to a modified determination being issued as per Attachment A to the officer's report, subject to the following changes:

- Amend Condition 55 to include the following:
The premises including the outdoor area are only to be open for business and used for the purpose approved within the following hours.

	Indoor Area	Outdoor Area
Monday to Sunday	7:00am – 5:00pm	7:00am – 5:00pm
Public Holidays	7:00am – 5:00pm	7:00am – 5:00pm

- b) For a period of not more than 12 months from the determination of MOD/2020/0174, the hours of operation of the premises must not exceed the following

	Indoor Area	Outdoor Area
Monday to Saturday	7:00am – 11:00pm	7:00am – 10:00pm
Sundays	7:00am – 11:00pm	7:00am – 9:00pm
Public Holidays	7:00am – 11:00pm	7:00am – 10:00pm

- c) A continuation of the extended hours will require a further application under the *Environmental Planning and Assessment Act 1979*.

Set-up and clean-up operations must commence no earlier or later than 1 hour before opening and 1 hour after closing hours (as stipulated by this condition). All doors and windows must remain closed during set up and cleaning where possible.

Set up and clean up operations for outdoor areas must occur during the relevant operating hours.

Service is to cease 30 minutes before closing time/ ceasing of operating hours.

- Add condition under *On-Going* conditions:

Waste Disposal

8:00am to 9:00pm 7 days per week.

[Staff note to Panel: This condition is covered by existing condition 57 (“*Commercial waste and recyclable material generated by the premises must be collected between the hours 8am and 9pm only*”)]

- Add, as new condition 12(e), the following:

The Plan of Management be amended to include the requirement that the applicant monitor the parking impacts of the proposal on the local street networks during the 12-month trial. In addition, the applicant should investigate the (transport) modal split of the patrons during the 12-month trial period.

- Add, as new condition 65, the following:

Bicycle Parking

Within 3 months of the issue of the modified consent, that is by 08 February 2021, the applicant must consult with the relevant unit in Council to explore the possibility of installing bicycle parking infrastructure adjacent to the premises on Weston Street. Bicycle stands capable of safely securing 4 bicycles without impeding pedestrians on the footpath are to be installed.

The bicycle parking infrastructure must be installed at the cost of the applicant and in accordance with Council’s relevant guidelines.

The decision of the panel was unanimous.

IWLPP932/20 Agenda Item 3	DA/2020/0134
Address:	42-46 Hutchinson Street, St Peters
Description:	Demolition of existing warehouse building and construction of new mixed use development (dwellings and commercial tenancies) plus basement parking, landscaping and associated works.
Applicant:	Group Architects (formerly Brenchley Architects)

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

- Harish Ekambareshwar
- Christa Fieldsend
- Peter Slater
- Jennifer Killen
- Julian Brenchley

DECISION OF THE PANEL

- A. The applicant has made written requests pursuant to Clause 4.6 to vary Clauses 4.3 *Building height* and 4.4 *Floor Space Ratio* of the *Marrickville Local Environmental Plan 2011*. After considering the requests, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards are unnecessary in the circumstance of the case and that there are sufficient environmental planning grounds to support the variations. The proposed development will be in the public interest because the exceedances are not inconsistent with the objectives of the standards or 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*, hereby grants a deferred commencement consent to Development Application No. 2020/0134 for the demolition of existing warehouse building and construction of new mixed use development (dwellings and commercial/business tenancies) plus basement parking, landscaping and associated works at 42-46 Hutchinson Street, St Peters, subject to the conditions listed in Attachment A to the officer's report and the following changes:
- Add new condition 2(e) as follows:

The double hung windows facing on the west elevation overlooking 48 Hutchinson Street should have opaque glazing in the lower panes of each window.
 - Amend the layout and numbering for condition 50 after point i. as follows:
 - j. The vehicular access must be amended to provide clear sight lines (triangles) to pedestrians in Hutchinson Street in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004.
 - k. All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction.
 - l. The entry security door must be set back a minimum of 5500mm from the property boundary.

- m. A bicycle storage area must be provided to accommodate the numerical requirements of Marrickville DCP2011 and be designed in accordance with relevant provisions of AS 2890.3-2015. Bicycle parking spaces for residents and staff must be Security Class A or Security Class B bicycle parking facilities.
- n. Bicycle parking space(s) for visitors must be provided at Ground Floor level with Security Class C facilities.
- o. Bollards must be provided to protect parts of the building including to prevent vehicle encroachment into pedestrian ways, stairs, doorways, lifts and the like as per Section 2.4.5.5 of AS2890.1:2004.
- p. Parking spaces for persons with a disability must be relocated to be the parking spaces that are closest to the lift.

The decision of the panel was unanimous.

IWLPP933/20 Agenda Item 4	DA201900421
Address:	315-317 Illawarra Road, MARRICKVILLE
Description:	To demolish existing improvements and construct a mixed use building comprising retail and commercial tenancies with serviced apartments above and basement parking.
Applicant:	Benson McCormack Architects

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

- Ben Choy
- Samantha Roberts
- Paul Mortimer
- Heather Davie
- Glen McCormack
- Gerard Turrisi

DECISION OF THE PANEL

- A. The applicant has made a request under Clause 4.6 of MLEP 2011 to contravene the development standard for building height under Clause 4.3 of the LEP. The Clause 4.6 request does not demonstrate sufficient environmental planning grounds to justify contravening the building height development standard and the proposal is considered contrary to the objectives of the development standard.
- 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*, hereby refuses Development Application No. DA201900421 to demolish existing improvements and construct a 6 storey mixed use building comprising retail and commercial tenancies with serviced apartments above and basement parking at 315-317 Illawarra Road MARRICKVILLE NSW 2204 for the following reasons:
1. The development is inconsistent with the aims of Marrickville Local Environmental Plan 2011 as prescribed by Clause 1.2 in that the development provides for increased residential density without protecting the amenity of the adjoining residential development and the bulk and scale of the proposal does not promote a high standard of design.
 2. The development represents a significant variation from the height of buildings development standard prescribed by Clause 4.3 of Marrickville Local Environmental Plan 2011.
 3. The applicant's request under Clause 4.6 of MLEP 2011 does not demonstrate sufficient environmental planning grounds to justify contravening the building height development standard and the development is considered contrary to the objectives of the standard in its proposed form.
 4. The proposal does not exhibit design excellence as prescribed by Clause 6.19 of Draft Inner West Local Environmental Plan 2020.

5. The development results in unacceptable visual privacy impacts on adjoining residential development and does not demonstrate compliance with the objectives and controls contained in Part 2.6 of Marrickville Development Control Plan 2011
6. The proposal does not demonstrate compliance with the objectives and controls contained in Part 2.7 of Marrickville Development Control Plan 2011 in relation to overshadowing. The shadow diagrams submitted with the application are deficient and do not enable a complete and proper assessment of the shadow impacts caused by the development on adjoining residential development.
7. The development does not demonstrate compliance with the objectives and controls contained in Part 5 of Marrickville Development Control Plan 2011 in relation to the height and rear building envelope of the development.
8. The development is inconsistent with the desired future character objectives for the Marrickville Town Centre Commercial Planning Precinct.
9. The proposal will significantly impact on the amenity of the adjoining premises and given the substantiated issues raised in submissions, the proposal is not considered to be in the public interest.

The decision of the panel was unanimous.

IWLPP934/20 Agenda Item 5	DA/2020/0486
Address:	54 Ferris Street, ANNANDALE
Description:	Garage with Studio.
Applicant:	Mr Andrew Colangelo

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

- Andrew Colangelo

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 to vary Clause 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, the Panel is not satisfied that compliance with the standard is unnecessary in the circumstance of the case or that there are sufficient environmental planning 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*, hereby refuses Development Application No. DA/2020/0486 for demolition of a carport and construction of a garage with studio at 54 Ferris Street ANNANDALE NSW 2038 for the following reasons.
1. The proposal has not demonstrated compliance with 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*:
 - a. Clause 1.2 – Aims of Plan
 - b. Clause 2.3 – Zone objectives and Land Use Table (Zone R1 General Residential)
 - c. Clause 4.4 – Floor Space Ratio
 - d. Clause 4.6 - Exceptions to development standards
 - e. Clause 5.10 - Heritage Conservation
 - f. Clause 6.3 - Flood Planning
 2. The proposal is considered to result in adverse environmental impacts on the built environment pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
 3. The proposal is not considered suitable for the site in its current form pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
 4. The public submissions raised valid grounds of objection and 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*.
 5. 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*.
 6. The proposal has not demonstrated compliance with 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*:

- a. Part C – Section 1 – C1.0 General Provisions
 - b. Part C – Section 1 – C1.4 Heritage Conservation Areas and Heritage Items
 - c. Part C – Section 1 – C1.11 Parking
 - d. Part C – Section 1 – C1.18 Laneways
 - e. Part C – Section 2 – C.2.2.1.1: Young Street Distinctive Neighbourhood
 - f. Part C – Section 3 – C3.1 Residential General Provisions
 - g. Part C – Section 3 – C3.9 Solar Access
 - h. Part E – Section 1 – E1.3.1 Flood Risk Management
7. The proposed development is inconsistent and has not demonstrated compliance with the *Draft Inner West Local Environmental Plan 2020*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
- a. Clause 3.2 - Zoning Objectives and Land Use Table

The decision of the panel was unanimous.

IWLPP935/20 Agenda Item 6	DA/2020/0546
Address:	3 Emily Street, ROZELLE
Description:	Construction of a new 2 storey dwelling.
Applicant:	Guy Richards

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

- Guy Richards

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 of *Leichhardt Local Environmental Plan 2013* to vary the development standards contained in clauses 4.3A and 4.4. After considering the requests, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental planning grounds to support the variations. 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. 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*, hereby grants consent to Development Application No. DA/2020/0546 for construction of a new 2 storey dwelling at 3 Emily Street, Rozelle NSW 2039 subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

IWLPP936/20 Agenda Item 8	DA/2020/0136
Address:	62 Alfred Street, ANNANDALE
Description:	Construction of a two-storey structure at rear of site comprising lower level storage area for canoes and kayaks and an upper level studio.
Applicant:	Billie Harkness C/- Saturday Studio Pty Ltd

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

- *Nadia Colussi*
- *Nick Richter*

DECISION OF THE PANEL

- A. That the Inner West Planning Panel, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, refuse the Development Application No. DA/2020/0136 for construction of a two-storey structure at rear of site comprising lower level storage area for canoes and kayaks and an upper level studio at 62 Alfred Street, Annandale for the following reasons:
1. The proposed development is inconsistent and has not demonstrated compliance with the following relevant sections of the Leichhardt Local Environmental Plan 2013:
 - a) Clause 1.2 – Aims of the Plan
 - b) Clause 2.3 – Zone objectives and Land Use Table
 - c) Clause 4.3A(3)(b) - Site Coverage for residential accommodation in Zone R1
 - d) Clause 4.4 – Floor Space Ratio
 - e) Clause 5.10 – Heritage Conservation
 - f) Clause 6.3 – Flood Planning.
 2. The Clause 4.6 request to vary the development standard for the Site Coverage development standard prescribed in Clause 4.3A(3)(b) of the Leichhardt Local Environmental Plan 2013 does not demonstrate sufficient environmental planning grounds to vary the standard and the variation is not consistent with the objectives of the development standard or the zone in which the development is to be carried out.
 3. A Clause 4.6 request to contravene the development standard for Floor Space Ratio as prescribed in Clause 4.4 of the Leichhardt Local Environmental Plan 2013 is required but has not accompanied the application and, as such, there is a lack of jurisdiction to approve the application.
 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 C1.11 Parking
 - d) Clause C1.14 – Tree Management
 - e) Clause C1.18 – Laneways
 - f) Clause C.2.2.1.1- Young Distinctive Neighbourhood
 - g) Clause C3.1 - Residential General Provisions
 - h) Clause C3.2 - Site Layout and Building Design
 - i) Clause C3.3 - Elevation and Materials
 - j) Clause C3.9 - Solar Access
 - k) Clause C3.11 - Visual Privacy
 - l) Part E1.3.1 - Flood Risk Management
5. The design does not reflect Council's desired future character for the neighbourhood.
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.

IWLPP937/20 Agenda Item 9	REV/2020/0017
Address:	27 Barton Avenue, HABERFIELD
Description:	Section 8.2 review of DA/2020/0323 for the construction of a carport.
Applicant:	Mr James Salmon

- **This matter was removed from the agenda.**

IWLPP938/20 Agenda Item 10	REV/2020/0022
Address:	353 Marrickville Road, MARRICKVILLE
Description:	S8.2 Review of a development application to carry out alterations and additions to the existing dwelling and construct a first floor attached secondary dwelling.
Applicant:	Goodwin Scarfone Belgiorno-Nettis

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

- Henry Goodwin

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Marrickville Local Environmental Plan 2011* to vary Clause 4.4 Floor space ratio of the *Marrickville Local Environmental Plan 2011*. 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. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.2 of the *Environmental Planning and Assessment Act 1979*, grant consent to Review No. REV/2020/0022 to carry out alterations and additions to the existing dwelling and construct a first floor attached secondary dwelling at 353 Marrickville Road MARRICKVILLE NSW 2204 subject to the conditions listed in Attachment A to the Officer's report.

The decision of the panel was unanimous.

The Inner West Planning Panel Meeting finished at 3:57pm.

Closed Panel Meeting started at 4:23pm

Closed Panel Meeting finished at 5:36pm

CONFIRMED:



**Adjunct Professor David Lloyd QC,
Chairperson
8 December 2020**