

INNER WEST LOCAL PLANNING PANEL
MEETING

TUESDAY, 2 FEBRUARY 2021

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on Tuesday, 2 February 2021

Present: The Honourable Angus Talbot in the chair; Ms Kath Roach, Ms Lindsey Dey, Ms Annelise Tuor.

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.

IWLPP949/21 <i>Agenda Item 1</i>	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 Chairman and are duly noted.

IWLPP950/21 Agenda Item 2	DA/2020/0706
Address:	1-3 Charles Street, Petersham
Description:	Demolition of existing building and structures. Construction of a mixed use development comprising commercial tenancies, shop top housing, with parking, landscaping and other associated works.
Applicant:	Grow Build Pty Ltd

The following people addressed the Panel in the closed session in relation to this item: -

- Gerard Turrisi

DECISION OF THE PANEL

That the item be deferred for the following reasons:

1. The Panel is not satisfied that proposal in the current form satisfies the requirements of clause 4.6 of the *Marrickville LEP 2011*.
2. To enable the applicant to better address the interface between site and the residential zone to the south in Charles Street. In this regard, at a minimum the floor plan of Level 3 (units 303, 304, 305) shall be replicated on Level 2 (units 204 205 and 206 and Level 1(units 104, 105, 106). The setback of the ground floor shall line up with unit 204 to enable appropriate landscaped screening to be provided, within the setback of the Ground Floor adjacent to unit 104 and 9 Charles Street.

Amended plans and a revised Clause 4.6 request are to be submitted **within 3 weeks** from the Panel meeting date (ie. no later than Tuesday 23rd February 2021). The matter will then be determined electronically by the same panel members. If the information is not received by this date, the Panel will determine the matter based on the information before us today.

The decision of the panel was unanimous.

IWLPP952/21 Agenda Item 3	DA/2020/0420:
Address:	29 Tupper Street, Enmore
Description:	To construct a residential flat building with basement parking
Applicant:	Tuppmore Pty Ltd

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

- Christopher Fleming
- Ewa Wetzlich
- Ian Lim / Ian Cady

DECISION OF THE PANEL

The Panel notes that the design complies with the principal development standards for height and Floor Space Ratio, however a redistribution of built form is required to resolve outstanding impacts on neighbouring land.

Therefore

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 Application No. DA/2020/0420 for construction of a residential flat building with basement parking at 29 Tupper Street, Enmore for the following reasons:

1. The proposal fails to adequately achieve the relevant objectives of the R1 zone under the Marrickville LEP, particularly as it results in significant loss of amenity to neighbouring properties.
2. The application does not satisfactorily address the relevant provisions of the Apartment Design Guide in respect of:
 - a. Insufficient separation between buildings
 - b. Inadequate communal open space
3. The proposal fails to adequately demonstrate compliance with the aims and objectives of Vegetation SEPP and Council's Development Control Plan as it entails removal of significant trees from the site and potential adverse impacts on trees on adjoining property.
4. Non-compliance with Council's Development Control Plan in respect of:
 - a. Breach of street setback requirements
 - b. Insufficient setback from southern boundary
 - c. Significant tree removal from the site and potential adverse impact of trees on adjoining property
 - d. Provision of adequate motorcycle parking.
5. Satisfactory vehicle access to the site has not been demonstrated.

The decision of the panel was unanimous.

IWLPP953/21 Agenda Item 4	M/2020/0293
Address:	95 Grove Street, Birchgrove
Description:	Modification to approved alterations and additions including extending the rear ground floor addition
Applicant:	Mr Christopher M Qureshi

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

- Gerard Palmer
- Brett Janssen
- Mark Raymundo
- Christopher Qureshi
- Julian Furzer

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:

That the following condition be added as new part (l) to existing Condition (7):

The setback of the south western wall shall be increased to be a minimum of 900mm from the boundary.

The decision of the panel was unanimous.

IWLPP954/21 Agenda Item 5	MOD/2020/0156
Address:	24 Catherine Street, Leichhardt
Description:	Modifications to design appearance of three approved dwellings.
Applicant:	Traders In Purple 113 Pty Ltd

The following people addressed the Panel in the closed session in relation to this item: -

- Simon Georges

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report (except condition 3A, as noted below) and resolves that the application be approved as per the recommendation contained in that report, subject to the following changes:

1. That the following condition 2A be added:

2A Design Change

The first floor eastern elevation shall have a maximum glazed area of 40% of the total area of first floor eastern elevation wall. The form of the glazing is to be vertically portioned. The remaining area is to match the finished material of the ground floor eastern elevation wall.

2. That recommended condition 3A in the assessment report be deleted. The panel does not agree with the recommendation that it is necessary to provide further transition between the dwellings immediately adjoining to the north and south as this is already achieved by the proposal.

The decision of the panel was unanimous

IWLPP955/21 Agenda Item 6	DA/2020/0835
Address:	84 Taylor Street, Annandale
Description:	Alterations and additions to existing attached dwelling.
Applicant:	Mr Michael L Harris

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 4.6 to vary cl4.3A(3)(a) and 4.3A(b) and cl4.4 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 standards is unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the variation. The development will be in the public interest as the exceedances are not inconsistent with the objectives of the development standards or the zone within 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*, grants consent to Development Application No. DA/2020/0835 for Alterations and additions to existing attached dwelling at 84 Taylor Street ANNANDALE NSW 2038 subject to the conditions listed in Attachment A to the planner's report.

The decision of the panel was unanimous.

IWLPP956/21 Agenda Item 7	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

The following people briefed the Panel in the closed session in relation to this item

- *James Salmon*
- *Colin Filmer*

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 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*, refuses Application No. REV/2020/0017 for review of refused DA/2020/0323 for the construction of a carport at 27 Barton Avenue Haberfield for the following reasons.
1. The proposal does not demonstrate that it satisfies Clause 1.2(c) and (f) – *Aims of Plan* of the *Ashfield Local Environmental Plan 2013*.
 2. The proposal would detrimentally impact the character of the surrounding streetscape and Haberfield Heritage Conservation Area, is inconsistent with the original planned subdivision and garden setting of the Haberfield Heritage Conservation Area and therefore does not comply with Clause 5.10(4) of *Ashfield Local Environmental Plan 2013*.
 3. Vehicle access is available to the site and therefore the proposal does not comply with Chapter E2, Control 2.33(d) of the *Comprehensive Inner West Development Control Plan 2016*.
 4. The proposed carport does not comply with the minimum side setback required by Chapter F, Part 1, DS4.3 of the *Comprehensive Inner West Development Control Plan 2016*.
 5. The proposed carport is roofed and therefore does not comply with Chapter F, Part, DS6.4 of the *Comprehensive Inner West Development Control Plan 2016*.
 6. The proposal will have an adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development.
 7. In view of the substantiated objections to the proposal, the development is not considered to be in the Public Interest.

The decision of the panel was unanimous.

IWLPP957/21 Agenda Item 8	MOD/2020/0300
Address:	386 Parramatta Road, Petersham
Description:	Application under Section 4.55(2) of the <i>Environmental Planning and Assessment Act 1979</i> to modify Determination No. 200400670 involving an extension to existing trial period hours of operation.
Applicant:	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:

1. In Condition 16(ii) replace the words *“For a period of not more than twenty four (24) months”* to *“For a period of not more than thirty six (36) months”*
2. At the end of Condition 2, add the sentence, *“Notwithstanding the above, on nights when trading after midnight is permitted, live Music is to cease no later than 1am on any night during the trial period.”*
3. That an additional condition 16(iv) be added:

That the Plan of Management be updated to reflect the term of the trial period and the hours of operation above. A revised Plan of Management is to be updated and submitted to Council for approval within 30 days of the approved modification, that is, by 04th March 2021.

The decision of the panel was unanimous.

IWLPP958/21 Agenda Item 9	DA/2020/0912
Address:	17 Edward Street, Summer Hill
Description:	Alterations and additions to an existing dwelling.
Applicant:	Mr Patrick J Rooney

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:

1. That condition 2(b) be amended to read "*Windows W10 & W13 located on the first floor western elevation and relating bedrooms 3 and 4 are to be reduced in size to have a minimum sill height of 1.6m when measured from first floor finished floor level. The hoods are to be removed.*"

2. That the following condition 2.(c) be added:

The Landscape Plan shall be amended, taking into account Council's recommended planting schedule, to ensure that all species are appropriate for the size of the site and their location and will not cause damage to the approved or existing and neighbouring structures. In this regard, native plantings which reach less than 4m at maturity and non-invasive species are preferred.

The decision of the panel was unanimous.

IWLPP959/21 Agenda Item 10	MOD/2020/0359
Address:	118-132 Enmore Road, Newtown
Description:	Section 4.55 (1a) Modification to Modified Determination No.201600383, dated 29 October 2018 so as to alter the internal layout for seating arrangements to the theatre.
Applicant:	Century Venues Pty Ltd

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:

That additional conditions 27D, E and F be included:

27D FIRE SAFETY MEASURES HERITAGE CERTIFICATION

- The design and construction of any new required Fire Safety Measures is to be undertaken under the supervision of a suitably qualified heritage consultant, with a statement from the consultant certifying that the measures will not irrevocably damage or remove any significant heritage fabric to accompany the Construction Certificate.

27E EVACUATION MANAGEMENT PLAN

- An Evacuation Management Plan is to be drafted/ updated for the premises prior to the issue of a Construction Certificate. The Plan of Management is to be updated to reflect the new areas of the theatre and the new patron capacity and the Evacuation Plan is to be appended to the Plan of Management.

27F PLAN OF MANAGEMENT TO BE UPDATED

- The current Plan of Management is to be updated to reflect National Construction Codes standards, including, but to be limited to, the new areas of the theatre, new patron capacity and Fire Safety Measures with a copy furnished to the Council and the NSW Police Local Area Command prior to the issue of an Occupation Certificate.

The decision of the panel was unanimous.

IWLPP960/21 Agenda Item 11	DA/2020/0854
Address:	44 Bishopgate Street, Camperdown
Description:	Alterations and additions to a dwelling house.
Applicant:	MSB Designs Pty Ltd

DECISION OF THE PANEL

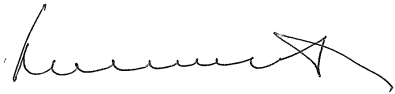
The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report

- A. The applicant has made a written request pursuant to Clause 4.6 to vary Clause 4.4 of *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 circumstances 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*, grants consent to Development Application No. DA/2020/0854 for alterations and additions to a dwelling house at 44 Bishopgate Street CAMPERDOWN NSW 2050 subject to the conditions listed in Attachment A to the planner's report.

The decision of the panel was unanimous.

**The Inner West Planning Public Panel Meeting finished at 2:51pm.
The Closed session commenced at 2:53pm.
The Closed session finished 5:45pm.**

CONFIRMED:

A handwritten signature in black ink, appearing to read 'Angus Talbot', with a stylized flourish at the end.

**The Honourable Angus Talbot
Chairperson
2 February 2021**