



# INNER WEST COUNCIL

## ELECTRONIC DETERMINATION – INNER WEST LOCAL PLANNING PANEL

<b>Site Address:</b>	1-3 Charles Street, St Peters
<b>Application No.</b>	DA/2020/0706
<b>Type of Determination</b>	Electronic
<b>Date of Determination</b>	12 March 2021
<b>Panel Members</b>	The Honourable Angus Talbot Kath Roach Annalise Tuor Lindsey Dey
<b>Declarations of Interest</b>	Nil

### BACKGROUND

A report on an application DA/2020/0706 dated 12 January 2021 to demolish existing building and structures. Construction of a mixed use development comprising commercial tenancies, shop top housing, with parking, landscaping and other associated works. was considered by the Inner West Local Planning Panel at its meeting on 2 February 2021.

The Panel resolved unanimously to defer the determination of the application, with the following being noted in the minutes of that meeting:

*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.*



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*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.*

## **PANEL CONSIDERATION AND DECISION**

At its meeting of 2 February 2021, the Panel considered the material listed at item 2. and the material presented at the meeting and the matters observed at the site inspection listed.

The Panel unanimously determined to defer its decision to an electronic determination to be made at a later date, pending further advice from Council.

Having regard to the amended plans and supporting information supplied by the applicant after the public meeting of the Panel on 2 February 2021, the original assessment report dated 12 January 2021 and supplementary assessment report dated 22 February 2021 (Supplementary Report) by Council and the subsequent electronic meeting of the Panel it is resolved:

- A. The applicant has made a written request pursuant to Clause 4.6 to vary 4.4 Floor Space Ratio of the *Marrickville Local Environmental Plan 2011*. After considering this request, 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 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, grant consent to Development Application No. DA/2020/0706 for demolition of existing building and structures and construction of a mixed use development comprising commercial tenancies, shop top housing, with parking, landscaping and other associated works at 1-3 Charles Street, Petersham, subject to the conditions in the Supplementary Report, amended as follows:
  - I. ~~The amended conditions provided in the Council's supplementary report to replace the originally recommended conditions~~



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II. The amended plan numbers to reflect the most recent plans submitted by the applicant

III. Design change condition 1Aa) to be amended to read

The planter boxers servicing the balconies of Units 103, 105, 203, 205, 302 and 304 are to incorporate suitable landscape screen planting that is to be maintained at a minimum height of 1.6 m from finished floor level, for the purposes of privacy. The plant species which is to be confirmed by a qualified Landscape Architect or Designer.

IV. Design change condition 1Ab) to be amended to read

the roof areas adjoining the west facing bedrooms of units 1.06, 2.06 and 3.05 are to be non trafficable.

**The decision of the panel was unanimous.**



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<b>Item No: 2</b>	
<b>Application No.</b>	DA/2021/0706
<b>Site Address:</b>	1-3 Charles Street, St Peters
<b>Proposal</b>	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.
<b>Applicant</b>	Grow Build Pty Ltd
<b>Reason for Referral to IHAP</b>	Development to which State Environmental Planning Policy No 65 applies and is 4 storeys in height / Clause 4.6 variation exceeds 10%
<b>Material considered by the Panel</b>	Supplementary Assessment Report
<b>Meeting &amp; Site Inspection by the Panel</b>	2 February 2021
<b>Recommendation</b>	Approval