

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via

teleconference on 24 May 2022

- Present: Adjunct Professor David Lloyd QC in the chair; Ms Jan Murrell; Ms Lisa Trueman and Mr Kenneth Hawke.
- Staff Present: Acting Development Assessment Manager Ruba Osman; Team Leader Development Assessment – Martin Amy and Administration Officers.

Meeting commenced: 2:02pm

** 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.

IWLPP1004/22 Agenda Item 1	DA/2021/0642
Address:	477 King Street, Newtown
Description:	Alterations and additions to existing building, including additional dwelling. Strata Subdivision of existing lot into three (3) Strata lots.
Applicant:	Brooks Projects Architects

• Peter Brooks

DECISION OF THE PANEL

The Panel is satisfied that the use of the existing building as a shop and residential flat building is a lawful 'existing use' within the meaning of s4.55 of the Environmental Planning and Assessment Act 1979.

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be **approved**.

- A. The applicant has made a written request pursuant to Clause 4.4 of the *Marrickville Local Environmental Plan 2011*. 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/2021/0642 for alterations and additions to existing building, including additional dwelling. Strata Subdivision of existing lot into three (3) Strata lots at 477 King Street, Newtown, subject to the conditions listed in Attachment B and the following:

Add condition 27A under the header Prior to Occupation Certificate, to read -

27A Transfer of Land

Evidence is to be provided to Council that the land to the rear of the site identified as SP2 – Local Road is to be transferred to Council free of cost.

Add condition 32A, under the header Prior to Subdivision Certificate, to read -

32A Strata Plan amendment

The Strata Plan is to be amended to exclude the area at the rear of the site marked as CP (Common Property), adjacent to Lot 18 of DP1262672.

IWLPP1005/22 Agenda Item 2	DA/2021/0998	
Address:	41 Mackenzie Street, Leichhardt	
Description:	Demolition of the existing carport roof at the rear of the site and the construction of a new symmetrical gable roof and enclosure of the carport	
Applicant:	Sago Design	

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved**.

- A. The applicant has made a written request pursuant to Clause 4.3A and 4.4 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/2021/0998 for Demolition of the existing carport roof at the rear of the site and the construction of a new symmetrical gable roof and enclosure of the carport at 41 Mackenzie Street Leichhardt, subject to the conditions listed in Attachment A.

IWLPP1006/22 Agenda Item 3	DA/2021/1073
Address:	11 Cambridge Street, Enmore
Description:	Change of use to a dwelling with home office.
Applicant:	Andrew Ireland

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved**.

- A. The applicant has made a written request pursuant to Clause 4.4 of the *Marrickville Local Environmental Plan 2011*. 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/2021/1073 for the change of use to a dwelling with home office at 11 Cambridge Street, Enmore subject to the conditions listed in Attachment A.

IWLPP1007/22 Agenda Item 4	DA/2021/1052	
Address:	78 Stanmore Road, Stanmore	
Description:	To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house including the construction of a new garage with terrace	
Applicant:	B and P Architects Pty Ltd	

DECISION OF THE PANEL

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

- A. The applicant has made a written request pursuant to Clause 4.4 of the *Marrickville Local Environmental Plan 2011*. 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/2021/1052 to demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house including the construction of a new garage with terrace at 78 Stanmore Road, Stanmore subject to the conditions listed in Attachment A.

IWLPP1008/22 Agenda Item 5	MOD/2021/0441
Address:	745 Darling Street, Rozelle
Description:	Section 4.55(2) Modification of Development Consent D/2017/303 which approved three storey mixed use building, comprising commercial use to Darling Street and a nine (9) room boarding house and associated vehicle, motorcycle and bicycle parking, seeking various changes, including amendments to access, boarding room layouts, bin storage, communal area and parking.
Applicant:	Michael Fox Architects

- Arany Nerminathan
- Catherine Sawyer
- Michael Fox

DECISION OF THE PANEL

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be **refused**.

- A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to S4.55(2) of the *Environmental Planning and Assessment Act 1979,* **refuses consent** to MOD/2021/0441 to modify approval for the construction of a three storey mixed use building, comprising commercial use to Darling Street and a nine (9) room boarding house and associated vehicle, motorcycle and bicycle parking, seeking various changes, including amendments to access, boarding room layouts, bin storage, communal area and parking at 745 Darling Street, Rozelle for the reasons listed below:
 - 1. The proposed relocation of the communal area to the ground floor results in a room of little utility and poor amenity, being only 2 metres wide and located at the end of a stairwell.
 - 2. The proposed relocation of the private open space to the corner of Darling Street results in a space having poor amenity being exposed to heavy traffic noise and pollution from Darling Street.
 - 3. The communal area should be retained in the approved location and adjacent to the private open space as approved.

Note. The Panel notes the suggested changes by the Applicant, and these can form part of a further application.

IWLPP1009/22	DA/2021/0791	
Agenda Item 6		
Address:	117 Addison Road, Marrickville	
Description:	Alterations and additions to the existing building to use the upper	
	levels for a boarding house, with associated access and parking	
Applicant:	Foorohoneone Pty Limited	

- Lachlan Shelley
- Jeff Mead

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved**.

- A. The applicant has made a written request pursuant to Clause 4.4 of the *Marrickville Local Environmental Plan 2011*. 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/2021/0791 for alterations and additions to the existing building, use of upper levels for a boarding house, with associated access and parking at 117 Addison Road, Marrickville subject to the conditions listed in Attachment A and the following:

Add condition 2A, under the header Design Change, to read -

2A. Design Change – Amended Architectural Plans

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with the following:

a. Amended plans that indicate the perimeter wall to the common outdoor areas at Level 1 and Level 2 (excluding the proposed 1.8m wall as recommended in the Acoustic Report) is to be raised to 1.5m in height when measured from the finished floor level of the outdoor area.

Add condition 45A, under the header Prior to Occupation Certificate, to read -

45A. Plan of Management – Amendment

The Plan of Management is to be amended prior to issuing an Occupation Certificate with the following -

a. Section 4 is to include -

The contact details of the **manager**, owner or the owner's representative will be displayed at the front of the building, **including but not limited to a contact telephone number**.

b. Section 8 is to include -

The regular contact and discussions identified in this Section is to occur every four (4) months for the first 12 months of residents occupying the rooms and every 12 months thereafter. Records are to be taken of the contact and discussions and be made available to Council Officers, NSW Police or neighbours for inspection on request.

c. The Plan of Management is to be updated to reflect any relevant operational conditions of consent

Add condition 45B, under the header Prior to Occupation Certificate, to read -

45B. Signage Removal

Prior to the issuing of any Occupation Certificate, advertising signage located on the eastern elevation of the building must be removed.

Add condition 45C, under the header Prior to Occupation Certificate, to read -

45C. Air Conditioning Unit Removal

Prior to the issuing of any Occupation Certificate, any air conditioning units currently located above the awning are to be removed.

Amend condition 51, to read -

51. Boarding House

The use of the premises as a boarding house must comply at all times with the following:

- a. The use must comply at all times with the Plan of Management referred to in the condition above and as amended by the conditions in this Determination;
- b. A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c. A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d. The Plan of Management must not to be amended without the prior consent of Council and must be made available to Council officers and the Police upon request;
- e. All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;

- f. The premises must be used exclusively as a boarding house containing a maximum total of 25 lodger's rooms and 1 on-site manager's room with not more than 2 adult lodgers and 1 adult on-site manager residing in the premises at any one time;
- g. Not more than 2 lodgers must occupy each boarding room;
- h. The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
- i. All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
- j. Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times.
- k. The common outdoor areas at Level 1 and Level 2 are only to be used between the hours of -

Monday to Thursday, Sunday and Public Holidays	7:00am and 9:00pm
Friday and Saturday	7:00am and 10:00pm

IWLPP1010/22 Agenda Item 7	REV/2021/0019
Address:	621 Parramatta Road, Leichhardt
Description:	S8.2 Review of Determination of DA/2021/0194 which was refused for change of use for the extension of an existing gymnasium on the ground floor of the building, and extension to operating hours
Applicant:	ES Design

- Professor Ramon Shaban
- Sarah Heuvel
- Meredith Cranmer
- Simone Alice
- Wayne Thong
- Natali Dundovic

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved**.

A The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.4 of the *Environmental Planning and Assessment Act 1979,* change the determination and grants consent to Development Application No. REV/2021/0019 for a Section 8.2 Review of Determination of DA/2021/0194 which was refused for change of use for the extension of an existing gymnasium on the ground floor of the building, and extension to operating hours at 621 Parramatta Road, Leichhardt subject to the recommended conditions of consent included in Attachment A and the following:

Amend condition 13, to read -

13. Premises – Plan of management

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an amended Plan of Management for the operation of the Indoor recreational facility that addresses the following:

- a. Compliance with the relevant conditions of approval;
- b. Hours of operations (as approved) and number of staff;
- c. Effectively minimise and manage anti-social behaviour, including loitering;
- d. Minimise noise emissions and associated nuisances;
- e. Effectively manage and respond to resident complaints;
- f. Part 3.18 (Noise) shall be corrected to ensure that the roller door and any windows fronting Easter Street are kept shut from 8pm-8am, 7 days a week.
- g. Correction of parking spaces (6) and the parking arrangements for 3 staff parking spaces and 3 customer parking, including measures and procedures to inform patrons of the parking arrangement and the public and active transport options available; and
- h. The Green Travel Plan required to be issued as part of the Occupation Certificate.

i. Section 3.23 - Complaints Handling of the Plan of Management is to be amended to read -

The owners and managers will deal with complaints on a case-by-case scenario. Should the matter require further attention, the appropriate authorities will be contacted.

A Complaints register is to be maintained recording details of any incident that occurs on the site. The Complaints register is to be made available to Council officers or NSW Police for inspection upon request.

- j. Section 3.18 Noise, of the Plan of Management is to be amended to state that the roller shutter is to be kept closed at all times.
- k. The Plan of Management is to be updated to reflect any relevant operational conditions of consent

Amend condition 23, to read -

23. Hours of Operation

a. The hours of operation of the premises must not exceed the following:

Day	Hours	
Monday to Friday	6:00am to 9:00pm	
Saturday, Sunday and Public Holidays	8:00am to 8:00pm	

b. For a period of not more than 12 months from the issue of the Final Occupation Certificate for the indoor recreational facility approved in this consent, the hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Friday	5:00am to 10:00pm
Saturday, Sunday and Public Holidays	6:00am to 10:00pm

c. A continuation of the extended hours will require a further application under the *Environmental Planning and Assessment Act 1979*. This application should be made prior to the expiry of the hours indicated in 'b' above.

Delete of condition 6, that read -

6. Trial Operative Period

The consent be limited to a 12-month trial period. The applicant must then submit a modified application requesting deletion of the trial period condition under the *Environmental Planning and Assessment Act 1979*.

IWLPP1011/22	DA/2021/1348
Agenda Item 8	
Address:	2 Gladstone Street, Newtown
Description:	Fitout and use of the ground floor tenancies as an indoor recreation facility (gym) operating 5.00am to 9.00pm Mondays to Saturdays and 7.00am to 5.00pm Sundays and provide two accessible bathrooms to the first floor creative commercial tenancies.
Applicant:	AVM Project Management Pty Ltd

- Merilyn Fairskye
- Mija Zigane
- Kate Bartlett
- William Wang
- Rino Criola
- Scott Tran

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved**.

A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979,* **grants consent** to Development Application No. DA/2021/1348 for fitout and use of the ground floor tenancies as an indoor recreation facility (gym) and provide two accessible bathrooms to the first floor creative commercial tenancies at 2 Gladstone Street, Newtown subject to the conditions listed in Attachment A and the following:

Add condition 12A, under the header Prior to Occupation Certificate, to read -

12A. Plan of Management – Amendment

The Plan of Management is to be amended prior to issuing an Occupation Certificate with the following -

a. Section 3.8 - Complaint recording and handling process, is to include -

The contact details of the manager, staff will be displayed at the front of the building, including but not limited to a contact telephone number.

A Complaints register is to be maintained recording details of any incident that occurs on the site. The Complaints register is to be made available to Council officers or NSW Police for inspection upon request.

a. The Plan of Management is to be updated to reflect any relevant operational conditions of consent

Add condition 16A, under the header On-Going, to read -

16A. Acoustic Testing

During the first sixty (60) days of operations being provided at the premises, the following acoustic measures must be undertaken:

- a. A suitably qualified acoustic consultant must be appointed to:
 - i. measure and verify the noise emanating from the premises; and
 - ii. if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.
- b. The noise measurements must be:
 - iii. undertaken without the knowledge of the applicant, manager or operator of the premises;
 - iv. taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday), and
 - v. Submitted to the Certifying Authority within four (4) weeks of testing.
- c. If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:
 - vi. submitted to Certifying Authority with the noise measurements;
 - vii. implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of operations provided on the premises; and
 - viii. If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of the use on the premises must cease until such time as the recommendations are implemented and verified.

Amend condition 17, to read -

17. Hours of Operation

a. The hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Friday	6:00am to 9:00pm
Saturday, Sunday and Public Holidays	8:00am to 5:00pm

b. For a period of not more than 12 months from the issue of the Final Occupation Certificate for the indoor recreational facility approved in this consent, the hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Friday	5:00am to 10:00pm
Saturday, Sunday and Public Holidays	6:00am to 10:00pm

c. A continuation of the extended hours will require a further application under the *Environmental Planning and Assessment Act 1979*. This application should be made prior to the expiry of the hours indicated in 'b' above.

IWLPP1012/22	DA/2021/0794
Agenda Item 9	
Address:	108-112 Smith Street, Summer Hill
Description:	Demolition of existing structures on the site, retention of the main Smith Street façade and construction of 8 dwellings as shop top housing, with 2 commercial suites and associated parking and storage on the ground floor.
Applicant:	PB Developments NSW PTY

- Luis Rodriguez
- Anthony Markakis
- Wendy Walker
- David Trinder
- Warren Trinder
- Vanessa Palfreeman

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved**.

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/2021/0794 for demolition of existing structures on the site, retention of the main Smith Street façade and construction of 8 dwellings as shop top housing, with 2 commercial suites and associated parking and storage on the ground floor at 108-112 Smith Street, Summer Hill subject to the conditions listed in Attachment A and the following:

Amend condition 6, to read -

6. Design Change - Heritage

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with the following:

- a. A revised colour scheme for the main façade, based on an investigation of the sequence of historic façade colours and that missing elements are to be reinstated to complete the parapet. The colour scheme and palette of materials is to conform to the Medium Solar absorptance range under BASIX. Dark greys and black are not to be employed.
- b. The windows to each side of the commercial uses fronting Smith Street are to have a minimum 600mm masonry sill.
- c. An amended plan that provides safety traffic measures for vehicles entering and exiting the basement carpark. These measures could include, but not be limited to, mirrors and/or light system.

Amend condition 22, to read -

22. Construction Traffic Management Plan – Detailed

Prior to any demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

- a. Description of the demolition, excavation and construction works;
- b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g. Proposed hours of construction related activities and vehicular movements to and from the site;
- h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i. Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j. Measures to maintain public safety and convenience;
- k. Any proposed road and/or footpath closures;
- I. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and

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- s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.
- u. Reasonable access is to be maintained for all users of the Right of Way

Add condition 56A under the header Prior to Occupation Certificate, to read -

56A. Signage Removal

Prior to the issuing of any Occupation Certificate, signage located at the entrance to the Right of Way on Nowranie Street which relates to the existing business operating at the site, is to be removed.

The Inner West Planning Panel Public Meeting finished at 4:13pm.

The Inner West Planning Panel Closed Meeting commenced at 4:20pm.

The Inner West Planning Panel Closed Meeting finished at 5:01pm.

CONFIRMED:

D. A. Ewyd.

Adjunct Professor David Lloyd QC Chairperson 24 May 2022