



INNER WEST LOCAL PLANNING PANEL
MEETING

11 October 2022

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 11 October 2022

Present: Adjunct Professor David Lloyd KC in the chair; Ms Jan Murrell; Ms Lindsey Dey; Ms Lea Richards

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

Meeting commenced: 2:01pm

**** 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.

IWLPP1047/22 Agenda Item 1	Standing Item – Report in Accordance with Ministerial Direction: Pending Local Planning Panel Matters
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Matters pending were presented to the Panel Chairman and noted.

IWLPP1048/22 Agenda Item 2	DA/2022/0616
Address:	2/43 Ross Street, Camperdown
Description:	To demolish part of the premises and carry out ground floor alterations and additions to a multi dwelling housing development to increase the size of a bedroom at Unit 2
Applicant:	Mr Ross Styles

No person addressed the Panel in the meeting on this item.

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 of 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 Floor Space Ratio development 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, grant consent to Development Application No. DA/2022/0616 to demolish part of the premises and carry out ground floor alterations and additions to a multi dwelling housing development to increase the size of a bedroom at Unit 2 at 2/43 Ross Street, Camperdown

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

Reasons for Decision:

1. The Development is permissible in the R2 zone and generally satisfies the requirements of the applicable planning controls.
2. The proposal is compatible with the character of the local area.
3. The proposal has no external impact.
4. For the reasons given above the proposal is in the public interest

The decision of the panel was unanimous

IWLPP1049/22 Agenda Item 3	DA/2021/1081
Address:	1 Short Street, Leichhardt
Description:	Proposed change of use and associated alterations and restoration works to former Hotel building to accommodate a Boarding House comprising 17 rooms and Cafe with operating hours of 6:00am and 10:00pm daily
Applicant:	Blairgrove Pty Ltd

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

- *Melissa Roser*
- *Michael Baker*

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to 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 Landscaped Area, Site Coverage and Floor Space Ratio development standards under Clauses 4.3A(3)(a), 4.3A(3)(b) and 4.4 of the Leichhardt Local Environmental Plan 2013 are unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations under Clause 4.6 of the Leichhardt Local Environmental Plan 2013. 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*, grant consent to Development Application No. DA/2021/1081 for the proposed change of use and associated alterations and restoration works to former Hotel building to accommodate a Boarding House comprising 17 rooms and Cafe at 1 Short Street, Leichhardt.

The Panel Supports the findings contained in the Assessment Report and resolves that the application be **approved** in accordance with the recommendations contained in that report and endorses the reasons contained in that report subject to the following changes.

1. That condition 22 be amended as follows:
 - That the following conditions be added:
 - d. The Plan of Management must reference the requirement for a complaints register to be held on the premises and to be available to Council upon request
 - e. The Plan of Management shall be subject to review every 2 years
 - f. The Plan of Management is to be amended such that there is no smoking on the site at any time,
 - g. The Plan of Management to be amended to be consistent with the conditions of consent
 - h. The House rules shall be consistent with the terms of the conditions of consent and Plan of Management as amended

2. That the following conditions be added;

- 22A. Complaints
 - (i) The person responsible for the day to day management of operations at the site shall ensure that the following are available to all residents of dwellings within 100 metres of the site:
 - (a) a telephone number on which complaints about the use of the site may be registered;
 - (b) a postal address to which written complaints may be sent; and
 - (c) an email address to which electronic complaints may be transmitted.
 - (ii) The person responsible for the day to day management of operations at the site shall record details of all complaints received through the means identified in part (i) above in a complaints register. The complaints register shall record at least the following information:
 - (a) the date and time of the complaint;
 - (b) the means by which the complaint was made;
 - (c) any personal details of the complainant if provided and if none are provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) any action(s) taken to remedy the matter the subject of the complaint including any follow-up contact with the complainant;
 - (f) if no action was taken in relation to the complaint, a note to that effect and the reasons why no action was taken;
 - (g) the same register shall also record all incidents involving emergency repair to equipment on the site including the date and time of such incident and a description of the nature of the emergency.

The complaints register shall be made available to Council upon request.

- 22B. The cafe is to be renamed so it is not discriminatory or offensive to any groups in the community
- 46A. Landscaping
The landscaping provided on the site shall be maintained for the life of the development

Reasons for Decision:

1. The development is permissible in the LR 1 zone and generally satisfies the requirement of the applicable planning controls other than the provision for car parking.
2. The development will be compatible with the existing development and character of the area.
3. The development involves the restoration of the former Leichhardt hotel, a heritage item, and is an appropriate adaptive reuse.

4. Although the proposal results in a shortfall in parking spaces, the panel accepts the assessment of the amended traffic report prepared by Road Delay Solutions Pty Ltd, namely that the proposal is in an accessible location close to public transport and the traffic impacts are therefore acceptable, and the panel notes that motorcycle and bicycle parking is required as conditions of consent.
5. There are no external additions to the building resulting in visual and acoustic privacy impacts to adjoining residents.
6. For the reasons given above the application is in the public interest.

The decision of the panel was unanimous

IWLPP1050/22 Agenda Item 4	DA/2022/0360
Address:	46 Cameron Street, Birchgrove
Description:	Proposed alterations and additions to existing residential dwelling
Applicant:	Raymond Panetta Architects

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

- *Raymond Panetta*

DECISION OF THE PANEL

A. The applicant has made a written request pursuant to Clause 4.6 Exceptions to Development Standards 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 Floor Space Ratio, Landscape Area and Site Coverage development standards 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 exceedance is not inconsistent with the objectives of the standards 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, grant consent to Development Application No. DA/2022/0360 for the proposed alterations and additions to existing residential dwelling at No. 46 Cameron Street, Birchgrove subject to the conditions listed in the officer's report.

The Panel Supports the findings contained in the assessment report and endorses the reasons for the **approval** outlined in the report.

Reasons for Decision:

1. The Development is permissible in the LR1 general residential zone.
2. The proposal is compatible with the character of the local area and is suitable subject to the imposition of the recommended conditions.
3. The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013, Inner West Local Environmental Plan 2022 and Leichhardt Development Control Plan 2013.
4. The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape. The proposed development is not considered contrary to public interest.
5. Overall, the application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous

IWLPP1051/22 Agenda Item 5	DA/2022/0382
Address:	8 Carlisle Street, Leichhardt
Description:	Alterations and additions to existing dwelling and pool installation
Applicant:	Mr Amer Younis

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

- Michael Christofides

DECISION OF THE PANEL

A. The applicant has made a written request pursuant to Clause 4.6 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 Floor Space Ratio development 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, grant consent to Development Application No. DA/2022/0382 for alterations and additions to existing dwelling and new pool at 8 Carlisle Street, Leichhardt subject to the conditions listed in officer's report.

The Panel Supports the findings contained in the assessment report and endorses the reasons for the **approval** outlined in the report.

Reasons for Decision:

1. The development is permissible in the LR1 general residential zone
2. The proposal is compatible with the character of the local area and is suitable subject to the imposition of the recommended conditions
3. The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013, Inner West Local Environmental Plan 2022 and Leichhardt Development Control Plan 2013.
4. The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape. The proposed development is not considered contrary to public interest.
5. Overall, the application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous

IWLPP1052/22 Agenda Item 6	DA/2022/0106
Address:	79 Rowntree Street, Birchgrove
Description:	Demolition of existing dwelling and construction of a new dwelling
Applicant:	Mr Ara Margossian

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

- Jennifer Hammond
- David and Sophia De Coster
- Derek Mortimer
- John Dixon

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to 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 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/2022/0106 for demolition of existing dwelling and construction of a new dwelling at 79 Rowntree Street, Birchgrove subject to the conditions listed in officer report.

The Panel Supports the findings contained in the Assessment Report and resolves that the application be **approved** in accordance with the recommendations contained in the report subject to the following changes:

1. That Condition 2b to be amended to read:
 - 2b. The north eastern wall of the building is to be setback 600mm from the common side boundary where it adjoins the weatherboard portion of the dwelling at 81 Rowntree Street, Birchgrove. The internal width of the car space shall be maintained at 3 meters with the rest of the dwelling altered internally to accommodate this change.
2. That the following conditions be added:
 - 2d. The upper level master bedroom balustrade is to be the limited to the width of the double door only and to be non trafficable
 - 2A. That the dwelling is to be used as a single occupancy.

Reasons for Decision:

1. The development is permissible in the LR1 zone and generally satisfies the requirements of the applicable planning controls.
2. The development will be compatible with the character of the local area.
3. For the reasons given above, the approval of the application is in the public interest.

The decision of the panel was unanimous

IWLPP1053/22 Agenda Item 7	DA/2022/0242
Address:	4 Don Street, Newtown
Description:	To demolish part of the premises and carry out ground, first and second floor alterations and additions to a dwelling house
Applicant:	Mr Jack W Elliott

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

- Darlene van der Breggen
- Caitlin and Jack Elliot
- Paul Rappoport

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, refuse Development Application No. DA/2022/0242 "To demolish part of the premises and carry out ground, first and second floor alterations and additions to a dwelling house at 4 Don Street, Newtown for the reasons outlined in the assessment report

The Panel supports the findings contained in the Assessment Report and resolves that the application be **refused** as per the recommendations contained in that report, with the following changes:

1. That the order of Reason for refusal 1 is swapped with Reason 2
2. The new reason 1 is to be amended to read as follows:
 1. The submitted 4.6 variation does not provide sufficient environmental planning grounds to justify the variation and is not considered in the public interest, being inconsistent with the objectives 1(a), 1(b), and 1(c) of clause 4.3 and the zone objectives within the MLEP 2011.

The decision of the panel was unanimous

IWLPP1054/22 Agenda Item 8	DA/2022/0057
Address:	18-26 Faversham Street, Marrickville
Description:	Demolition of the existing building and construction of a development containing a light industrial uses, food and drinks premises and specialist retail premise with parking, landscaping and associated works.
Applicant:	Toga Pty Ltd

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

- Kate Bartlett
- Michael Sherman
- Minas Kassiou Council Engineer

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to clause 4.6 of the *Marrickville Local Environmental Plan 2011* seeking to vary the height of building development standard. 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. That 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*, grant consent to Development Application No. DA/2022/0057 for demolition of the existing building and construction of a development containing a light industrial uses, food and drinks premises and specialist retail premises with parking, landscaping and associated works. at 18-26 Faversham Street, Marrickville subject to the conditions listed.

The panel supports the findings contained in the Assessment Report and endorses the reason for **approval** outlined in the report subject to the following changes:

1. That condition 16b relating to canopy cover be deleted.
2. That condition 48 be amended to allow construction work until 6pm on Saturday as follows;

48. Construction Hours – Class 2- 9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 6:00pm on Saturdays with no demolition works occurring during this time; and

c. at no time on Sundays or public holidays.

3. That condition 76 be amended to delete the reference to 12 months and 'up to 3 occurrences' and substitute this 'for the life of the development' as follows;

76. Green Roofs, Walls and Facades Establishment

The plantings within the Green Roofs, Walls and Facades as part of this consent are to be maintained in a healthy and vigorous condition for the life of the development. If any of the plantings are found faulty, damaged, dying or dead within they must be replaced with the same species within one (1) month.

4. That the following condition be added:

40A. The basement is to have the ability to connect EV chargers and as such the appropriate electrical phasing and infrastructure is to be provided. Details to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Reasons for decision:

1. The development is permissible in the B5 zone and generally satisfies the applicable planning controls.
2. The development will be compatible with the emerging and planned future of the area.
3. For the reason given above, the proposal is in the public interest.

The decision of the panel was unanimous

The Inner West Planning Panel Meeting finished at 4.09pm.

CONFIRMED:

A handwritten signature in blue ink, appearing to read 'D. A. Lloyd', is positioned below the 'CONFIRMED:' heading.

**Adjunct Professor David Lloyd KC
Chairperson
11 October 2022**