



INNER WEST LOCAL PLANNING PANEL
MEETING

8 November 2022

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 8 November 2022

Present: Ms Heather Warton in the chair; Mr David Johnson; Mr John McInerney; Ms Silvia Correia

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

Meeting commenced: 2.03 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.

IWLPP1055/22 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.

IWLPP1056/22 Agenda Item 2	Memorandum: Amendment to Delegations to Council officers from the Inner West Planning Panel
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The Panel supports the findings contained in the Memorandum with the amendment to the Delegation dated 12 February 2019 from the Panel to Council Officers to be amended to read as follows:

4. Site Coverage in the former Leichhardt Local Government Area

Variations to the development standard for site coverage set out in the Leichhardt Local Environmental Plan 2013 / Inner West Local Environmental Plan 2022 limited to Development Applications only for the following low density residential development types:

- a) dwelling houses
- b) semi detached dwellings
- c) attached dwelling

The decision of the Panel was unanimous

IWLPP1057/22 Agenda Item 3	MOD/2022/0274
Address:	469R Princes Highway, Sydenham
Description:	Application under Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979, to modify Determination No. DA/2021/0899, dated 10 May 2022, to amend condition 11 relating to the time limit imposed on the consent from 5 to 15 years
Applicant:	oOh!media Assets Pty Ltd

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

- Graham McKee (on behalf of the Applicant)

DECISION OF THE PANEL

- A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979, approves MOD/2022/0274 and grants a modification of consent to DA/2021/0899 at 469R Princes Highway, Sydenham, to amend Condition 11 relating to the time limit imposed on the consent, to change the period from 5 to 15 years.

Reason for Decision:

The majority of the Panel generally supports the findings contained in the Assessment Report and endorses the reasons for the **approval** contained in that Report, noting that imposing a lesser time period than 15 years is contrary to clause 3.12 (2) of SEPP (Industry and Employment) 2021.

Dissenting view

Two members of the Panel voted for refusal based on the existing extent of visual pollution and the lack of a Council strategy to improve the visual quality of the Highway. It is understood that the previous Panel when deciding on the original development application for the sign acted in error in imposing a lesser time period for the life of the consent, as a means to reduce the impact of the sign, whereas refusal of the application would have been the more appropriate decision at that time.

Further recommendation to the Council from all Panel Members:

The Panel requests Council's Strategic Planning Team to investigate and explore the preparation of a comprehensive signage strategy for the Princes Highway. This would allow consideration of any future signs for consent for a lesser period than 15 years, if appropriate.

Initial vote 2/2

The vote being tied, the Chair used her casting vote to **approve** the application.

IWLPP1058/22 Agenda Item 4	DA/2021/1341
Address:	8A Victoria Street, Lewisham
Description:	Alterations and additions, including demolition to the existing mixed use building, to provide for café on the ground floor with a two storey dwelling above.
Applicant:	Mr John A Laureti

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

- Isabella Leva Laureti (the co-owner)

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to clause 4.4 Floor space ratio 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 Floor space ratio development 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. 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/2021/1341 for alterations and additions, including demolition to the existing mixed use building, to provide for café on the ground floor with a two storey dwelling above at 8A Victoria Street Lewisham, subject to the conditions listed in Attachment A of the officer's report, with the following amendments:
1. Delete condition 2
 2. Insert a new Condition 28A Site works as follows:
 - A. The cleaning of masonry/render and removal of graffiti should be carried out in a careful manner by a qualified professional with experience in similar methods and materials to ensure the works do not result in damage to masonry/render fabric or accelerate deterioration. Recommended Hold Point – A trial of the proposed cleaning/graffiti removal method should be carried on a small inconspicuous area for approval (approx. 1m²). The trial should establish the proposed method/pressure does not result in damage to masonry/mortar/render fabric. The approved test panel is to act as a benchmark for the remainder of the project.
 - B. If required, repointing mortar repairs should closely match the colour, texture, profile and composition of the adjacent existing mortar.
 - C. If required, replacement bricks to infill the existing gaps above the proposed footpath awning (east elevation) should closely match the appearance of existing adjacent brickwork.

- D. Existing services on the building's southern elevation should be rationalised, with redundant services removed and impacted fabric repaired. Replacement down pipes should be of metal construction.
 - E. To improve the reversibility of the proposed signage installation, it should be fixed into mortar joints only and not directly into brickwork (where this provides sufficient strength). To minimise future corrosion and damage to building fabric, new fixings should be of marine grade stainless steel construction.”
3. Insert a new Condition 39: “Patron numbers are to be limited to a maximum of 19 patrons at any one time”.
 4. Insert a new Condition 26A: “Anti-graffiti paint treatment to be applied to the ground floor exterior fronting the street.”
 5. Condition 29 in relation to tree planting is to be deleted.

Reasons for Decision:

The Panel generally supports the findings contained in the Assessment Report and the reasons for approval in that Report. However, the Panel did not consider that the pop-up roof should be deleted (draft Condition 2) as it will not be visually obtrusive and will provide improved amenity to the dwelling. An additional Condition 28A has been imposed to reflect the recommendations of the Heritage Impact Statement, and a new Condition 39 has been imposed to ensure consistency with the patron numbers assessed in the Applicant's the acoustic report. An additional Condition 26A seeks to ensure graffiti will be able to be effectively removed from this prominent location. Condition 29 is deleted due to the limited space available for tree planting.

The decision of the Panel was unanimous

IWLPP1059/22 Agenda Item 5	DA/2021/1164
Address:	1 National Street, Rozelle
Description:	Use of roof top terrace for cafe seating, ancillary to the existing first floor food and drink premises
Applicant:	Local Approvals

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

- *Emile Amine (objector)*
- *Lenox Tweneboa (planner on behalf of the Applicant)*

DECISION OF THE PANEL

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** Development Application No. DA/2021/1164 for the use of the roof top terrace for cafe seating, ancillary to the approved first floor food and drink premises at 1 National Street, Rozelle, for the following reasons:

Reasons for Refusal:

1. The proposed acoustic and privacy screens would result in detrimental visual and streetscape impacts.
2. The site is not suitable for the proposed development having regard to the impact arising from works that would be required to address potential privacy and acoustic impacts to surrounding properties.
3. The proposal has not demonstrated that any impacts to views from surrounding properties would be acceptable.
4. The proposed architectural drawings are uncertain in relation to the materials, height and design of the proposed balustrade.
5. No provision is made for equitable access to the rooftop.
6. No provision is made for shading structures which would contribute to additional visual impacts.
7. There will be overbearing impacts from the 1.8m privacy screen proposed on the southern boundary on the properties to the south.
8. The proposed materials for the acoustic screen are not consistent with the requirements of the Applicant's acoustic report.
9. The Panel is not satisfied that under clause 6.10(3)(b)(i) of Leichhardt LEP 2013 (LLEP 2013) that the proposal will not adversely affect the amenity of the surrounding area, hence development consent must not be granted; and the proposal is contrary to the intent of clause 6.10(3)(b)(v) of LLEP 2013.
10. The proposal is contrary to the objectives of the R1 General Residential zone under LLEP 2013 as it does not protect and enhance the amenity of existing and future residents.
11. The proposed acoustic and privacy screens would detrimentally impact on the character of the Valley Heritage Conservation Area, contrary to clause 5.10 Heritage Conservation of LLEP 2013.
12. The proposal is contrary to the objectives and requirements of Leichhardt DCP 2013 clause C4.5 9 Interface amenity as it would result in acoustic, privacy, and visual impacts to surrounding properties.

The decision of the Panel was unanimous.

IWLPP1060/22 Agenda Item 6	DA/2022/0121
Address:	99A Louisa Road, Birchgrove
Description:	Demolition of the existing dwelling, boundary realignment and construction of a new semi-detached dwelling house
Applicant:	Benson McCormack Pty Ltd

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

- Robert Duffin (objector)
- David Benson (architect for the Applicant)

DECISION OF THE PANEL

- A. The applicant has made written requests pursuant to clause 4.6 of the *Leichhardt Local Environmental Plan 2013*. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Floor Space Ratio, Landscaped Area, Site Cover and Lot Size development standards is unnecessary in the circumstances 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 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/2022/0121 for demolition of the existing dwelling, boundary realignment and construction of a new semi-detached dwelling at 99A Louisa Road, Birchgrove subject to the conditions listed in Attachment A of the officer's report, subject to the following amendment:

Insert a new Conditions 15A and 15B as follows:

15A Construction Site Management Plan

Prior to any demolition and work on the site, a Construction Site Management Plan (CSMP) must be prepared, and provided for the approval of Council. The Plan must include the following matters:

- The location and materials for protective fencing and hoardings on the perimeter of the site;
- Provisions for public safety;
- Pedestrian and vehicular site access points and construction activity zones;
- Details of bulk earthworks to be carried out;
- The location of site storage areas and sheds;
- The equipment used to carry out works;
- Dust, noise and vibration control measures;
- The location of temporary toilets;
- The protective measures for the preservation of trees on-site and in adjoining public areas.

A copy of the CSMP must be kept on-site at all times while work is being carried out.

15B Construction Traffic Management Plan

Prior to any demolition or work on the site, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction. This is to be prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include the estimated number of vehicle movements to and from the site, location of truck parking areas, location of proposed work zones, details of crane usage, related to demolition/construction activities. A separate work zone approval must be obtained.

The CTMP must also address measures to ensure pedestrian safety near the site; and the provision of parking for workers, outside of Louisa Road.

A copy of the CTMP must be kept on-site at all times while work is being carried out.”

Reasons for Decision:

The Panel generally supports the findings contained in the Assessment Report and the reasons for approval in that Report. Given the site and street constraints, additional conditions have been imposed to mitigate the impacts on the street and neighbouring properties during construction.

The decision of the Panel was unanimous

IWLPP1061/22 Agenda Item 7	DA/2022/0120
Address:	99 & 99A Louisa Road, Birchgrove
Description:	Alterations and additions to the existing dwelling house, new garage with car stacker, swimming pool and roof terrace, and associated works at 99 Louisa Road, Birchgrove
Applicant:	Benson McCormack Pty Ltd

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

- Robert Duffin (objector)
- David Benson (architect for the Applicant)

DECISION OF THE PANEL

- A. The applicant has made written requests pursuant to clause 4.6 of *Leichhardt Local Environmental Plan 2013* with respect to clause 4.3A(3)(b) - Landscaped areas for residential accommodation in Zone R1 - Site Coverage and Clause 4.4 – Floor Space Ratio. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the development 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 exceedances are 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*, **grants Deferred Commencement Approval** to Development Application No. DA/2022/0120 for alterations and additions to the existing dwelling, new garage with car stacker, swimming pool and roof terrace, and associated works at 99 Louisa Road at 99 & 99A Louisa Road, Birchgrove subject to the conditions listed in Attachment A of the officer's report, with the following amendments:

1. The Deferred Commencement condition is to be amended to read as follows:

1. Confirmation that development will be consistent with subdivision approved under DA/2022/0121

Documentary evidence is to be provided confirming that the plans approved in this development, DA/2022/0120 are consistent with the approved subdivision under DA/2022/0121.

If the applicant fails to satisfy Council as to the above matters within 2 years from the date of determination, this consent will lapse.

2. Insert a new Conditions 15A and 15B as follows:

15A Construction Site Management Plan

Prior to any demolition or work on the site, a Construction Site Management Plan (CSMP) must be prepared, and provided for the approval of Council. The Plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of bulk earthworks to be carried out;
- e) The location of site storage areas and sheds;
- f) The equipment used to carry out works;
- h) Dust, noise and vibration control measures;
- i) The location of temporary toilets;
- j) The protective measures for the preservation of trees on-site and in adjoining public areas.

A copy of the CSMP must be kept on-site at all times while work is being carried out.

15B Construction Traffic Management Plan

Prior to any demolition or work on the site, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction. This is to be prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include the estimated number of vehicle movements to and from the site, location of truck parking areas, location of proposed work zones, details of crane usage, related to demolition/construction activities. A separate work zone approval must be obtained.

The CTMP must also address measures to ensure pedestrian safety near the site; and the provision of parking for workers, outside of Louisa Road.

A copy of the CTMP must be kept on-site at all times while work is being carried out.”

Reasons for Decision:

The Panel generally supports the findings contained in the Assessment Report and endorses the reasons for approval in that Report. Given the site and street constraints additional conditions have been imposed to mitigate the impact on the street and neighbouring properties during construction.

The decision of the Panel was unanimous.

IWLPP1062/22 Agenda Item 8	DA/2022/0700
Address:	28 Albion Street, Annandale
Description:	Alterations and additions to existing building and change of use to light industry, industrial retail outlet, ancillary office and associated internal fit out works
Applicant:	Eric La Rocca

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

- Mathew Quattroville (planner for the Applicant)

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to clause 4.6 of the *Inner West Local Environmental Plan 2022*. 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 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. 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/2022/0700 for alterations and additions to existing building and change of use to light industry, industrial retail outlet, ancillary office and associated internal fit out works at 28 Albion Street Annandale subject to the conditions listed in Attachment A of the officer's report.

Reasons for Decision:

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

The decision of the Panel was unanimous.

IWLPP1063/22 Agenda Item 9	DA/2021/1227
Address:	10 River Street, Birchgrove
Description:	Three storey alterations and additions to existing dwelling and associated works.
Applicant:	As Architecture

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

- Rob Barbariel (objector)
- Astra Wu (architect for the Applicant)

DECISION OF THE PANEL

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** Development Application No. DA/2021/1227 for three storey alterations and additions to the existing dwelling and associated works. at 10 River Street Birchgrove for the reasons outlined in the officer's Assessment Report.

Reasons for Decision:

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

The decision of the Panel was unanimous.

IWLPP1064/22 Agenda Item 10	DA/2022/0421
Address:	220-222 Old Canterbury Road, Summer Hill
Description:	Torrens Title Subdivision of the existing site and amend SP 60270 to create a new Torrens Title lot fronting Herbert Street comprising a dwelling (Lot 1) and a new lot fronting Old Canterbury Road comprising of a residential flat building (Lot 2)
Applicant:	Mr Tyson C Ray

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 the *Inner West Ashfield 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 Minimum Subdivision Lot Size and Floor Space Ratio development 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 exceedances are 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*, **grants consent** to Development Application No. DA/2022/0421 for Torrens Title Subdivision of the existing site and amendment to SP 60270 to create a new Torrens Title lot fronting Herbert Street comprising a dwelling (Lot 1) and a new lot fronting Old Canterbury Road comprising of a residential flat building (Lot 2) at 220-222 Old Canterbury Road Summer Hill subject to the conditions listed in Attachment A of the officer's Assessment Report.

Reasons for Decision:

The Panel generally supports the findings contained in the Assessment Report and endorses the reasons for approval in that Report, subject to the imposition of an additional condition as follows:

Condition 16. Strata Subdivision

Prior to the issue of a subdivision certificate a new strata plan for the subject site must be registered in accordance with survey plans to be submitted to and approved by the Principal Certifier. Such plan is to be submitted together with the required fee for the approval of the final plan under the Strata Schemes (Freehold Development) Act 1973, with the strata lots to accurately reflect the approved plans in this consent.

The decision of the Panel was unanimous.

The Inner West Planning Panel Meeting finished at 3.19pm.

The Inner West Planning Panel Closed Meeting commenced at 3.27pm.

The Inner West Planning Panel Closed Meeting finished at 5.08pm.

CONFIRMED:



**Heather Warton
Chairperson
9 November 2022**