

INNER WEST LOCAL PLANNING PANEL MEETING

13 December 2022

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 13 December 2022

Present: Adjunct Professor David Lloyd KC in the chair; Mrs Mary-Lynne Taylor; Ms Kim Crestani; 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**

The following declarations of interest were made:

- Item 5: David Lloyd declared a conflict of interest with Item 5 as he was the Chair of the Panel that determined the development application under review and as such did not participate in the briefing, public meeting or other Panel discussions on this matter.

IWLPP1076/22 Agenda Item 1	DA/2022/0764
Address:	69 St Marys Street, Newtown
Description:	Demolition of existing structures, removal of vegetation, torrens title subdivision and erection of a pair of semi-detached dwellings each with a rear lane detached garage and secondary dwelling
Applicant:	Mr Adam Tayyar

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

- Patrick Seedsman
- Ali Hammoud

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*, grants a deferred commencement consent to Development Application No. DA/2022/0764 for the demolition of existing structures, removal of vegetation, torrens title subdivision and erection of a pair of semi-detached dwellings each with a rear lane detached garage at 69 St Marys Street NEWTOWN subject to the conditions listed in Attachment A of the officer's report.

Whilst the Panel generally supports the findings contained in the Assessment Report, the panel finds the front façade treatment unsatisfactory because it appears to be out of context with the streetscape. The Panel therefore resolves that the application be **approved as a deferred commencement**, and that following an analysis of the existing streetscape, the materials and finishes of the façade is to be amended to the satisfaction of the Development Assessment Manager.

A Deferred Commencement Consent is to be imposed as per the following;

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

1. An analysis of the existing streetscape is to be carried out and the materials and finishes of the façade is to be amended to the satisfaction of the Development Assessment Manager.

Evidence of the above matters must be submitted to Council within 2 years otherwise the Consent will not operate.

Reasons for Decision:

1. The development is permissible in the R2 low density residential zone and generally complies with the IWLEP 2022 and Marrickville DCP 2011.

2. Subject to the deletion of the secondary dwelling and the inclusion of the deferred condition above, the development will not result in significant impacts and the amenity of the adjoining properties.
3. The application is suitable for approval subject to the recommended conditions.
4. For the above reasons, the approval of the application is in the public interest.

The decision of the panel was unanimous

IWLPP1077/22 Agenda Item 2	REV/2022/0028
Address:	9 Westbourne Street, Stanmore
Description:	Section 8.2 review application of refused Determination DA/2022/0034 dated 9 August 2022 for demolition of the existing structures, Torrens title subdivision of the site into 2 lots and construction of a semi-detached dwelling with a garage and studio above at rear to each lot with associated landscaping
Applicant:	GAT and Associates Pty Ltd

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

- Margaret Roberts

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*, grants consent to Application No. REV/2022/0028 for Section 8.2 review application of refused Determination DA/2022/0034 dated 9 August 2022 for demolition of the existing structures, Torrens title subdivision of the site into 2 lots and construction of a semi-detached dwelling with a garage at rear to each lot with associated landscaping at 9 Westbourne Street STANMORE , subject to the conditions listed in Attachment A of the officer's report.

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 and subject to the additional condition:

- 2A. An amended materials and finishes schedule is to be submitted to the satisfaction of the Council's Development Assessment Manager, which specifies the face brick to be used on the facade.

Reasons for Decision:

1. The development is permissible in the R2 low density residential zone and generally complies with the Marrickville LEP 2011 and Marrickville DCP 2011.
2. Subject to the deletion of the studio above the garage and resultant reduction in bulk and scale at the rear, and subject to the additional condition 2A, the development will not result in any significant impact on the adjoining properties or the streetscape.
3. The application is suitable for approval subject to the imposition of the additional conditions.
4. Approval of the application is in the public interest.

The decision of the panel was unanimous

IWLPP1078/22 Agenda Item 3	DA/2022/0228
Address:	310 Norton Street, Leichhardt
Description:	Demolition of existing 1-storey building and proposed new 4-storey shop top development with basement parking with 6 residential units and commercial space at ground floor
Applicant:	Tracee Lim

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

- Tracy Lim
- Kerry Nash

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*, refuses Development Application No. DA/2022/0228 for the demolition of the existing 1-storey building and proposed new 4-storey shop top development with basement parking with 6 apartment units and commercial space at ground floor at 310 Norton Street LEICHHARDT for the reasons listed in attachment A of the officer's report.

The Panel supports the findings contained in the Assessment Report and resolves that the application be **refused** as per the recommendation contained in that report.

Reasons for Decision:

1. The proposed development is inconsistent with and has not demonstrated compliance with Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, including:
 1. Clause 1.2(2)(b)(d)(e)(f)(l) - Aims of Plan
 2. Clause 2.1- Zone objectives and Land use table
 3. Clause 4.4 - Floor space ratio
 4. Clause. 4.3A - Exceptions to maximum floor space ratio for active street frontages
 5. Clause 6.11 Residential accommodation in Zone B1 and B2
2. The proposed development is inconsistent with and has not demonstrated compliance with the design quality principles of the State Environmental Planning Policy - 64 Design Quality of Residential Apartment Development, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
3. The proposed development is inconsistent with and has not demonstrated compliance with Draft Inner West Local Environmental Plan 2020, pursuant to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, including:

1. Draft Clause 1.2(2)(h) - Aims of Plan.
 2. Draft Clause 2.3 - Zone objectives and Land Use Table.
4. The proposed development is inconsistent with and has not demonstrated compliance with Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, including:
1. Part C1.0 Site Context and Analysis
 2. Part C2.2.2.5(d) Norton Street - Residential Sub Area - Distinctive Neighbourhood
 3. Part C4.1 Objectives for Non-Residential Zones
 4. Part C4.2 Site Layout and Building Design
 5. Part C4.5 Interface Amenity
 6. Part C4.15 Mixed Use
5. The proposed development will result in adverse impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
6. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
7. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

The decision of the panel was unanimous

IWLPP1079/22 Agenda Item 4	DA/2022/0556
Address:	18 Batty Street, Rozelle
Description:	Construction of carport, garbage store, stairs, fence and storage area adjacent to Batty Street frontage
Applicant:	GM Architects Pty Ltd

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

- Edna Poles
- Michele Hacking
- Matthew Khouri

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*, refuses Development Application No. DA/2022/0556 for the construction of carport, garbage store, stairs, fence and storage area adjacent to Batty Street frontage at 18 Batty Street, ROZELLE for the reasons outlined in Attachment A of the officer's report.

The Panel supports the findings contained in the Assessment Report and resolves that the application be **refused** as per the recommendation contained in that report.

Reasons for Decision:

1. The proposed development is inconsistent with Clause 1.2(b)(c)(d)(e)(f)(i)(l)(m)(n)(o)(t)(v) of the Leichhardt Local Environmental Plan 2013 (LLEP 2013) as the proposal will result in adverse impacts on environmental heritage, residential amenity and is contrary to the pattern, streetscape and desired future character.
2. The proposed development is inconsistent with the following zone objectives of the R1 Zone prescribed in Clause 2.3 of the Leichhardt Local Environmental Plan 2013 as the proposal will result in adverse streetscape and amenity impacts:
 - *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
 - *To provide landscaped areas for the use and enjoyment of existing and future residents.*
 - *To protect and enhance the amenity of existing and future residents and the neighbourhood.*
3. The proposed development is inconsistent with the Landscaped Area development standard contained in Clause 4.3A(3)(a) *Landscaped Areas for Residential Accommodation in Zone R1* of the Leichhardt LEP2013. The proposal is inconsistent with Part C1.12 *Landscaping* of the Leichhardt DCP2013. The proposed development is inconsistent with the Site Coverage development standard contained in Clause 4.3A(3)(b) *Landscaped Areas for Residential Accommodation in Zone R1* of the Leichhardt LEP2013.

4. The proposed development is inconsistent with the objectives of Clause 5.10 Heritage Conservation of the Leichhardt Local Environmental Plan 2013 as the proposed alterations and additions will detract from the significance of *The Valley* Heritage Conservation Area. In particular the proposal is inconsistent with Part C1.4 *Heritage Conservation Areas and Heritage Items*, C2, C6, C9, C12 and C2 of Part C2.2.5.1 of - *The Valley - Rozelle - Distinctive Neighbourhood*; control C2 of Part C2.2.5.1(b) - *Smith Street Hill sub-area* and control C11 of Part C3.3 *Elevation and Materials* of the Leichhardt DCP2013.
5. The proposal is inconsistent with the applicable Objectives O2, O4 and O6 of Part C1.0 *General Provisions* of the Leichhardt DCP2013 relating to accessibility, amenity and compatibility. The proposal is inconsistent with control C1 of Part C3.1 *Residential General Provisions* of the Leichhardt DCP2013.
6. The proposal is inconsistent with controls C1 and C2 of Part C1.2 *Demolition* of the Leichhardt DCP2013.
7. The proposal is inconsistent with controls C1, C4 and C7 of Part C1.3 *Alterations and Additions* of the Leichhardt DCP2013.
8. The proposal is inconsistent with control C49 of Part C1.11 *Parking* of the Leichhardt DCP2013 due to likely loss of existing on-street public parking.
9. The proposal is inconsistent with Part C1.14 *Tree Management* of the Leichhardt DCP2013 and with Objective O1 (f) and Control C1 of C3.8 *Private Open Space* of the Leichhardt Development Control Plan 2013.
10. The proposal is inconsistent with controls C1 and C2 of Part C1.19 *Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls* of the Leichhardt DCP2013.
11. The proposal is inconsistent with control C1 of Part C3.1 *Residential General Provisions* of the Leichhardt DCP2013 and with controls C1 and C2 of Part C3.2 *Site Layout and Building Design* of the Leichhardt DCP2013.
12. The proposal is inconsistent with control C11 of Part C3.6 *Fences* of the Leichhardt DCP2013.
13. The proposal is inconsistent with objective O1 and controls C1, C4 and C6 of Part C3.11 *Visual Privacy*; and C3.12 *Acoustic Privacy*.
14. The proposal would result in adverse environmental impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979; has failed to adequately demonstrate that the site is suitable for the development in relation to section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979; and the approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.

The decision of the panel was unanimous

IWLPP1080/22 Agenda Item 5	REV/2022/0022
Address:	36 Orpington Street, Ashfield
Description:	S8.2 Review of Development Application DA/2021/0959 which refused the removal of a tree
Applicant:	Mrs Clare M McNally

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

- Clare McNally
- Theodore Magoulas

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*, refuses Review Application No. REV/2022/0022 for a S8.2 Review of Development Application DA/2021/0959 dated 8 February 2022 which refused the removal of a tree on a heritage item at 36 Orpington Street ASHFIELD for the reasons outlined in Attachment A of the officer's report.

The Panel supports the findings contained in the Assessment Report and resolves that the application be **refused** as per the recommendation contained in that report.

Reasons for Decision:

1. The proposed development does not comply with the Clause 1.2(2)(c) of the draft Inner West Local Environmental Plan 2020 as the removal of a healthy established tree fails to protect, enhance and sustainably manage the urban forest.
2. The proposed development does not comply with Chapter A, Part 5 - Performance Criteria 5 of the Comprehensive Inner West Development Control Plan 2016 which seeks to retain and protect significant vegetation that contributes to the visual character and appeal of the street or neighbourhood.
3. The proposed development does not comply with Chapter F, Part 1 - Performance Criteria 15 of the Comprehensive Inner West Development Control Plan 2016 as the subject tree is significant and makes a positive contribution to the landscape character, streetscape and environmental performance of the site.
4. The proposed development which seeks the removal of a healthy tree does not comply with Chapter C4, Objectives 3 and 5 of the Comprehensive Inner West Development Control Plan 2016 which seeks to maintain and enhance the amenity of the Inner West Local Government Area through the preservation of appropriate trees and vegetation.
5. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal would not be in the public interest.

The decision of the panel was unanimous

IWLPP1081/22 Agenda Item 6	MOD/2022/0322
Address:	127 Mullens Street Rozelle
Description:	Section 4.55(2) modification for a new attic style bedroom addition and dormer
Applicant:	Christopher Jordan

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

- Christopher Jordan

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*, grants consent to Modification Application No. MOD/2022/0322 for Section 4.55 (2) to modify approval to include a new attic style bedroom addition and dormer at 127 Mullens Street ROZELLE NSW 2039 subject to the conditions listed in Attachment A of the officer's report.

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.

Reasons for Decision:

1. The development is permissible in the R2 low density residential zone and generally complies with the Inner West LEP 2022 and Leichhardt DCP 2013.
2. The application is suitable for approval subject to the recommended conditions.
3. For the above reasons, the approval of the application is in the public interest.

The decision of the panel was unanimous

IWLPP1082/22 Agenda Item 7	DA/2022/0512
Address:	Elliott Street, Balmain
Description:	Demolition of former Pellegrini restaurant building, new paving, new kiosk and amenities building in Paringa Reserve, outdoor dining area and landscaping
Applicant:	Andrew Ashton

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

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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*, grants consent to Development Application No. DA/2022/0512 for the demolition of former Pellegrini restaurant building, new paving, new kiosk and amenities building in Paringa Reserve, outdoor dining area and landscaping at Elliott Street BALMAIN subject to the conditions listed in Attachment A of the officer's report.

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.

Reasons for decision:

1. The proposal generally complies with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013* and Leichhardt Development Control Plan 2013.
2. The development will improve the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.
3. The application is considered suitable for approval subject to the imposition of the conditions.
4. The proposal complies with, and gives effect to, the Plan of Management for Paringa Reserve.

The decision of the panel was unanimous

IWLPP1083/22 Agenda Item 8	DA/2022/0176
Address:	470 Parramatta Road, Petersham
Description:	To fitout and use the ground floor of the premises as a restaurant, cafe and entertainment facility and to operate the uses at varying times between 7.00am to 12.00 midnight Monday to Thursday, 7.00am to 3.00am Fridays and Saturdays, and 8.00am to 12.00 midnight Sundays
Applicant:	EAST COAST FUTURES PTY LTD

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

- Emma Mullholland
- Mark Grayson

DECISION OF THE PANEL

- A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s 4.16 of the *Environmental Planning and Assessment Act 1979*, refuses Development Application No. DA/2022/0176 for fitout and use the ground floor of the premises as a restaurant, cafe and entertainment facility and to operate the uses at varying times between 7.00am to 12.00 midnight Monday to Thursday, 7.00am to 3.00am Fridays and Saturdays, and 8.00am to 12.00 midnight Sundays at 470 Parramatta Road PETERSHAM for the reasons in Attachment A of the officer's report.

The Panel supports the findings contained in the Assessment Report and resolves that the application be **refused** as per the recommendation contained in that report.

Reason for Decision:

1. The proposed development has not suitably demonstrated that the proposed use and hours of operation will not result in unreasonable acoustic impacts to the nearby residential dwellings having regard to control C7 (ii) in part 2.6.3, controls C85, C86 and C87 in part 5.3.1.4 and is inconsistent with objective O52 within Part 5.3.1.4 of Marrickville Development Control Plan 2011 and section 4.15(1)(b) of the *Environmental Planning & Assessment Act 1979*.
2. The proposed development is inconsistent with Clause 1.2(b) of Marrickville Local Environmental Plan 2011 as it fails to protect the amenity of nearby residences.
3. The proposed development does not provide for a suitable waste area as is required by controls C28 and C31 in part 2.21 and is inconsistent with the applicable objectives of O1-O6 within part 2.8.3 of Marrickville Development Control Plan 2011.
4. The proposed development does not comply with the provisions of Part 2.5- Equity of Access and Mobility of Marrickville Development Control Plan 2011 as the information provided fails to demonstrate equitable access for café patrons from Queen Street.

5. The proposed development does not comply with the provisions of Part 2.10- Parking of Marrickville Development Control Plan 2011 as the development fails to provide any on-site parking and is not well serviced by public transport during late trading hours creating increased pressure for on-street parking in the vicinity of the site.
6. The application appears to have a significant underestimated of the cost of works having regard to schedule 4 of the *Environmental Planning and Assessment Regulations 2021*.
7. The plans are internally inconsistent as the sections label the front of the site as Bar area and the rear of the site as lounge/dining area while the floor plans label these spaces as dining and café having regard to section 39(1)(a) of the *Environmental Planning and Assessment Regulations 2021*.
8. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.
9. The application as submitted has not provided adequate information in order to undertake a full and proper assessment of the application in accordance with the *Environmental Planning & Assessment Act 1979*.


The decision of the panel was unanimous

The Inner West Planning Panel Meeting finished at 3.39pm.

The Inner West Planning Panel Closed Meeting commenced at 3.52pm

The Inner West Planning Panel Closed meeting finished at 5.12pm

CONFIRMED:

A handwritten signature in blue ink, appearing to read 'D. A. Lloyd', is positioned above the typed name.

**Adjunct Professor David Lloyd KC
Chairperson
13 December 2022**