



INNER WEST LOCAL PLANNING PANEL
MEETING

18 APRIL 2023

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 18 April 2023

Present: Adjunct Professor David Lloyd KC in the chair; Ms Lindsey Dey; Mr Brian Kirk; Ms Kath Roach.

Staff Present: Development Assessment Manager – Ruba Osman; Team Leader Development Assessment – Adele Cowie; Team Leader Corporate Support – Clare Fitzpatrick-Clark and Administration Officers Selena Topich and Sara Sullivan.

Meeting commenced: 2:01 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.

IWLPP1100/23 <i>Agenda Item 1</i>	Standing Item – Report in Accordance with Ministerial Direction: Pending Local Planning Pane Matters
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Matters pending were presented to the Panel Chair and noted.

IWLPP1101/23 Agenda Item 2	REV/2023/0002
Address:	9 Silver Street, Marrickville
Description:	S8.2 Review of DA/2022/0163, refused on 17 November 2022, to demolish existing improvements, subdivide the land into 2 Torrens Title lots and construct two dwelling houses with associated landscaping
Applicant:	Mr Youssef Moussa

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

- Youssef Moussa

DECISION OF THE PANEL

- A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.4 and s4.16 of the *Environmental Planning and Assessment Act 1979*, determine Application No. REV/2023/0002 for a S8.2 Review of DA/2022/0163 by confirming the original decision (i.e. refusal of that application on 17 November 2022), to demolish existing improvements, subdivide the land into 2 Torrens Title lots and construct two dwelling houses with associated landscaping at 9 Silver Street MARRICKVILLE for the reasons listed below:

Reasons for Refusal:

1. The proposal is an overdevelopment of the site and has a significant detrimental impact on the streetscape and surrounding neighborhood.
2. The proposed development is inconsistent with and has not demonstrated compliance with Marrickville Local Environmental Plan 2011, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. The proposal is inconsistent with Clause 1.2(2)(b) - Aims of Plan, as the residential density of the site is increased without protecting residential amenity.
 - b. The proposal is inconsistent with Clause 1.2(2)(h) - Aims of Plan, as the development does not promote a high standard of design.
3. The proposed development is inconsistent with Clause 78 of the Sydney Water Act 1994, in that the development has not demonstrated that an appropriate setback has been provided between Lot 1 and Sydney Water's stormwater channel that adjoins the site.
4. 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*.
5. 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*.

- 6 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*.
- 7 The proposed development is inconsistent with and has not demonstrated compliance with the Marrickville Development Control Plan 2011, pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. The proposal is inconsistent with C1 in Part 2.1 of the Marrickville Development Control Plan 2011 and is inconsistent with the applicable objective O1 as the proposal is not compatible with the streetscape character.
 - b. The proposal does not comply with control C3 within Part 2.6 of the Marrickville Development Control Plan 2011 and is inconsistent with the applicable objectives O1, O2 and O3 as the development will result in adverse visual privacy impacts to the adjacent properties.
 - c. The proposal does not comply with C2 within Part 2.7 of the Marrickville Development Control Plan 2011 and is inconsistent with the applicable objectives O1 and O3 as the proposed development is likely to result in significant overshadowing to the surrounding property at 11 Silver Street.
 - d. The proposal does not comply with C5, C6 and C7 in Part 3 of the Marrickville Development Control Plan 2011 and is inconsistent with the applicable objectives O3, O4 and O5 as the proposed lots are not consistent with the surrounding cadastral pattern and will contain development that results in adverse impacts on the surrounding properties.
 - e. The proposal does not comply with C1 and C2 in Part 4.1.5 of the Marrickville Development Control Plan 2011 and is inconsistent with the applicable objectives O8 and O9 as the proposed development does not translate positive streetscape characteristics from the locality and is not compatible with the streetscape character.
 - f. The proposal does not comply with C10 in Part 4.1.6 of the Marrickville Development Control Plan 2011 and is inconsistent with the applicable objectives O13 and O14 as the proposed setbacks will result in adverse privacy and visual bulk impacts on the surrounding properties.
 - g. The proposal does not comply with C48 in Part 4.1.9 of the Marrickville Development Control Plan 2011 as the proposed first floor has not been appropriately incorporated into the roof form to maintain the single storey streetscape character.
 - h. The proposal is inconsistent with the desired future character for Marrickville Town Centre North contained within Part 9.20 of the Marrickville Development Control Plan 2011 as the development is inconsistent with the single storey streetscape character.

The decision of the panel was unanimous.

IWLPP1102/23 Agenda Item 3	DA/2022/1146
Address:	86A Hay Street, Leichhardt
Description:	Alteration and addition to existing dwelling with first floor addition and conversion of garage into secondary dwelling.
Applicant:	Mr Govinda Pathak

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 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 Section 53 (2)(a) – Minimum site area of the *State Environmental Planning Policy (Housing) 2021* 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/2022/1146 for alterations and additions to the existing dwelling with first floor additions and the conversion of the garage into a secondary dwelling at 86A Hay Street LEICHHARDT subject to the conditions listed in Attachment A of the officer's report subject to the following changes.

That the additional conditions be inserted:

- 18(3) The proposed removal of concrete located in the front yard is to be replaced with landscaping, which is to be the subject of a detailed landscape plan demonstrating a planting schedule inclusive of grass, shrubs and bushes, prior to release of a Construction Certificate.
- 28A. The landscaping shall be installed to the satisfaction of the Principal Certifying Authority prior to the release of any Occupation Certificate.

Reasons for decision:

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013.

The development will not result in unreasonable impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1103/23 Agenda Item 4	DA/2022/0563
Address:	84 Cecily Street, Lilyfield
Description:	Alterations and additions to existing dwelling house
Applicant:	Avenue One Design Pty Ltd

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

- Andrew Martin

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is not 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 insufficient environmental grounds to support the variation. The proposed development will not be in the public interest because the exceedance is 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*, refuse Development Application No. DA/2022/0563 for alterations and additions to existing dwelling house. at 84 Cecily Street LILYFIELD for the reasons listed in Attachment A of the officer's report.

Reasons for refusal:

1. The proposed development is inconsistent with and has not demonstrated compliance with the *Leichhardt Local Environmental Plan 2013*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
 - a. Clause 1.2 - Aims of the Plan
 - b. Clause 2.3 - Zone Objectives and Land Use Table
 - c. 4.3A - Landscaped areas for residential accommodation in Zone R1
 - d. Clause 4.4 - Floor Space Ratio
 - e. Clause 4.6 - Exceptions to development standards
2. The proposed development does not comply with Clause 4.3A (3)(a) of the *Leichhardt Local Environmental Plan 2013*, in that the proposed development does not provide a compliant landscaped area. Additionally, no written request has been submitted in accordance with Section 4.6(4)(a)(i) of the *Leichhardt Local Environmental Plan 2013* justifying the proposed contravention of the landscaped area development standard. In the absence of a written request, the consent authority cannot consider the proposed variation and is without power to approve such a development.

3. The proposed development does not comply with Clause 4.3A (3)(b) of the *Leichhardt Local Environmental Plan 2013*, in that the proposed development exceeds the maximum permitted site coverage. Additionally, no written request has been submitted in accordance with Section 4.6(4)(a)(i) of the *Leichhardt Local Environmental Plan 2013* justifying the proposed contravention of the site coverage development standard. In the absence of a written request, the consent authority cannot consider the proposed variation and is without power to approve such a development.
4. The proposal is an overdevelopment of the site and has a significant detrimental impact on the streetscape and surrounding neighbourhood.
5. 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*, having regard to:
 1. Draft Clause 1.2 - Aims of Plan
 2. Draft Clause 2.3 - Zone objectives and Land Use Table
6. The proposed development is inconsistent with the following provisions of the Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*:
 - a. Part c1.0 - General Provisions;
 - b. Part C1.1 - Site and Context Analysis;
 - c. Part C1.3 - Alterations and Additions
 - d. Part C1.4 - Heritage
 - e. Part C3.1 - Residential General Provisions
 - f. Part C3.2 - Site Layout and Building Design
 - g. Part C3.8 - Private Open Space
 - h. Part C3.9 - Solar Access
 - i. Part C3.11 - Visual Privacy
7. 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*.
8. 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*.
9. 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*.
10. The proposed development does not have owners consent for proposed encroachments to No. 86 Cecily Street. Owner's consent to which the development application relates has not been provided/obtained pursuant to Section 23(1) of the *Environmental Planning and Assessment Regulation 2021* and Section 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*.

The decision of the panel was unanimous.

IWLPP1104/23 Agenda Item 5	DA/2022/0842
Address:	64 Hercules Street, Dulwich Hill
Description:	Demolition of the existing detached structures at the rear of the site, partial demolition of the existing dwelling house, construction of a 2 storey building at the rear of the site comprising a garage and secondary dwelling and ground floor alterations and additions to a dwelling house
Applicant:	Mr Anthony Charbel

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

- George Panagopoulos
- Anthony Charbel

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 4.6 *Marrickville Local Environmental Plan 2011* to vary Section 53(2)(a) of the *Housing SEPP 2021*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the minimum site area 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/2022/0842 for demolition of the existing detached structures at the rear of the site, partial demolition of the existing dwelling house, construction of a 2 storey building at the rear of the site comprising a garage and secondary dwelling and ground floor alterations and additions to a dwelling house at 64 Hercules Street DULWICH HILL subject to the conditions listed in Attachment A of the officer's report subject to the following changes.

2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a. The secondary dwellings southern, western and eastern walls which correspond the kitchen/living area and associated hip section of the roof are to be reduced by 600mm in height.
- b. All bathroom glazing be frosted

Reasons for decision:

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

The development will not result in unreasonable impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

Three submissions were made against the application, but their objections have been satisfactorily addressed by the design and the conditions of consent.

The decision of the panel was unanimous.

IWLPP1105/23 Agenda Item 6	DA/2022/0840
Address:	95 Louisa Road, Birchgrove
Description:	The proposal seeks approval for the demolition of the existing dwelling and construction of a new three storey dwelling upon land identified as Lot 1 in DP 215750.
Applicant:	Minto Planning Services Pty Ltd

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

- Melissa Neighbour
- Carolyn Morley
- Andrew Minto

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 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 and landscaping and site coverage standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. 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/2022/0840 for the demolition of the existing dwelling and construction of a new three storey dwelling upon land identified as Lot 1 in DP 215750 at 95 Louisa Road BIRCHGROVE subject to the conditions listed in Attachment A of the officer's report.

Reasons for decision:

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013.

The development will not result in unreasonable impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1106/23 Agenda Item 7	DA/2022/0879
Address:	595 King Street, Newtown
Description:	Alterations and additions to existing shop top housing including additional unit and rooftop open space.
Applicant:	JRU Partnership

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

- Melissa Rodrigues
- Patrick Wilson

DECISION OF THE PANEL

- A. The applicant has made written requests pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is not satisfied that compliance with the height and floor space ratio standards is unnecessary in the circumstance of the case and that there are insufficient environmental grounds to support the variation. The proposed development will not be in the public interest because the exceedance is inconsistent with the objectives of the standards and of the zone in which the development is proposed.
- 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*, refuse Development Application No. DA/2022/0879 for alterations and additions to existing shop top housing including additional unit and rooftop open space at 595 King Street NEWTOWN for the reasons listed below subject to the following changes.

Reasons for refusal:

1. The proposed development is inconsistent with, and has not demonstrated compliance with, *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. The proposal is inconsistent with Clause 1.2(2)(b), (g) and (h) - Aims of Plan as the development is not considered conserve and maintain the cultural heritage of the Inner West, not considered to create a high quality urban place through the application of design excellence, and the proposal does not prevent adverse environmental impacts on the local character of the Inner West.
 - b. The proposal is inconsistent with Clause 2.3 - Zone objectives of the B2 zone as the development does not accommodate development that complements and promotes the role of the local centre the site is located within.
 - c. The proposed development does not comply with the height of buildings development standard within clause 4.3 of the *IWLEP 2022* and the submitted 4.6 variation does not provide sufficient environmental planning grounds to justify

the variation and the development is not considered in the public interest, being inconsistent with an objective of the B2 Zone and the objectives of clause 4.3 within the IWLEP 2022 as:

- i. The proposed development fails to complement and promote the role of the local centre the site is located in (i.e., the King Street and Enmore Road Commercial Planning Precinct), noting that the proposal is inconsistent with the desired future character of the local centre/area.
 - ii. The height of the proposed development is not compatible with the character of the locality,
 - iii. The development results in adverse impacts on local amenity, and
 - iv. The development does not provide an appropriate transition to adjoining sites that are of different heights.
- d. The proposed development does not comply with the floor space ratio development standard within clause 4.4 of the *IWLEP 2022* and the submitted 4.6 variation does not provide sufficient environmental planning grounds to justify the variation and the development is not considered in the public interest, being inconsistent with an objective of the B2 Zone and the objectives of clause 4.4 within the *IWLEP 2022* as the development:
- i. The proposed development does not complement and promote the role of the local centre the site is located in (i.e., the King Street and Enmore Road Commercial Planning Precinct), noting that the proposal is inconsistent with the desired future character of the local centre/area.
 - ii. The proposed floor space ratio is not appropriate for the site and does not reflect the density of the locality. Hence proposed FSR suggests an overdevelopment.
 - iii. The proposal is considered to result in adverse amenity impacts on the locality, specifically on amenity of the subject site.
 - iv. The proposal does not protect the use and enjoyment of private properties and the public domain.
- e. The proposed development is inconsistent with Clause 5.10 - Heritage Conservation as the development does not conserve the environmental heritage of the Inner West, and the development does not to conserve the heritage significance of the HCA it is located in, in particular settings and views.
- f. The proposed development is inconsistent with Clause 6.9 - Design Excellence as:
- i. The proposed form and external appearance of the development will not improve the quality and amenity of the public domain,

- ii. the proposal will detrimentally impact on view corridors,
 - iii. The proposal does not comply with all requirements of the MDCP 2011,
 - iv. The site is not suitable for the proposed development,
 - v. The proposal results in adverse impacts on the HCA and streetscape,
 - vi. The proposal is inconsistent with other development in the streetscape in terms of setbacks and amenity,
 - vii. The development's massing and upper level setbacks are inconsistent with other development in the street,
 - viii. The development results in adverse amenity impacts within the building,
 - ix. Fails to demonstrate the achievement of the principles of ecologically sustainable development,
 - x. The development does not relate to development within the street in terms of building frontage.
 - xi. The proposal does not achieve a high standard of architectural design, materials and detailing appropriate to the building type and location,
- g. The proposed development is inconsistent Clause 6.13 as the development is not considered to be compatible with the desired future character of the area in relation to its bulk, form, and scale.
2. The proposed development is inconsistent with, and has not demonstrated compliance with, Marrickville Development Control Plan 2011, pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, including:
- a. The proposal does not comply with control C1 within part 2.1 and is inconsistent with the applicable objective O1 as the development does not recognise, preserve and enhance the characteristics of the streetscape and area in which the site is located in, and the proposal does not achieve a high quality urban design.
 - b. The proposal does not comply with control C1 and C2 within part 5.1.3 and is inconsistent with the applicable objectives O1, O2, O3 and O4 as the proposed density and height are not compatible with the future desired character of the area, and the proposed density and height are not considered to be appropriate for the site.
 - c. The proposal does not comply with control C3, C11 and C15 within part 5.1.3.3 and is inconsistent with the applicable objectives O5, O6, and O7 as the proposed additions are not considered to be subservient to the street building frontage along King Street, and the proposed roof top level massing is considered to be visually dominant.
 - d. The proposal is inconsistent with the desired future character for the King Street and Enmore Road Commercial Planning

Precinct (Precinct 37) contained within Part 9.37 as the development:

1. does not protect the identified values of the King Street and Enmore Road Heritage Conservation Area.
 2. does not protect and enhance the character of the streetscape within the precinct, including building setbacks.
 3. does not protect, preserve and enhance the existing character of the streetscape.
 4. does not demonstrate good urban design and does not provide suitable amenity for occupants.
3. The proposal has not satisfactorily demonstrated compliance with Schedule 1 – Design Quality Principles - as required by clause 30(2)(a) & (b) of SEPP 65 – Design Quality of Residential Flat Buildings, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979 No 203* as:
1. The proposal is not consistent with the predominant streetscape character of the buildings along King Street and the proposed addition will be highly visible from the surrounding public domain and nearby development, particularly from oblique viewing angles.
 2. The proposal does not contribute to the character of streetscapes and does not provide internal amenity and outlooks.
 3. The proposal does not achieve a high level of amenity for residents and each apartment, including the use of cross ventilation and sunlight, reducing reliance on technology and operation costs, visual and acoustic privacy, and indoor and outdoor space, resulting in a density that is inappropriate to the site and its context.
 4. The development does not respond to the existing or future local context, particularly desirable elements and repetitions of the streetscape.
 5. The proposed additions are visible from the public domain and not considered to be sympathetic with development in the streetscape and the existing and desired future character of the area.
4. 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*.
5. 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*.

6. 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*.

1. That reason 1b be amended to include the word “that” as follows:

- 1b. The proposal is inconsistent with Clause 2.3 - Zone objectives of the B2 zone as the development does not accommodate development that complements and promotes the role of the local centre **that** the site is located within.

The decision of the panel was unanimous.

IWLPP1107/23 Agenda Item 8	DA/2022/0802
Address:	366 Darling Street, Balmain
Description:	Alterations and additions to existing building and use of the premises for a food and drink premises (pub and cafe)
Applicant:	366 Darling Street Pty Ltd

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

- Tom de Plater
- Hope

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 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 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/2022/0802 for alterations and additions to existing building and use of the premises for a food and drink premises (pub and cafe) at 366 Darling Street BALMAIN subject to the conditions listed in Attachment A of the officer's report and the changes below.

1. That condition 40 be amended as follows:

40. Licensed Premises – Plan of Management – Operation

(i) The operation of the premises complying at all times with the approved Plan of Management. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

(ii) The Plan of Management shall be amended such that the reference on page 608 regarding smoking shall also include vaping.

(iii) The Plan of Management is to be reviewed annually by the Licensee, within 30 days following the anniversary of development consent. If amendments are required, the Licensee shall notify Inner West Council of such amendments and a copy of any revised POM will be forwarded to the Council as soon as practicable after the date of the review for Council's approval, which shall not be unreasonably withheld.

2. That condition 42a be amended as follows:

42. Hours of Operation

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

Public Bars, Cocktail Bars & Restaurants	Hours
Monday to Sunday	10am till 12 Midnight
Saturday	10am till 1am to the following day
New Year's Eve	10am till 1 am the following day
Cafe & Deli	Hours
Monday to Sunday	6am till 10pm
Balcony	Hours
Monday to Sunday	10am till 10pm
New Year's Eve	10am till 1 am the following day

b. Service is to cease 30 minutes before ceasing of trading hours.

That the following condition be added:

40A. The capacity of the balcony shall be no greater than 40 persons at any one time or lesser as dictated by structural engineer certification and acoustic engineer recommendations.

Reasons for decision:

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

The development will not result in unreasonable impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1108/23 Agenda Item 9	DA/2022/0149
Address:	845 New Canterbury Road, Dulwich Hill
Description:	Demolition of existing structures and construction of mixed use development, comprising 2 buildings over basement car parking. Building A containing shop top housing with 6 residential units and 1 commercial tenancy and Building B containing a residential flat building consisting of 8 residential units
Applicant:	Christiane Hall

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

- Ziad Boumelhem

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 4.3 Height of Buildings *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*, grant a deferred commencement consent to Development Application No. DA/2022/0149 for demolition of existing structures and construction of mixed use development, comprising 2 buildings over basement car parking. Building A containing shop top housing with 6 residential units and 1 commercial tenancy and Building B containing a residential flat building consisting of 8 residential units at 845 New Canterbury Road DULWICH HILL NSW 2203 subject to the conditions listed in Attachment A of the officer's report subject to the following changes.

That the additional conditions be inserted:

33A. Screening services

Prior to the issue of a Construction Certificate for works above Ground/Podium slab level, the Certifying Authority is to be provided with plans indicating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

31A. Provision for Electric Vehicle Charging Stations

Prior to the issue of a Construction Certificate, the applicant shall prepare revised plans to the satisfaction of Principal Certifying Authority. The revised plans must provide the infrastructure necessary to allow users of the car park within the development to install electric vehicle charging stations in individual car spaces without resulting in the loss of any parking and the spaces shall adhere to AS2890:2004.

That Condition 71 be amended as follows:

71. Bin Storage

All bins are to be stored within the site.

That the following advisory note be included;

Advisory Note: The applicant needs to ensure that the safety of bus commuters adjacent to the site on New Canterbury Road is protected on garbage collection days/nights.

Reasons for decision:

The proposal generally complies with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011.

The development will not result in unreasonable impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for a deferred commencement approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1109/23 Agenda Item 10	REV/2023/0001
Address:	22 Excelsior Parade, Marrickville
Description:	Section 8.2 application to review the refusal of Determination DA/2022/0506 dated 15 November 2022 to install a kitchenette to the lower ground floor of a dwelling house.
Applicant:	The trustee for AMS Trust

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

DECISION OF THE PANEL

- A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.4 and s4.16 of the *Environmental Planning and Assessment Act 1979*, determine Application No. REV/2023/0001 for a S8.2 Review of DA/2022/0506 by confirming the original decision (i.e. refusal of that application on 15 November 2022), to install a kitchenette to the lower ground floor of a dwelling house at 22 Excelsior Parade MARRICKVILLE for the reasons listed below:

Reasons for refusal:

1. The proposal is inconsistent with the aims set out in clause 1.2(2) of the *Marrickville Local Environmental Plan 2011* as the proposal does not increase residential and employment densities in appropriate locations near public transport while protecting residential amenity.
2. The proposal is inconsistent with the aims set out in Clause 2.3 of the *Marrickville Local Environmental Plan 2011* as the proposal is not considered to meet the definition of a dwelling house. The addition of the kitchenette to the lower ground floor results in the space being capable of being used a separate domicile and is not of a size appropriate for the site.
3. The proposal is inconsistent with the aims set out in Clause 5.4 of the *Marrickville Local Environmental Plan 2011* as the proposal does not meet the maximum size controls for a Secondary Dwelling.
4. Pursuant to the provisions of Section 4.15(1)(d)(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.

IWLPP1110/23 Agenda Item 11	DA/2022/1090
Address:	10 Lynch Avenue, Enmore
Description:	Partial demolition of existing structures and to carry out ground and first floor alterations and additions to a dwelling house
Applicant:	Ms Miranda G King

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

- Rohan Johnson
- Tom Wills

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, grant consent to Development Application No. DA/2022/1090 for partial demolition of existing structures and to carry out ground and first floor alterations and additions to a dwelling house at 10 Lynch Avenue, Enmore subject to the conditions listed in Attachment A in the officer's report.

Reasons for decision:

The proposal generally complies with the aims, objectives and design parameters contained in Inner West Local Environmental Plan 2022 Marrickville Development Control Plan 2011.

The development will not result in unreasonable impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

The Inner West Planning Panel Meeting finished at 3.45pm.

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
18 April 2023**