



INNER WEST PLANNING PANEL MEETING

12 June 2018

MINUTES

MINUTES of INNER WEST PLANNING PANEL MEETING held in the Council Chambers,
Leichhardt Town Hall, Norton Street, Leichhardt on 12 June 2018

Present: The Honourable Angus Talbot in the chair; Ms Lindsey Dey; Ms Heather Warton; Mrs Mary-Lynne Taylor

Staff Present: Development Assessment Manager and Team Leader Development
Assessment Corporate Support

Meeting commenced: 2.03pm

**** 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.

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| IWPP0660/18 Agenda Item 1 | |
| Description: | Delegation of function from the Inner West Planning Panel in relation to Planning Appeals |

The Panel adopts the recommendation contained in the Memorandum prepared by the Chair of the Inner West Planning Panel, that:

Subject to the approval of the Inner West Council and the General Manager thereof, the panel individually delegates to Mr Joe Strati, Mr Mark Bonanno and Mr Simon Turner, for so long as they are employees of Inner West Council and hold a practising certificate that permits them to practice as a legal practitioner in New South Wales, the functions of the panel under section 8.15(4) of the Environmental Planning and Assessment Act 1970.

The decision of the Panel was unanimous.

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| IWPP0661/18 Agenda Item 2 | |
| Description: | Practice note for the determination of Section 4.55 applications for consents granted by the Inner West Planning Panel. |

The Panel adopts the recommendation contained in the Memorandum prepared by the Chair of the Inner West Planning Panel, that:

The following applications for modification of consents be determined under staff delegation:

1. Modifications falling within s4.55 (1) of the Act (modifications involving minor error, misdescription or miscalculation).
2. Where the original development application was approved with a variation to a development standard greater than 10% and the proposed modification does not change that level of variation.

The Panel requests that the Council formalise the above practice.

The decision of the Panel was unanimous.

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| IWPP0662/18 Agenda Item 3 | DA201700594 |
| Address: | 2 Lorna Lane Stanmore |
| Description: | To adjust the boundaries between Lot B & C, demolish part of the existing dwelling and carry out alterations and additions to create a 2 storey dwelling on each allotment. |
| Applicant: | Justin De Gouw |

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

- Jean Kenyon
- Robert Caggegi

DECISION OF THE PANEL

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, subject to conditions 23(e) and (f) being amended to read as follows:

23(e) The family room windows labelled W2.13 for Lot 2 and W2.05 for Lot 1 being amended as per one of the following:

- (i) To consist of fixed and obscure glazing to a height of 1.6 metres above floor level;
or
- (ii) A fixed external privacy screen with a minimum block-out density of 75% being erected in front of the windows to a minimum height of 1.6 metres above floor level.

The above amendment aims to maintain reasonable amenity for the proposed family rooms while protecting the privacy of adjoining property owners.

The decision of the Panel was unanimous

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| IWPP0663/18 Agenda Item 4 | D/2018/25 |
| Address: | 93 Louisa Road Birchgrove |
| Description: | Demolition of existing dwelling and associated structures and remediation of site. Construction of a new dwelling with basement parking provided with a car lift and landscaping. |
| Applicant: | F Bilotta |

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

- Tony Moody
- Dr Henry Cheung
- Eugenia Harley

DECISION OF THE PANEL

The Panel has considered the matters relied upon by the applicant in regard to the contravention of the FSR development standard and are satisfied that the written request is well founded and the contravention will not result in a detrimental effect on the public interest and the objectives of the standard will nevertheless be satisfied.

The Panel thereby supports the findings contained in the Assessment Report and resolves that the application be approved as per the recommendation contained in that report, subject to the following changes:

- Deferred commencement conditions 1(a) and 1(c) be deleted;
- Deferred commencement conditions 1(i) and 1(j) have the following additional words added at the end of each condition *“without raising the height of the building as a whole”*.
- A new condition identified as deferred commencement condition 1(l) be added that reads *“The southern balustrade of the roof terrace is to be setback to align with the balustrade of the roof terrace of the adjoining dwelling house at 91 Louisa Road, Birchgrove.*
- The following sentence be added at the end of condition 2 *“This consent does not give approval to the construction of a swimming pool in the rear yard or the carrying out of any works to the existing stone seawall located to the rear of the site”*.

The above amendments have been made for the following reasons: -

- It is not appropriate to consent to works to the seawall or the provision of a swimming pool on the basis of the information supplied as part of the development application and moreover the seawall is not owned by the applicant and there is no owners consent;
- The overall height of the dwelling house is considered reasonable and compares favorably to the adjoining dwelling houses.

The decision of the Panel was unanimous

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| IWPP0664/18 Agenda Item 5 | D/2018/164 |
| Address: | 100 Reynolds Street Balmain |
| Description: | Change of use ground floor retail tenancy to a residential unit and associated fit-out. |
| Applicant: | Elton Consulting |

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

- Vasiliki Andrews
- Paul Rappoport

DECISION OF THE PANEL

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

1.
 - a) The development does not meet the requirement of Clause 6.11A(3)(b) under Leichhardt LEP 2013 in terms of the loss of the active street frontage.
 - b) The Council approved the development of a mixed use development on the basis of this space being a retail use and it is noted that the only remaining non-residential uses will be the two small units on Reynolds Street (Clause 6.11A(3)(a))
 - c) The proposed change of use is not compatible with the desired future character of the area in terms of the desire to have a mixed use development (Clause 6.11A(3)(c)).
2. Clause 5.10(10) of the LLEP 2013 cannot be relied on as the tests of the clause have not been met.
3. The development if approved would substantially exceed the FSR development standard as the bonus provision in clause 4.4A of LLEP2013 would no longer be applicable as the active street frontage criteria would not have been met.

 A clause 4.6 submission to vary the residential FSR would be of no effect as the development does not have any path of approval as the only path under clause 5.10(10) has not been met.
4. In addition the unit would have poor amenity and does not comply with SEPP 65 and the ADG.

The decision of the Panel was unanimous

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| IWPP0665/18 Agenda Item 6 | D/2018/24 |
| Address: | 332 Darling Street Balmain |
| Description: | Alterations and additions to existing building with new attic/roof top level and use of attic/roof top level for restaurant/bar |
| Applicant: | Quattro Leoni Holding Pty Ltd |

DECISION OF THE PANEL

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.

The decision of the Panel was by majority votes 3/1.

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| IWPP0666/18 Agenda Item 7 | D/2017/680 |
| Address: | 23 Darling Street Balmain East |
| Description: | Alterations and additions to existing terrace-house, including alterations and additions to existing roof terrace, elevated deck over on-site parking at the rear, and associated demolition and tree removal. |
| Applicant: | Mr M Alameddine |

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

- John Pagan

DECISION OF THE PANEL

The Panel has considered the matters relied upon by the applicant in regard to the contravention of the FSR development standard and are satisfied that the written request is well founded and the contravention will not result in a detrimental effect on the public interest and the objectives of the standard will nevertheless be satisfied.

The Panel generally supports the findings contained in the Assessment Report however are of the view that the works proposed on the level 4 – roof garden do not add significantly to the floor space ratio and cannot be viewed from the public domain.

Accordingly the Panel resolves that the application be approved as per the recommendation contained in that report, subject to the following changes:

- (i) Condition 4(b) be deleted.

The decision of the Panel was unanimous

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| IWPP0667/18 Agenda Item 8 | D/2018/168 |
| Address: | 24 Hartley Street Rozelle |
| Description: | Construction of a new reinforced concrete spa pool and adjacent decking and timber hardwood screen at rear of site. |
| Applicant: | Good Manors Pool + Garden |

DECISION OF THE PANEL

The Panel has considered the matters relied upon by the applicant in regard to the contravention of the FSR, landscape area and site coverage development standards and are satisfied that the written requests are well founded and the contraventions will not result in a detrimental effect on the public interest and the objectives of the standards will nevertheless be satisfied.

Accordingly, 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.

The decision of the Panel was unanimous

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| IWPP0668/18 Agenda Item 9 | DA201700542 |
| Address: | 14 Cadogan Street Marrickville |
| Description: | To carry out alterations to the building and use the premises for dance classes and for a dance hall. |
| Applicant: | M B Town Planning |

DECISION OF THE PANEL

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, subject to an additional condition being added that requires 8 bicycle parking spaces being provided within the building to the satisfaction of Council.

The decision of the Panel was unanimous

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| IWPP0669/18 Agenda Item 10 | DA2018.001.1 |
| Address: | 17 Victoria Square Ashfield |
| Description: | Construction of a bedroom, balcony and fireplace on the first floor level of a two storey dwelling house. |
| Applicant: | Mr J Hallion |

DECISION OF THE PANEL

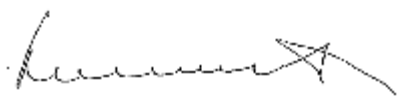
The Panel has considered the matters relied upon by the applicant in regard to the contravention of the height of building development standard and are satisfied that the written request is well founded and the contravention will not result in a detrimental effect on the public interest and the objectives of the standard will nevertheless be satisfied.

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

The decision of the Panel was unanimous

The Inner West Planning Panel Meeting finished at 4.11 pm.

CONFIRMED:



The Honorable Angus Talbot
Chairperson
12 June 2018