



INNER WEST COUNCIL

**INNER WEST LOCAL PLANNING PANEL
MEETING**

8 OCTOBER 2019

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held in the Council Chambers, Leichhardt Town Hall, Norton Street, Leichhardt on 8 October 2019.

Present: Adjunct Professor David Lloyd QC in the chair; Mr David Johnson; Ms Jan Murrell, Ms Heather Warton.

Staff Present: Acting Development Assessment Manager; Team Leader Development Assessment (from Item 3), Senior Planner and Administration Officer.

Meeting commenced: 2:04 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.

IWLPP771/19 Agenda Item 1	10.2019.63
Address:	82 Moonbie Street, Summer Hill
Description:	Alterations and additions to an existing dwelling including off street parking, first floor addition, new pool and tree removal.
Applicant:	Mr Tristan & Mrs Samantha McWilliam

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

- *Lachlan Delaney*

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report, subject to the following changes:

Condition 6 is to be amended to read:

6. Privacy

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating Window W1.2 and W1.7 being amended in the following manner:

- W1.2 is to be fixed and obscure glazing
- W1.7 is to be obscure fixed glazing to a height of 1.6m and openable above

Condition 44 shall be amended to require an additional canopy tree within the front lawn area. The species to be approved by Council's Urban Forest Officer.

Condition 35 is to be amended to require retention of the large Sasanqua Camelia on the northern side of the dwelling.

The decision of the panel was unanimous

IWLPP772/19 Agenda Item 2	10.2019.66.1
Address:	29 Kingston Street, Haberfield
Description:	Alterations and additions to an existing dwelling including rear extension and tree removal.
Applicant:	Andrew Burns

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report, subject to the following changes:

An additional Condition 5B is to be added that reads;

5B. Front Fence Materials

The front fence shall be of timber construction.

The decision of the panel was unanimous

IWLPP773/19 Agenda Item 3	D/2019/144
Address:	67 Norton Street, Leichhardt
Description:	Alterations and additions to Co.As.It tenancy to provide foyer.
Applicant:	Leaf Architecture

DECISION OF THE PANEL

The Panel 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

IWLPP774/19 Agenda Item 4	D/2019/17
Address:	17 Wellington Street, Rozelle
Description:	Alterations and additions to existing self storage facility, and associated works, including stormwater works over 17 Crystal Street.
Applicant:	Mma Architects

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

- Martin McGrane

DECISION OF THE PANEL

The Panel generally agrees with the findings contained in the Assessment Report and resolves that the application be **Approved** for a **Deferred Commencement** subject to the following Deferred Commencement condition and additional condition 50 in the Operational conditions.

Conditions:

Deferred Commencement:

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. Amended plans are to be submitted incorporating the following amendments:
 - a) Amended plans are to be submitted to satisfaction of the Team Leader, Heritage & Urban Design demonstrating a revised colour scheme for the development to ensure it remains sympathetic with the nearby Heritage Conservation Area (HCA) for the Wellington Street elevation.

The Panel delegates to the Chief Executive Officer or his nominee approval of the above revised colour scheme for Wellington Street.

The operational Development Consent will be issued by Council (in writing) after the applicant provides sufficient information to satisfy Council in relation to the conditions of the deferred commencement consent.

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

Ongoing:

50. Graffiti management

Any graffiti or tagging is to be removed within 72 hours of its application.

Reason:

The Panel is of the opinion that the extensive use of the corporate colours for the Wellington Street elevation is unwarranted given the juxtaposition of the heritage conservation area opposite.

The decision of the panel was unanimous

IWLPP775/19 Agenda Item 5	M/2019/84
Address:	93 Louisa Road, Birchgrove
Description:	Modification of Development Consent D/2018/25 seeking various internal and external changes, including: increase the floor area at the basement level; increases to rear setbacks and reductions to front setbacks; changes to window locations and sizes; and internal reconfiguration.
Applicant:	Mr F Bilotta

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

- *Eugenia Harley*

DECISION OF THE PANEL

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

Additional condition 87 added that reads:

87. The landscape plan is to be amended and approved by Council's Urban Forest Officer to provide for an additional canopy tree native within the lawn area to the waterfront. This may be located within the lawn at least 3m from the western edge of the lawn.

The decision of the panel was unanimous

IWLPP776/19 Agenda Item 6	D/2019/196
Address:	3/20 Francis Street, Leichhardt
Description:	Internal alterations and additions to existing strata unit with a new internal first floor mezzanine, external first floor balcony and new access door from the rear courtyard to the garage.
Applicant:	Sago Design

DECISION OF THE PANEL

The Panel 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

IWLPP778/19 Agenda Item 7	D/2019/134
Address:	15 Edward Street, Balmain East
Description:	Ground, first and second floor alterations and additions to a heritage listed dwelling-house and associated works.
Applicant:	Lombardo Design Studio

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

- *Linh Nguyen*
- *Andrew Starr*

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the deferred commencement approval contained in that Report, subject to the following changes:

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

1. Amended plans are to be submitted incorporating the following amendments:
 - a) The original window in the rear elevation on the first floor may be enlarged to create a door opening and the existing lintel of the window is to remain.
 - b) The proposed rear first floor window servicing the bathroom shall be reduced in size to be generally consistent with the adjoining terrace and of timber construction.
 - c) Deleted.
 - d) The front dormer is to remain in its current configuration and be conserved.

The decision of the panel was unanimous

IWLPP779/19 Agenda Item 8	D/2019/202
Address:	55 Church Street, Lilyfield
Description:	Demolition of existing dwelling-house and construction of 2X2 storey semi-detached dwellings with parking spaces and associated works, including landscaping and tree removal, fencing works, and Torrens title subdivision into 2 lots.
Applicant:	T Polvere

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

- Tony Polvere
- Derek Raithby

DECISION OF THE PANEL

The Panel adjourned the decision of the matter at 3:28pm

Matter resumed at 4:32pm

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

- A. The applicant has made a written request to vary Clause 4.1 Minimum Lot Size pursuant to Clause 4.6 of the Leichhardt Local Environmental Plan 2013. The Panel is not satisfied that the applicant's Clause 4.6 submission has demonstrated that compliance with the standard is unnecessary in the circumstance of the case; neither is the Panel satisfied that there are sufficient 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. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, refuse the Development Application No. D/2019/202 for demolition of existing dwelling-house and construction of 2 x 2 storey semi-detached dwellings with garages and associated works, including landscaping and tree removal, fencing works, and Torrens title subdivision into 2 lots at 55 Church Street, LILYFIELD NSW 2040 for the following reasons.
 1. The proposed development is inconsistent and / or 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 of the Leichhardt Local Environmental Plan 2013 – Aims of the Plan;
 - b) Clause 2.3 – Zone objectives and Land use Table;
 - c) Clause 4.1 – Minimum Subdivision Lot Size;
 - d) Clause 4.6 – Exceptions to development standards; and
 2. Deleted.
 3. The proposed development is inconsistent and / or has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:

- a) Clause C1.0 – General Provisions;
 - b) Clause C1.1 – Site and Context Analysis;
 - c) Clause C1.5 – Corner Sites;
 - d) Clause C1.6 – Subdivision;
 - e) Clause C1.12 – Landscaping;
 - f) Clause C2.2.4.3 – Leichhardt Park Distinctive Neighbourhood;
 - g) Clause C3.1 – Residential General Provisions;
 - h) Clause C3.2 – Site Layout and Building Design;
 - i) Clause C3.8 – Private Open Space;
 - j) Clause C3.9 – Solar Access; and
 - k) Clause C3.10 – Views.
4. The proposal will result in adverse environmental impacts in the locality, pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979.
5. The adverse environmental impacts of the proposal including the bulk and location of the building 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.
6. The public submissions raised valid grounds of objection and 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.

IWLPP780/19 Agenda Item 9	D/2019/33
Address:	9 Gladstone Street, Balmain
Description:	Demolish existing dilapidated single storey residence and construct a two storey residence and tree removal from rear.
Applicant:	Aaron Stevens Architects

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

- *Brendon Clendenning*
- *Aaron Stevens*
- *Maria Tennant*
- *Leonie Olsen*
- *Ali Noroozi*

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the function of the Council consent authority pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 disagrees with the findings contained in the Assessment Report and resolves that the application be **refused** for the following reasons:

1. Inadequate information provided to ascertain the impact on the privacy of adjoining properties, particularly living areas and areas of private open space.
2. The view loss assessment is inadequate and a view loss analysis is required to be submitted to ensure the development will have acceptable impacts in this regard.
3. The ground levels and height of the development proposed do not respect the topography of the site and results in adverse impacts in terms of visual bulk on the streetscape and adjoining properties.
4. The first floor does not respect the pattern of the existing and consistent apex line of the street.

The decision of the panel was unanimous

IWLPP781/19 Agenda Item 10	D/2019/181
Address:	569 Darling Street, Rozelle
Description:	Amend and extend trading hours of existing massage shop from 7:30am-6:00pm Monday to Friday, 7.30am-1.00pm Saturday and 9.00am-1.00pm Sundays and public holidays to allow trading hours of 9:00am – 7:00pm Monday to Wednesday and Friday, 9:00am – 8:00pm Thursday and 9:00am – 5:00pm Saturdays, Sundays and public holidays.
Applicant:	Creative 9

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

- Alex Nemeth
- Tong Xie, Creative 9

DECISION OF THE PANEL

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. D/2019/181 for extension of trading hours of existing massage shop at 569 Darling Street Rozelle subject to the conditions listed in Attachment A below.

Condition 7 is to be amended to delete reference to “illuminated signage” in the first sentence.

An additional condition 8 is to be added that reads:

8. No flashing or illuminated shop front signs

No flashing or illuminated shop front signs are approved or shall be provided in the premises. All existing illuminated and flashing signs visible from the street shall be removed.

Reasons for the decision:

The Panel supports the findings in the Assessment Report and endorses the reasons for approval in that report subject to the changed conditions above.

The decision of the panel was unanimous

IWLPP782/19 Agenda Item 11	D/2019/25
Address:	89 Balmain Road, Leichhardt
Description:	Demolition of an existing attached dual occupancy and construction of a new generation boarding house development accommodating 24 rooms with basement car parking, and associated works, including retaining wall, fencing and landscaping works.
Applicant:	Habitation Design

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

- *Linda Kelly*
- *Kim Ibrahim*
- *Joseph Panetta, Habitation Design*

DECISION OF THE PANEL

The Panel adjourned the decision of the matter at 6:11pm

The matter resumed at 6:16pm

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 the following changes:

Amended condition 5 to add point 5 that reads:

5. The Plan of Management shall have annexed to it details of the operation of the carstacker and contact details in the event that the stacker fails to function.

Amended condition 5 to add point 6 that reads:

6. The Plan of Management shall indicate that each car space is allocated to a particular unit.

Amended condition 5 to add point 7 that reads:

7. The Plan of Management shall be amended to indicate that there is no access to Council's Resident Parking Scheme.

Amended condition 61 to add point Q that reads:

- Q. The on-site manager of the boarding house is responsible for arranging the maintenance and servicing of the carstackers.

Add a new condition 69 that reads:

69 Resident Parking Scheme

There is no access for residents to Council's Resident Parking Scheme.

Add a new condition 34A that reads:

34A. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences

Add an additional condition 70:

70. Community Consultation

1. A community consultative committee is to be established within 3 months of operation and adjacent residents invited to attend to provide a forum for discussion of issues that may impact on residential amenity of the area. A regular meeting shall be established twice a year.
2. The Manager's mobile phone number must be visibly displayed at the entrance to allow neighbours impacted by incidents to contact. A register of complaints to be kept on site to show how the complaint was responded to. The register shall be available for inspection by Council at any time.

Reasons:

To protect the amenity of the surrounding residents.

The decision of the panel was unanimous

The Inner West Planning Panel Meeting finished at 7:03pm.

CONFIRMED:



**Adjunct Professor David Lloyd QC
Chairperson
8 October 2019**