

INNER WEST LOCAL PLANNING PANEL
MEETING

23 February 2021

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on Tuesday, 23 February 2021.

Present: Adjunct Professor David Lloyd QC; Mr John McInerney; Mrs Mary-Lynne Taylor and Mr Kenneth Hawke

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

IWLPP961/20 Agenda Item 1	DA/2020/0627
Address:	307 Nelson Street, ANNANDALE
Description:	Construction of two terrace style dwelling-houses, each located on existing Torrens title allotments, and associated works including swimming pool and carport fronting Nelson Lane.
Applicant:	Candella Group Pty Ltd

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

- *Diana and Lew Keilar*
- *Robert and Alison Fell*
- *Stuart Gordon*
- *Wallace Chu*

DECISION OF THE PANEL

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be **approved** for the following reasons:

- A. The applicant has made written requests pursuant to Clause 4.6 of the Leichhardt Local Environmental Plan 2013 to vary Clauses 4.3A of the Plan. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standards and of the zone in which the development is to be carried out.
- B. The development is permissible in the R1 General Residential zone and generally complies with the requirements of all the applicable planning controls.
- C. The development will be compatible with the character of the area, subject to the proposed conditions of consent.
- D. The impact on the adjoining properties will be acceptable, subject to the proposed conditions of consent.
- E. Approval of the application is in the public interest.

It is therefore resolved that the application be approved, subject to the conditions contained in Attachment B of the report, and subject to the following changes:

- Delete condition 1a.
- Amend condition 1b to read:
The recessed door and windows to the front façade of dwelling 307A are to be deleted and redesigned so they sit within a simple front façade, ***and as part of this simplification, the eaves storage at the first floor is to be deleted.***
- Delete condition 1c.
- Delete condition 1d.

The decision of the panel was by majority votes (3/1 - Kenneth Hawke voted against)

IWLPP962/20 Agenda Item 2	MOD/2020/0416
Address:	2 Crown Street, ST PETERS
Description:	s4.55(2) application to modify a consent so as to carry out alterations and additions to the roof terrace to create an enclosed attic level.
Applicant:	Archispectrum

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

- Sarah Virgoe
- Richard Musgrove
- Wil Nino

DECISION OF THE PANEL

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

A. 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 MOD/2020/0416 to modify a consent so as to carry out alterations and additions to the roof terrace to create an enclosed attic level at 2 Crown Street, St Peters for the following reasons:

1. The development represents a significant variation from the floor space ratio development standard prescribed by Clause 4.4 of Marrickville Local Environmental Plan 2011. The written request submitted in support of the application is not considered worthy of support given the circumstances.
2. The development is inconsistent with the desired future character objectives for the Barwon Park Planning Precinct (Precinct 26) as contained in Part 9.26 of MDCP 2011.
3. The approval of a third floor habitable room would set an undesirable precedent for the row of developments approved as part of the original Determination and an enclosed third floor level is not in the spirit of the Court's consent.
4. The proposal is contrary to the public interest given the significant variation from Council's controls contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011.

The decision of the panel was unanimous.

IWLPP963/20 Agenda Item 3	MOD/2020/0298
Address:	140-142 Norton Street, LEICHHARDT
Description:	Section 4.55(2) Modification of Development Consent seeking various internal and external changes, including internal reconfiguration, changes to unit sizes, central courtyard amendments, relocated bike parking to basement and roof changes.
Applicant:	Lamton P/L C/O Design Delta Architects

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.

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55 of the *Environmental Planning and Assessment Act 1979*, approve Modification Application No. MOD/2020/0298 for various internal and external changes, including internal reconfiguration, changes to unit sizes, central courtyard amendments, relocated bike parking to basement and roof changes at 140-142 Norton Street Leichhardt subject to the conditions listed in Attachment A to the planner's report.

The decision of the panel was unanimous.

IWLPP964/20 Agenda Item 4	DA/2020/0797
Address:	8 Yeend Street, BIRCHGROVE
Description:	Alterations and additions to existing attached dwelling and associated works, including plunge pool and tree removal.
Applicant:	Haven Advocates P/L

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.

- A. The applicant has made written requests pursuant to Clause 4.6 of the Leichhardt Local Environmental Plan 2013 to vary Clauses 4.3A and 4.4 of the Plan. After considering the requests, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards is unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to support the variations. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standards 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*, grant consent Development Application No. DA/2020/0797 for Alterations and additions to existing attached dwelling and associated works, including plunge pool at 8 Yeend Street BIRCHGROVE NSW 2041 subject to the conditions listed in Attachment A to the planner's report.

The decision of the panel was unanimous.

IWLPP965/20 Agenda Item 5	DA/2020/0768
Address:	155 Illawarra Road, MARRICKVILLE
Description:	To torrens subdivide the land into 2 lots.
Applicant:	Mackenzie Pronk Architects

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

- *Heidi Pronk*
- *Neil Mackenzie*
- *Bruce Threlfo*

DECISION OF THE PANEL

That the matter be deferred pending independent legal advice be obtained as to whether a subdivision be lawful and if the advice confirms that of Mr Damian Briggs, the determination of the Panel is to approve the application for a Torrens Title subdivision subject to the conditions in attachment C to the assessment report and adoption of attachment C to the assessment report.

The decision of the panel was unanimous.

IWLPP966/20 Agenda Item 6	MOD/2020/0296
Address:	18 Ferdinand Street, BIRCHGROVE
Description:	Section 4.55(1a) modification of consent D/2019/242 to modify approved alterations and additions - internal and external changes to envelope and footprint of building.
Applicant:	Mr Ray Stevens C/- Oikos Architects

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.

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55 of the Environmental Planning and Assessment Act 1979, approve Modification Application No. MOD/2020/0286 to the design and appearance of the dwelling at 18 Ferdinand Street Birchgrove NSW 2038 subject to conditions listed in attachment A to the planner's report.

The decision of the panel was unanimous.

IWLPP967/20 Agenda Item 7	MOD/2020/0457
Address:	1 Ramsay Street, HABERFIELD
Description:	Modification to approved secondary dwelling including window arrangement.
Applicant:	Nick Chapman

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

- Vanessa Palfreeman

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 based upon the amended report relating to landscaping:

A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55 of the *Environmental Planning and Assessment Act 1979*, grant consent to approved Development Application No. MOD/2020/0457 for modification to approved secondary dwelling including window arrangement at 1 Ramsay Street HABERFIELD NSW 2045 subject to the modified conditions listed in Attachment A to the planner's report.

- Amend condition (21)(a) and substitute 279sqm to **250sqm**

The decision of the panel was unanimous.

IWLPP968/20 Agenda Item 8	MOD/2020/0401
Address:	95 Ramsay Street, HABERFIELD
Description:	Modification to existing development to regularise works and inclusion of a dogwash facility.
Applicant:	M Victor Sahade

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

- Vincent Crow
- Hugh Loughrey
- Alex Donnelly
- John Cody, Planner
- Anthony Sahade, Applicant

DECISION OF THE PANEL

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be **refused** for the following reasons:

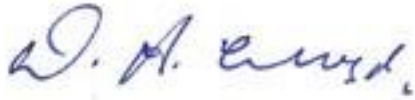
- A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55 of the Environmental Planning and Assessment Act 1979, refuses Application No. MOD/2020/0401, for modification to existing development to regularise works and inclusion of a dogwash facility, for the following reasons:
1. The unauthorised structures and excessive signage are unsympathetic to, and not in keeping with, the Haberfield Heritage Conversation Area.
 2. The proposed eight car parking spaces are insufficient parking for staff and customers and cannot be satisfactorily be accommodated on the site.
 3. Unacceptable noise impacts on neighbouring properties.

Note: In light of continuing complaints by neighbouring landowners, the Panel notes that the existing conditions of consent need to be enforced to ensure that there is no ongoing adverse impact on the neighbourhood.

The decision of the panel was unanimous.

**The Inner West Planning Panel Meeting finished at 3:26pm.
The Closed session commenced at 3:31pm
The Closed session finished at 4:04pm**

CONFIRMED:

A handwritten signature in blue ink, appearing to read 'D. A. Lloyd', is centered on the page.

**Adjunct Professor David Lloyd QC
Chairperson
23 February 2021**