



# INNER WEST COUNCIL

## ELECTRONIC DETERMINATION – INNER WEST LOCAL PLANNING PANEL

<b>Site Address:</b>	155 Illawarra Road MARRICKVILLE NSW 2204
<b>Application No.</b>	DA/2020/0768
<b>Type of Determination</b>	Electronic
<b>Date of Determination</b>	29 March 2021
<b>Panel Members</b>	Adjunct Professor David Lloyd QC Mr John McInerney Mrs Mary-Lynne Taylor Mr Kenneth Hawke
<b>Declarations of Interest</b>	Nil

### BACKGROUND

A report on an application DA/2020/0768 to torrens subdivide the land into 2 lots was considered by the Inner West Local Planning Panel at its meeting on 23 February 2021.

The Panel resolved unanimously to defer the determination of the application, with the following being noted in the minutes of that meeting:

*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.*

*The decision of the panel was unanimous.*



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## PANEL CONSIDERATION AND DECISION

At its meeting of 23 February 2021, the Panel considered the material listed at item 5 and the material presented at the meeting and the matters observed at the site inspection listed.

The Panel unanimously determined to defer its decision to an electronic determination to be made at a later date, pending further advice from Council.

Having received independent legal advice regarding the matter, the Panel has unanimously agreed that there is no legal impediment to the subdivision of the land and that consent may be granted. At the subsequent electronic meeting of the Panel, it is resolved:

- A. The applicant has made a written request pursuant to Clause 4.6 to vary 4.4 Floor Space Ratio of the Marrickville Local Environmental Plan 2011. After considering this request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the 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. 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. DA/2020/0768 to torrens subdivide the land into 2 lots at 155 Illawarra Road MARRICKVILLE NSW 2204, subject to the conditions listed in Attachment A to the planner's report.

**The decision of the panel was unanimous.**



# INNER WEST COUNCIL

<b>Item No: 5</b>	
<b>Application No.</b>	DA/2020/0768
<b>Site Address:</b>	155 Illawarra Road MARRICKVILLE NSW 2204
<b>Proposal</b>	To torrens subdivide the land into 2 lots.
<b>Applicant</b>	Mackenzie Pronk Architects
<b>Reason for Referral to IHAP</b>	Clause 4.6 variation exceeds 10%
<b>Material considered by the Panel</b>	Assessment Officer's Report
<b>Meeting &amp; Site Inspection by the Panel</b>	23 February 2021
<b>Recommendation</b>	Approval