



INNER WEST LOCAL PLANNING PANEL
MEETING

11 MAY 2021

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 11 May 2021.

Present: The Honourable Angus Talbot in the chair; Mr John McInerney; Mrs Mary-Lynne Taylor; and Mr Kenneth Hawke.

Staff Present: Development Assessment Manager; Acting Team Leader Corporate Support and Administration Officer.

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**

The following declarations of interest were made:

The Honourable Angus Talbot declared a reasonably perceived interest in items 7 and 9 as he chaired the 13 October 2020 IHAP meeting that reviewed these matters. Mary-Lynne Taylor has been nominated by the chair to chair these matters at this meeting.

He was absent for any discussions and the vote for these items.

Matters pending have been presented to the Panel Chairman and the following was noted:

- 2B Gordon Street, ROZELLE to be called to the next available meeting
- The following items are approaching 180 days old and are anticipated to be called at a later date:
 - 363 King Street NEWTOWN
 - 9 Adolphus Street BALMAIN
 - 898-904 Princes Highway TEMPE
 - 29 Gilpin Street CAMPERDOWN
 - 149 Darling Street BALMAIN
 - 55, 57 & 61-63 Smith Street SUMMER HILL
 - 138 Young Street ANNANDALE

IWLPP991/20 Agenda Item 2	DA/2020/076
Address:	26-30 Halloran Street, Lilyfield
Description:	Change of use to an indoor recreation facility, construct internal pool with internal fit-out and signage.
Applicant:	Pejman Talebi C/- Aquatic Achievers Operations Pty Ltd

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

- *Lewis McAuley*
- *Tim Lewis*
- *Lee Hughes (architect)*

DECISION OF THE PANEL

The Panel disagrees with the findings contained in the Assessment Report and resolves that the decision of the application be deferred to allow the applicant to consult further with Council Officers in relation to the parking provision for the development and to provide a comprehensive assessment of the impact of the traffic on the local streets including the residential and commercial nature of the streets and lanes. The applicant is to arrange a face to face meeting with Council within 14 days and a response to the parking issues within a further 14 days for reference to the **July** Local Planning Panel.

The applicant is to provide a more comprehensive Plan of Management that demonstrates more clearly how the change overs and staging work.

John McInerney noted that the matter of the closing time of 8:30pm of the pool was not raised because the two registered objectors were not present at the public meeting, but was objected to in a submission that raised the point that the other 8 to 9 Aquatic Achievers centres mostly close at 6pm and he was sympathetic to this issue that the closing time of 8:30pm could spill over to 9pm and is excessive in a residential street and is a matter that will be referred to Council's attention.

The decision of the panel was unanimous.

IWLPP992/20 Agenda Item 3	DA/2020/1181
Address:	86 Reynolds Street, Balmain
Description:	Demolition of existing dwelling, Torrens title subdivision into two lots, erection of two semi-detached dwelling-houses comprising three levels and associated works, including on-site parking provision.
Applicant:	Raymond Panetta Architect

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

- Carolyn O'Loughlin
- Christopher Jordan
- David Marks
- Raymond Panetta
- Paul Rappoport

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 a written request pursuant to Clause 4.6 of the Leichhardt Local Environmental Plan 2013 to vary Clause 4.1 - Minimum Subdivision Lot Size of the *Leichhardt Local Environmental Plan 2013*. 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 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 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/2020/1181 for demolition of existing dwelling, Torrens title subdivision into two lots, erection of two semi-detached dwelling-houses comprising three levels and associated works, including on-site parking at 86 Reynolds Street BALMAIN NSW 2041 subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

IWLPP993/20 Agenda Item 4	MOD/2020/044
Address:	141 Allen Street, Leichhardt
Description:	Section 4.56 Modification of Development Consent which approved residential flat buildings with basement parking, seeking various internal and external changes, including: modifying configuration of apartments, including location of balconies; apartment mix and elevational changes; and amendments to open space areas including rooftop gardens.
Applicant:	Michael Tully

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

- *Gerald Chait*
- *Michael Tully*

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 s4.56 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. MOD/2020/044 for Section 4.56 Modification of Development Consent which approved residential flat buildings with basement parking, seeking various internal and external changes, including: modifying configuration of apartments, including location of balconies; apartment mix and elevational changes; and amendments to open space areas including rooftop gardens at 141 Allen Street, Leichhardt subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

IWLPP994/20 Agenda Item 5	DA/2020/0911
Address:	15-21 Barwon Park Road, St Peters
Description:	Demolition of existing buildings and construction of 8 townhouses over a common basement.
Applicant:	Mr Tone Wheeler

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

- *Richard Musgrove*
- *Sally Virgoe*
- *Tone Wheeler*
- *Amy Sutherland*

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 a written request pursuant to Clause 4.6 to vary Clause 4.4 of the *Marrickville Local Environmental Plan 2011*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance 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 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/2020/0911 for demolition of existing buildings and construction of 8 townhouses over a common basement at 15-21 Barwon Park Road ST PETERS NSW 2044 subject to the conditions listed in Attachment A to the officer's report and subject to the following changes:
- Insert the following condition:

The roof gutter on Crown Street façade to be lowered in height by approximately 800mm so that the gutter sits on the upper deck of the second storey and the roof pitch be lowered accordingly. The ridge line is to be extended in height commensurably.

The decision of the panel was unanimous.

IWLPP995/20 Agenda Item 6	DA/2020/1017
Address:	317-335 Liverpool Road, Ashfield
Description:	Demolition of the existing structures on site and construction of an eight storey mixed-use development comprising ground floor retail tenancies, 28 residential apartments, two level basement parking and a communal roof top garden.
Applicant:	Markham Property Development Pty Lt

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

- Laura Fragiacomio Hamilton
- Ian Cady

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 a written request pursuant to Clause 4.6 to vary Clauses 4.3, 4.3B and 4.4 of the *Ashfield Local Environmental Plan 2013*. After considering the requests, 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 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 to Development Application No. DA/2020/1017 for demolition of the existing structures on site and construction of an eight storey mixed-use development comprising ground floor retail tenancies, 28 residential apartments, two level basement parking and a communal roof top garden at 317 -335 Liverpool Road ASHFIELD NSW 2131 subject to the conditions listed in Attachment A to the officer's report, subject to the following recommendations:
- Council to give consideration to improving traffic controls that maximise the safety of the pedestrian traffic at the rear of the building at Markham Place in the form of a 10km shared zone.
 - Council to refer Laura Fragiacomio Hamilton's submissions dated 28 January 2021 and 5 May 2021 to the attention of the General Manager.

The decision of the panel was unanimous.

IWLPP996/20 Agenda Item 7	REV/2020/0030
Address:	14 Forrest Street, Haberfield
Description:	S8.2 Review of DA/2020/0346 for alterations and additions to the existing dwelling. Review involves amended plans.
Applicant:	Mr Domenico Alvaro

Angus Talbot excused himself from the meeting at 3:20pm and Mary-Lynn Taylor chaired the meeting for this matter and item 9 respectively.

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

- *Dominic Alvaro*

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 s8.2 of the *Environmental Planning and Assessment Act 1979*, change the original decision of DA/2020/0346 and grant consent to Application No. REV/2020/0030 for S8.2 Review of DA/2020/0346 for alterations and additions to the existing dwelling at 14 Forrest Street Haberfield NSW 2045 subject to the conditions listed in Attachment A to the officer's report, subject to the following changes:

- Amend condition 2(e) and 2(f) to replace the words ***Dulux "York Stone"*** to ***Dulux "Wallaby"*** relating to the front timber fence.

The decision of the panel was unanimous.

IWLPP997/20 Agenda Item 8	DA/2020/0848
Address:	25 Nelson Street, Annandale
Description:	Alterations and additions including rear additions and balcony to first floor and rebuild elements of front wall to Nelson street. Erect new garage with studio above at rear of site.
Applicant:	Robert Staines

The Honourable Angus Talbot returned and resumed as Chair at 3:31pm in the public meeting and returned to the closed session at 4:19pm for the decision making of this matter.

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

- Murray Lee

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 a written request pursuant to Clause 4.6 to vary 4.4 – Floor Space Ratio of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance 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 standard and of the zone in which the development is to be carried out. (KL)
- 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/2020/0848 for alterations and additions including rear additions and balcony to first floor and rebuild elements of front wall to Nelson street. Erect new garage with bedroom above at rear of site at 25 Nelson Street ANNANDALE NSW 2038 subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

IWLPP998/20 Agenda Item 9	REV/2021/0002
Address:	8 Richards Avenue, Marrickville
Description:	S8.2 review Determination No. 2020/0489 dated 13 October 2020 to carry out alterations and additions to a dwelling house.
Applicant:	Mr Eddy Younan

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

- Bruce Threlfo

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 application requires a Clause 4.6 variation request and the Panel finds the variation to be appropriate.
- B. The proposed development is consistent with and has demonstrated compliance with the *Marrickville Local Environmental Plan 2011*.
- C. 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. REV/2021/0002 for S8.2 review of Determination No. 2020/0489 dated 13 October 2020 to carry out alterations and additions to a dwelling house at 8 Richards Avenue, Marrickville subject to the conditions listed in Attachment B to the officer's report, subject to the following changes:

- Insert a new Condition 1A as follows:

1A DESIGN CHANGE

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

- (a) Privacy treatment is to be applied to the windows of the approved attic level facing either side boundary, which precludes direct overlooking of the private open space of the neighbouring properties.

The decision of the panel was unanimous.

IWLPP999/20 Agenda Item 10	DA/2020/1051
Address:	15-27 McKell Street, Birchgrove
Description:	Alterations and additions to existing townhouses at Nos. 15-27 McKell Street.
Applicant:	Mrs Melissa R Hobbs

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

- Anthony Green

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 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 request, 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.
- 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/2020/1051 for alterations and additions to existing townhouses at Nos. 15-27 McKell Street at 1-43 Mckell Street BIRCHGROVE NSW 2041 subject to the conditions listed in Attachment A to the officer's report and subject to the following changes:
 - Delete condition 2(a)

The decision of the panel was unanimous.

IWLPP1000/20 Agenda Item 11	DA/2020/0984
Address:	160 Darling Street, Balmain
Description:	Alterations and additions to existing attached dwelling-house.
Applicant:	Mr John Chatterton

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

- Justin Long

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 a written request pursuant to Clause 4.6 to vary 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance 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 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/2020/0984 for alterations and additions to existing attached dwelling-house at 160 Darling Street BALMAIN NSW 2041 subject to the conditions listed in Attachment A to the officer's report and subject to the following changes:

- Re-word Condition 2 as follows:

2. Design Change

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

- (a) The enclosure of the dormer fronting Darling street is not approved and is to be deleted.
- (b) A window and/ or door may be provided to the second-floor study behind the existing dormer.
- (c) A lightly framed operable skylight may be installed in the roof plane below the open dormer.

The decision of the panel was unanimous.

IWLPP1001/20 Agenda Item 12	DA/2020/0977
Address:	162 Darling Street, Balmain
Description:	Alterations and addition to existing attached dwelling-house.
Applicant:	Mr Gregory J Bittar

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

- Justin Long

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 a written request pursuant to Clause 4.6 to vary 4.4 of the *Leichhardt Local Environmental Plan 2013*. 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, subject to the recommended design amendment condition being imposed in any consent granted. 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/2020/0977 for Alterations and addition to existing attached dwelling-house at 162 Darling Street BALMAIN NSW 2041 subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

The Inner West Planning Panel Meeting finished at 3:45pm.
The Closed session commenced at 3:46pm
The Closed session finished 4:23pm

CONFIRMED:



The Honourable Angus Talbot
Chairperson
11 May 2021