



INNER WEST LOCAL PLANNING PANEL  
MEETING

**8 JUNE 2021**

MINUTES

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held via teleconference on 8 June 2021.

Present: Adjunct Professor David Lloyd QC in the chair; Mr David Johnson; Mrs Mary-Lynne Taylor; Mr Kenneth Hawke

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

Meeting commenced: 2.10pm

**\*\* 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:

David Johnson declared the following conflict of interests:

- Item 6 - as he knows a neighbour who is an objector to the proposal.
- Item 8 – as he was on the Panel which determined the original Development Application and so cannot participate in the review.

<b>IWLPP1002/21</b> <b><i>Agenda Item 1</i></b>	Standing Item - Report in Accordance with Ministerial Direction: Pending Local Planning Panel Matters
--	--

Matters pending have been presented to the Panel Chairman and are duly noted.

<b>IWLPP1003/21 Agenda Item 2</b>	DA/2020/0461
<b>Address:</b>	17 Wharf Road Birchgrove
<b>Description:</b>	Demolition of an existing single dwelling house, subdivision of the land into two lots and construction of a new dwelling house and pool on each new lot, with remediation of both lots.
<b>Applicant:</b>	ESNH Design Pty Ltd

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

- Joanne McGuinness
- Kerry Nash
- Paul Davies
- Mr Egidio J Gobbo
- Eugenia Harley
- Lisa Bella Esposito

## 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.

- A. The applicant has made a written request pursuant to Clause 4.6 to vary Clause 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/2020/0461 for Demolition of an existing single dwelling house, subdivision of the land into two lots and construction of a new dwelling house and pool on each new lot, with remediation of both lots at 17 Wharf Road BIRCHGROVE NSW 2041 subject to the conditions listed in Attachment A below, subject to the deletion of condition 2 (f).

The decision of the panel was by majority of 3 to 1 and that in the course of adopting that determination the panel is of the unanimous view that condition 2(f) be deleted from the recommendation.

David Johnson was in dissent of the decision.

<b>IWLPP1004/21 Agenda Item 3</b>	DA/2020/0800
<b>Address:</b>	2B Gordon Street Rozelle
<b>Description:</b>	Alterations for adaptive reuse of ground floor of Parish Hall as licensed theatre.
<b>Applicant:</b>	Genesian Theatre Company Inc

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

- Dr Katrina Thorpe
- Barry Nielsen
- Hayden Dimitrovski
- John Pagan

## **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.

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*, grant consent to Development Application No. DA/2020/0800 for Alterations for adaptive reuse of ground floor of Parish Hall as licensed theatre at 2B Gordon Street ROZELLE NSW 2039 subject to the conditions listed in Attachment A and subject to the following changes:

- Delete Conditions 8 and 9.
- Amend Condition 12, after the words '*Any advertising material...*', add the words '*...and tickets and ticketing information*'.
- In Condition 14, substitute the figure '100' for the figure '130'.

The Panel advises that Council investigate a resident parking scheme in the area.

The decision of the panel was unanimous.

<b>IWLPP1005/21 Agenda Item 4</b>	DA/2020/0993
<b>Address:</b>	29 Gilpin Street Camperdown
<b>Description:</b>	Demolition of existing structures and tree removal. Construction of 7 attached dwellings with associated parking and landscaping. Torrens title subdivision into 7 lots.
<b>Applicant:</b>	ES Design

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

- Amy Sutherland

## DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be refusal as per the recommendation 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 Development Application No. DA/2020/0993 for subdivision of the existing lot into 7 Torrens title allotments, demolition of existing structures, tree removal and construction of 7 attached dwellings with associated parking and landscaping at 29 Gilpin Street, Camperdown for the following reasons, with additional amendments:
1. The proposed development is inconsistent and has not demonstrated compliance with the relevant Aims of the *Marrickville Local Environmental Plan 2011*, having regard to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
  2. The proposed development is inconsistent and has not demonstrated compliance with the *Marrickville Development Control Plan 2011*, having regard to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*:
    - a) Part 2.6 – Acoustic and Visual Privacy;
    - b) Part 2.7 – Solar Access and Overshadowing;
    - c) Part 2.18 – Landscaping and Open Spaces; and
    - d) Part 4.1 – Low Density Residential Development.
  3. The proposed development is inconsistent and has not demonstrated compliance with the Draft *Inner West Local Environmental Plan 2020*, having regard to Section 4.15 (1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*:
    - a) Draft Clause 2.3 - Zoning objectives and Land Use Table.
  4. The proposal will result in adverse environmental impacts in the locality, having regard to Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*.
  5. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, having regard to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.

6. The proposal by virtue of its various inconsistencies with the relevant planning documents is considered contrary to the public interest, having regard to Section 4.15 (1)(d) and (e) of the *Environmental Planning and Assessment Act 1979*.

The decision of the panel was unanimous.

<b>IWLPP1006/21 Agenda Item 5</b>	DA/2021/0178
<b>Address:</b>	216 Annandale Street Annandale
<b>Description:</b>	Change of approved use from retail premises "shop" to commercial premises "business premises" (barber) - Modification of hours of operation, Proposed signage and Proposed internal fit out.
<b>Applicant:</b>	Ribera Studios Pty Ltd

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

- Peter Cronau
- Zeljko Doric
- Joseph Ribera

### **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 s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2021/0178 for - Change of approved use from retail premises "shop" to a barber at 216 Annandale Street ANNANDALE NSW 2038 subject to the conditions listed in Attachment A to the officer's report subject to the following changes:

Condition 13 be amended to omit any reference to trading on public holidays.

The decision of the panel was unanimous.



<b>IWLPP1007/21 Agenda Item 6</b>	MOD/2021/0083
<b>Address:</b>	601/5 Mungo Scott Place Summer Hill
<b>Description:</b>	S 4.55 (1A) to modify determination No.10.2019.51 to amend conditions relating to the retail tenancy known as Shop 107.
<b>Applicant:</b>	EG Funds Management Pty Ltd

David Johnson excluded himself from the meeting due to a conflict of interest and was not involved in the discussion or voting.

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

- *Janet Peters*
- *Jamie Bacon*
- *Sunaina Gursahaney*
- *Cameron Becker*
- *Grant Flannigan*
- *Philip Bull*
- *Raja Jamal*

## **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*, grant consent to Application No. MOD/2021/0083 for S4.55 (1A) to modify determination No.10.2019.51 to amend conditions relating to the retail tenancy known as 107 on the site. at 601/5 Mungo Scott Place SUMMER HILL NSW 2130 subject to the conditions listed in Attachment A to the officer's report and subject to the following changes:

- Insert a new condition as 5A to read 'all outdoor furniture must have rubber feet'.
- Delete condition 8(a)
- Amend Condition 8(d) Add the words '*and music*' after the words '*Public Entertainment*' in both the heading and in the condition.

The decision of the panel was by majority, 2 to 1.

Mrs Mary-Lynne Taylor was in dissent of the decision.

<b>IWLPP1008/21 Agenda Item 7</b>	DA/2020/1103
<b>Address:</b>	406 Young Street Annandale
<b>Description:</b>	Alterations and additions proposing a ground floor studio/garage structure with roof storage and associated works
<b>Applicant:</b>	Anthony Cordato

David Johnson returned to the public meeting and closed session.

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

- *Lorraine Bower*
- *Rafael Chemke*
- *Eugenia Harley*

## **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.

- 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*, grant consent to Development Application No. DA/2020/1103 for alterations and additions proposing a ground floor studio/garage structure with roof storage and associated works at 406 Young Street ANNANDALE NSW 2038 subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

<b>IWLPP1009/21 Agenda Item 8</b>	REV/2020/0028
<b>Address:</b>	898-904 Princes Highway, Tempe
<b>Description:</b>	S8.2 Review of DA201900356 which refused alterations and additions to existing pub and construction of a 3 storey building at the rear with at-grade and basement parking, landscaping and associated works for use as hotel accommodation.
<b>Applicant:</b>	Tyche Sydney Solidity Mangement Fund

David Johnson excluded himself from the meeting due to a conflict of interest and was not involved in the discussion or voting.

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

- *Peter Clarke*

### **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 s8.4 of the *Environmental Planning and Assessment Act 1979*, change the original decision of DA201900356 and grant consent to Application No. REV/2020/0028 for S8.2 Review of DA201900356 for alterations and additions to existing pub and construction of a 3 storey building at the rear with at-grade and basement parking, landscaping and associated works for use as hotel accommodation at 898-904 Princes Highway Tempe NSW 2044 subject to the conditions listed in Attachment A.

The decision of the panel was unanimous.

<b>IWLPP1010/21 Agenda Item 9</b>	REV/2020/0033
<b>Address:</b>	235 Norton Street Leichhardt
<b>Description:</b>	S8.2 Review of Development Application - review of condition which required deletion of carparking space
<b>Applicant:</b>	Mr Paul E Ferris

David Johnson returned to the public meeting and closed meeting.

## **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 s8.2 of the *Environmental Planning and Assessment Act 1979*, refuse the Review of Determination DA/2020/0732 (i.e., REV/2020/0033) for deletion of Condition 2, which required deletion of the carport and vehicular crossing at 235 Norton Street LEICHHARDT NSW 2040 for the following reasons:
1. The proposed carport and vehicular crossing are contrary to the following aims of Clause 1.2 of the *Leichardt Local Environmental Plan 2013*:
    - (b) to minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment,
    - (c) to identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt,
    - (d) to promote a high standard of urban design in the public and private domains,
    - (e) to protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,
    - (i) to provide for development that promotes road safety for all users, walkable neighbourhoods and accessibility, reduces car dependency and increases the use of active transport through walking, cycling and the use of public transport,
    - (l) to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area.
  2. The proposed carport and vehicular crossing are inconsistent with the following objectives of the R1 zone contained in the *Leichardt Local Environmental Plan 2013*:
    - To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas; and
    - To protect and enhance the amenity of existing and future residents and the neighbourhood.

3. The proposed carport and vehicular crossing are contrary to the following provisions of *Leichhardt Development Control Plan 2013*:
  - C1.0 General Provisions
  - C1.3 Alterations and additions
  - C1.11 Parking
  - C2.2.3.5 Leichhardt Commercial Distinctive Neighbourhood
  - C2.2.3.5(d) Norton Street - Residenziale Sub Area
  - C3.1 Residential General Provisions
  - C3.5 Front Gardens and Dwelling Entries
4. The proposed car space does not meet the requirements of Australian Standard AS/NZS2890.1-2004 Parking Facilities.
- B. That the determination of the original Development Application DA/2020/0732 be upheld.

The decision of the panel was unanimous.

<b>IWLPP1011/21 Agenda Item 10</b>	DA/2020/0867
<b>Address:</b>	363 King Street Newtown
<b>Description:</b>	To demolish part of the premises and carry out alterations and additions for a mixed use development.
<b>Applicant:</b>	CMT Architects

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

- Chris Tsioulos

## **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 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/2020/0867 to demolish part of the premises and carry out alterations and additions for a mixed use development at 363 King Street NEWTOWN NSW 2042 subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

<b>IWLPP1012/21 Agenda Item 11</b>	DA/2020/0998
<b>Address:</b>	149 Darling Street Balmain
<b>Description:</b>	Alterations and additions including rear dormer and deck.
<b>Applicant:</b>	Nick Bell Architects - Caleb Burke

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

- Nick Bell

## **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 4.4 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. 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/2020/0998 for Alterations and additions including rear dormer and deck. at 149 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.

<b>IWLPP1012/21 Agenda Item 12</b>	DA/2020/1008
<b>Address:</b>	138 Young Street Annandale
<b>Description:</b>	Alterations and additions including two storey addition to house, and separate garage with studio room over at rear of site.
<b>Applicant:</b>	Nathan Oates

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

- *Colette Hortle*

## **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 4.3A(3)(b) and 4.4 of the Leichhardt Local Environmental Plan 2013. After considering these 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 variations are 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. D/2020/1008 for alterations and additions to dwelling and rear garage and studio at 138 Young Street Annandale 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 4.22pm.  
The Closed session commenced at 4.28pm  
The Closed session finished at 5.10pm**

**CONFIRMED:**

A handwritten signature in blue ink, appearing to read 'D. A. Lloyd', is positioned below the 'CONFIRMED:' heading.

**Adjunct Professor David Lloyd QC  
Chairperson  
8 June 2021**