



INNER WEST LOCAL PLANNING PANEL  
MEETING

**14 SEPTEMBER 2021**

MINUTES

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held in the Council Chambers, Leichhardt Town Hall, Norton Street, Leichhardt on 14 September 2021

Present: Adjunct Professor David Lloyd QC; Ms Jan Murrell; Ms Lisa Trueman; Mr Kenneth Hawke and Mr Brian Kirk

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

Meeting commenced: 2:07 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**

The following declarations of interest were made:

Item 2 – David Lloyd and Kenneth Hawke were on the panel that determined the original DA.

<b>IWLPP1034/21</b> <b><i>Agenda Item 1</i></b>	<b>Standing Item - Report in Accordance with Ministerial Direction:</b> <b>Pending Local Planning Panel Matters</b>
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Matters pending were presented to the Panel Chairman and were noted.

<b>IWLPP1035/21 Agenda Item 2</b>	REV/2021/0006
<b>Address:</b>	95 Ramsay Street HABERFIELD
<b>Description:</b>	S8.2 Review Application to MOD/2020/0401 for modification of existing development to regularise works and inclusion of a dogwash facility.
<b>Applicant:</b>	Mr Victor Sahade

David Lloyd and Kenneth Hawke left the meeting at 2:09pm

David Lloyd and Kenneth Hawke excluded themselves from the meeting due to a conflict of interest (having been on the Panel for the determination of MOD/2020/0401) and were not involved in the discussion or voting for this item. Jan Murrell was the alternate Chair and Brian Kirk joined the panel for this item only.

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

- *Hugh Loughrey*
- *Vincent Crow*
- *Alex Donnelly*
- *John Coady*
- *Victor Sahade*

## **DECISION OF THE PANEL**

The Panel notes the officer's report and all submissions made, both oral and written. Panel members have also carried out individual site inspections to gain an understanding of the context of the site, and this includes its location in the Haberfield heritage conservation area. While the zoning of the site is commercial at the same time development should not unreasonably detract from the heritage significance of the HCA.

The Panel considers that given the location, the presentation of the service station and car wash facility warrants a revised set of plans that are accurate and consistent.

The Panel has decided to **defer** determination of the application and the applicant is given the opportunity to submit a revised set of plans and documentation to address outstanding issues including the following:

- a. Deletion of the large illuminated box sign and structure, 'Crystal car wash cafe', that is located for the most part above the roof. This may also require the air conditioning to be relocated so as not to be generally visible from the public domain. (This excessively large sign adversely impacts on the HCA and is unnecessary);
- b. All signage for the car wash and cafe to be rationalized and of a reduced size and not to protrude above the built form;
- c. the reduction of driveways for the site to allow for perimeter hedge planting as far as possible;
- d. the provision of 8 car spaces on-site;
- e. relocation or removal of the vacuum and air pump on the corner;

- f. a landscape plan prepared by an appropriately qualified person in consultation with Council, to show perimeter hedging and a large evergreen canopy tree for the corner;
- g. an accurate and consistent set of revised plans drawn to scale;
- h. a revised Plan of Management to provide: a phone number and name clearly visible on the outside of the premises for neighbours to be able to contact in the event of the car wash operation creating unreasonable disturbance; and a complaints register to be maintained that also includes action taken by management to resolve issues (the register is to be made available for Council to inspect as required); and
- i. a revised acoustic report that has regard to the changes.

(Reason: the use of the site must have regard to its location in a HCA and the amenity of the neighbourhood.)

The Applicant has until 12th October 2021 to submit the above. Council officers are then to provide a supplementary report for the Panel to determine at its meeting of 9th November 2021.

In the event the applicant fails to submit revised plans and documentation by the required date then the application will be refused.

The decision of the panel was unanimous.

<b>IWLPP1036/21 Agenda Item 3</b>	DA/2020/1146
<b>Address:</b>	152-156 Parramatta Road STANMORE
<b>Description:</b>	Substantial demolition of existing improvements, retention of existing building facade and construction of a 5 storey boarding house containing 34 single boarding rooms, 1 managers room and 2 ground floor commercial tenancies.
<b>Applicant:</b>	Alain Assoum

David Lloyd and Kenneth Hawke returned to the meeting at 3:10pm

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

- *Alain Assoum*
- *Paul Hansen*

## **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 Development Application No. DA/2020/1146 for substantial demolition of existing improvements, retention of existing building facade and construction of a 5 storey boarding house containing 34 boarding rooms, 1 managers room and two ground floor commercial tenancies at 152-156 Parramatta Road STANMORE NSW 2048 subject to the reasons for refusal listed in Attachment A in the officer's report.

1. The proposal is contrary to Clause 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009, as the proposed height and FSR exceeds that achievable on adjoining lots and the extent of development sought is out of character with this section of the commercial precinct, the additional yield is visible to both street frontages and the bulk presented to the low density residential heritage conservation area at the rear of the site is unsatisfactory.
2. The proposed development exceeds the Height of Building development standard under clause 4.3 of Marrickville Local Environmental Plan 2011. The proposed development is inconsistent with the stated objectives of the development standard. A clause 4.6 exception was not submitted with the application. Accordingly, Council has no statutory power to consent to the application.
3. The proposal exceeds the floor space ratio development standard under Clause 29 of State Environmental Planning Policy (Affordable Rental Housing) 2009 and Clause 4.4 of Marrickville Local Environmental Plan 2011. The proposed development is inconsistent with the stated objectives of the development standard. A clause 4.6 exception was not submitted with the application. Accordingly, Council has no statutory power to consent to the application.

4. The development is inconsistent with the aims of Marrickville Local Environmental Plan 2011 and design excellence provisions as prescribed by Clauses 1.2 and 6.20 in that the development provides for increased residential density without protecting the amenity of the adjoining residential development and the bulk and scale of the proposal does not promote a high standard of design
5. The development results in unacceptable visual privacy impacts on adjoining residential development and does not demonstrate compliance with the objectives and controls contained in Part 2.6 of Marrickville Development Control Plan 2011.
6. The car parking arrangements via a car lift are considered inadequate in terms of its location, access and manoeuvrability, reliance on mechanical means and lack of specifications provided and would result in unacceptable traffic impacts and queuing in Corunna Lane.
7. The proposal does not comply with control C24 or C26 within part 2.10 of MDCP 2011 and is inconsistent with the applicable objective O2 as it fails to provide for on-site service and deliveries as the proposed loading area is inadequate in size, height and manoeuvrability of the space has not been demonstrated in accordance with AS2890.2.
8. The proposed massing and setbacks of the development fail to meet objectives O23, O24 and O25a and Controls C3 and C15 of Part 5.1.4.3 of Marrickville Development Control Plan 2011 in relation to the height, setbacks and building envelope of the development resulting in detrimental streetscape impacts.
9. The proposal will significantly impact on the amenity of the adjoining premises and streetscape and given the substantiated issues raised in submissions, pursuant to the provisions of Section 4.15(1)(d)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposal would not be in the public interest.

The decision of the panel was unanimous.

<b>IWLPP1037/21 Agenda Item 4</b>	DA/2021/0261
<b>Address:</b>	16 Enmore Road NEWTOWN
<b>Description:</b>	Use of the premises as a small bar. Internal and external alterations, including signage.
<b>Applicant:</b>	Mucho Aloha Pty Ltd

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

- Narelle Wickham
- Tallay Wickham
- Jeffrey Renwick
- Jeremy Blackmore

## 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.

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. 2021/0261 for the use of the premises as a small bar and internal and external alterations, including signage at 16 Enmore Road, Newtown subject to the conditions listed in Attachment A in the officer's report, and subject to the following changes:

- Amend part (1) of the Deferred Commencement condition to read:  
*An acoustic report prepared by a suitably qualified acoustic consultant is to be submitted demonstrating that the design of the development will satisfy the relevant requirements of Liquor and Gaming NSW, the Protection of the Environment Operations Act, the NSW EPA Noise Policy and Noise Control Manual. Recommendations of the acoustic report must be updated on the Architectural plans and incorporated within the Plan of Management as appropriate.*
- Amend part (2) of the Deferred Commencement condition as an operational condition.
- Add a condition 25A. to require the Plan of Management to be updated to include manager/emergency contact details to be made available to neighbours in order for them to be able to report complaints and disturbance whilst trading after 10pm is permitted and form a community liaison committee to convene on a quarterly basis.
- Add condition 27A. stating that queueing after 11pm is not permitted.
- Delete condition 29.

The decision of the panel was unanimous.



<b>IWLPP1038/21 Agenda Item 5</b>	DA/2020/1104
<b>Address:</b>	267 Darling Street BALMAIN
<b>Description:</b>	Shop Top Housing Development, containing two commercial units, 7 dwellings and 2 boarding rooms and the remediation of the site.
<b>Applicant:</b>	Mr Renato Ius

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

- *Tammy Somerfield*
- *David Robinson/Atkinson*
- *Harold Graycar*
- *Gerard Turrisi*
- *Stephen Davies*

## **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:

1. The proposed building is not compatible with the desired future character of the area in relation to its excessive bulk, form, character and height.
2. The Panel does not accept that the building is entitled to an additional FSR as it does not satisfy Clause 4.4(3)(c) of Leichhardt Local Environmental Plan 2013 for the reason above.
3. The building is incompatible with the streetscape.
4. Overall, the proposal represents an overdevelopment of the site.

The Panel is not satisfied that the Deferred Commencement condition would provide any certainty in the outcome.

The decision of the panel was unanimous.

<b>IWLPP1039/21 Agenda Item 6</b>	MOD/2021/0066
<b>Address:</b>	64 Birchgrove Road BALMAIN
<b>Description:</b>	Section 4.56 Modification of Development Consent granted by the Land and Environment Court to D/2019/154 which approved demolition and construction of new dwelling, double garage, pool and associated works, seeking various changes, including: landscaping amendments; new lower ground level corridor to provide access from garage to dwelling; new lift and stair access connection to lower level; new sub-floor area, internal reconfiguration; and laundry door and rainwater tank relocation.
<b>Applicant:</b>	Nick Bell Architects

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. 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 Application No. MOD/2021/0066 for Section 4.56 Modification of Development Consent which approved demolition and construction of new dwelling, double garage, pool and associated works, seeking various changes, including: landscaping amendments; new lower ground level corridor to provide access from garage to dwelling; new lift and stair access connection to lower level; new sub-floor area, internal reconfiguration; and laundry door and rainwater tank relocation at 64 Birchgrove Road BALMAIN subject to the amendments of the following conditions listed in Attachment A in the officer's report.

The decision of the panel was unanimous.

<b>IWLPP1040/21 Agenda Item 7</b>	DA/2021/0472
<b>Address:</b>	277 King Street NEWTOWN
<b>Description:</b>	To demolish part of the premises and carry out shopfront alterations and additions and provide new signage.
<b>Applicant:</b>	NSW Town Planning

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

- Lei Tao
- Karen Ellwood
- Nathaniel Murray

## **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 Marrickville Local Environmental Plan 2011. 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/2021/0472 to demolish part of the premises and carry out shopfront alterations and additions and provide new signage at 277 King Street Newtown subject to the conditions listed in Attachment A in the officer's report.

The decision of the panel was by majority votes (3/1). Kenneth Hawke voted against the item citing the issue of pedestrian safety.

<b>IWLPP1041/21 Agenda Item 8</b>	DA/2021/0176
<b>Address:</b>	5 Hampton Street BALMAIN
<b>Description:</b>	Torrens title subdivision to create two lots, accommodating the existing dwellings.
<b>Applicant:</b>	Nicholas Lawler

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

- Nicholas Lawler

## 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 Leichhardt Local Environmental Plan 2013 to vary Clause 4.1- minimum subdivision lot size and Clause 4.3A- landscaped area 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/2021/0176 for Torrens title subdivision to create two lots, accommodating the existing houses at 5 Hampton Street, Balmain subject to the conditions listed in Attachment A in the officer's report.

The decision of the panel was unanimous.

<b>IWLPP1042/21 Agenda Item 9</b>	DA/2021/0449
<b>Address:</b>	Glover Street LILYFIELD
<b>Description:</b>	Removal of three dead or dying trees within Callan Park.
<b>Applicant:</b>	Brooke Morris

## 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/2021/0449 for the removal of four dead or dying trees within Callan Park at Glover Street, ROZELLE, subject to the conditions listed in Attachment A in the officer's report.

The decision of the panel was unanimous.

<b>IWLPP1043/21 Agenda Item 10</b>	DA/2021/0366
<b>Address:</b>	G 12/45 Nelson Street ANNANDALE
<b>Description:</b>	Conversion of Storage Area to Business Premises and Partial Fit-out for Shop 2.
<b>Applicant:</b>	NSW Town Planning Pty Ltd

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

- Nathaniel Murray

## 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 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/2021/0366 for the conversion of a storage area to be used as part of the business premises and partial fit-out of Shop 2 at G 12/45 Nelson Street, Annandale subject to the conditions listed in Attachment A in the officer's report.

The decision of the panel was unanimous.

**The Inner West Planning Panel Meeting finished at 4:29pm.**

**The Inner West Planning Panel Closed Meeting started at 4:34pm  
The Inner West Planning Panel Closed Meeting finished at 5:28pm**

**CONFIRMED:**

A handwritten signature in blue ink, appearing to read 'D. A. Lloyd', is positioned above the typed name.

**Adjunct Professor David Lloyd QC  
Chairperson  
14 September 2021**