

INNER WEST LOCAL PLANNING PANEL
MEETING

11 JULY 2023

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 11 July 2023.

Present: Dr Gary Shiels in the chair; John McInerney; Ms Lindsey Dey; Ms Lea Richards.

Staff Present: Ruba Osman, Development Assessment Manager; Clare Fitzpatrick-Clark, Senior Development Support Officer and Sara Sullivan, Development Support Officer.

Meeting commenced: 2.06pm

**** 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.

IWLPP1129/23 <i>Agenda Item 1</i>	Standing Item - Report in Accordance with Ministerial Direction: Pending Local Planning Panel Matters
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Matters pending were presented to the Panel Chairman and noted

IWLPP1130/23 Agenda Item 2	DA/2022/0647
Address:	26-36 Enmore Road, Newtown
Description:	Construction of a Woolworths Metro store, including associated signage, operating 7am-10pm, 7 days per week.
Applicant:	Fabcot Pty Ltd

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

- Fiona Wright
- Vaughan Baguley
- Hannah Grzybowska
- Gerald Pelle
- Taylor Rundell
- Daniel Howard
- Wes Dose
- Josh Milston
- Donal Challoner

DECISION OF THE PANEL

- 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/2022/0647 for the construction of a neighbourhood supermarket (Woolworths Metro store), including associated signage, operating 7am-10pm, 7 days per week at 26-36 Enmore Road NEWTOWN NSW 2042 subject to the conditions listed in the officers report with the following changes:

Conditions to be amended: (amendments in red)

- 25j. OSD ~~may~~ **must** be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
9. Noise – Consultant’s Recommendations
- (i) All noise emission criteria, assumptions and recommendations contained in the acoustic report prepared by Acoustic Logic, reference 20201167.1 (Revision 4), dated 20/07/2022 must be implemented and complied with at all times.
 - (ii) **Amended plans to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate illustrating the provision of;**
 - a) **The southern end of the canopy is to connect to a full height of non perforated barrier**
 - b) **An acoustic barrier/fence on the southern façade of the development that extends from the canopy towards Bailey Street for at least 12**

meters. The first 6 metres of the barrier from the canopy is to be at least 3 metres high. The remaining 6 metres is to be at least 1.8 metres high.

57. Commercial Waste Collection and Deliveries

- a. The collection of waste and recycling from the premises must only occur between the hours of 6:00am and 10:00pm weekdays, and 7:00am and 10:00pm weekends and public holidays.
- b. All deliveries to the premises must only occur between the hours of 7:00am and 6:00pm Monday to Sunday.
- c. There is to be a maximum of one delivery per 15 minutes

Adding the following conditions;

Condition 29A Photovoltaic Cells

Amended plans being submitted to the to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate illustrating the provision of photovoltaic cells on the roof of the subject development

56A. Complaints register

The management of the premises shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. Management shall maintain a complaints register which is available at the request of Council at any time which;

- (i) Shall record in an Incident Register full details of any disturbance complaints made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises.
Such recording will include time, date, nature of the complaints and any complainant details if provided.
- (ii) Shall respond to any disturbance complaints in a timely and effective manner. All actions undertaken by management / staff to resolve such complaints shall be recorded in the Register.

23A Landscaping

An amended landscaping plan be provided to the satisfaction Council prior to the issue of a Construction Certificate, showing dense landscape screening along the Bailey Street and Enmore Road street frontages. Also, the potential for a landscaped green wall be considered at the Enmore Road frontage, to provide landscaping facing Enmore Road.

Reasons for the decision:

The proposal generally satisfies the applicable State Environmental Planning Policies, and complies with the aims, objectives and design parameters contained in the *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

The development will not result in any significant impacts on the amenity of the adjoining premises, the streetscape and is ultimately considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous

IWLPP1131/23 Agenda Item 3	DA/2022/0442
Address:	3 Fredbert Street, Lilyfield
Description:	Alterations and additions to dwelling including new first floor, demolition of existing garage and studio and construction of two-bedroom secondary dwelling over double garage.
Applicant:	Damian O'Mahony & Associates Pty Ltd

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

- Jim Grimes
- Helen Grimes
- Vaughan Milligan
- Damian O'Mahony

DECISION OF THE PANE

- A. The applicant has made written requests pursuant to section 4.6 of the Leichhardt LEP 2013 to breaches of clauses 53(2)(a) and 53(2)(b) of the State Environmental Planning Policy (Housing (2021)). After considering the requests, and assuming the concurrence of the Secretary has been given, 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/2022/0442 for alterations and additions to dwelling including new first floor, demolition of existing garage and studio and construction of two-bedroom secondary dwelling over double garage at 3 Fredbert Street LILYFIELD subject to the conditions listed in the officers report with the following changes:

Condition19A Landscaping Plan

An amended Landscape Plan is to be submitted to the satisfaction of the Certifying Authority illustrating that they are consistent with architectural plan issue A-3-1 Dated 31 March 2023 (Ground Floor Plan) and associated paving.

Reasons for the decision:

The panel noted that the architectural drawings had been amended to respond to concerns of the adjoining neighbour at 1 Fredbert Street and that potential overshadowing and privacy impacts had been reduced.

The proposal generally complies with the aims, objectives and design parameters contained in the *Leichhardt Local Environmental Plan 2013* and the Leichhardt Development Control

Plan 2013. The proposal also generally complies with the aims, objectives and design parameters contained in the *Inner West Local Environmental Plan 2022*.

The development is considered to be appropriate in the streetscape and is in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1132/23 Agenda Item 4	DA/2022/0886
Address:	126 Wells Street, Newtown
Description:	Subdivision of the existing lot into two Torrens Title lots, and construction of a two storey semi-detached dwelling on each lot with associated landscaping.
Applicant:	The Trustee for BLU PRINT FAMILY TRUST

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

- Dr Deborah Emmett
- Anthony Charbel (Blu Print Designs)

DECISION OF THE PANEL

- 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/2022/0886 for subdivision of the existing lot into two Torrens Title lots, and construction of a two storey semi-detached dwelling on each lot with associated landscaping at 126 Wells Street NEWTOWN, subject to the conditions listed in the officers report with the following changes:

Condition to be amended: (amendments in red)

2. Design Change

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

- a. The car parking space at the front must be deleted. The setback of the front wall that is adjacent to the lounge room at the front on the western lot must be amended to mirror the front setback of the wall adjacent to bedroom 4 on the eastern lot. The design and treatment of, and within, the front setback, including front fencing, of the western lot must mirror the design and treatment of the eastern lot.
- b. The finished floor level of the patios at the rear must be reduced by, at least, 400mm.
- c. The vergolas over the patios at the rear, including associated posts, must be deleted.
- d. The first floor windows on the eastern and western elevations shall have a minimum sill height of 1.6 metres from the finished floor level
- e. The roof colour and associated metal work is to be amended to a lighter shade more consistent with the character of the immediate neighbourhood.

Reasons for the decision:

The Panel generally agrees with the Council officers' recommendation, in particular the removal of the car parking space at the street frontage. The Panel also felt that the roof material and associated down pipes should be in a lighter tone to reduce solar heat gain and to be in keeping with the locality.

The proposal subject to compliance with the recommended conditions, generally complies with the aims, objectives and design parameters contained in the *Inner West Local Environmental Plan 2022* and the *Marrickville Development Control Plan 2011*.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval, subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1133/23 Agenda Item 5	DA/2022/0959
Address:	53 Charles Street, Leichhardt
Description:	Substantial demolition and ground and first floor alterations and additions to existing dwelling house and associated works.
Applicant:	Mr Cameron J Campbell

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is not satisfied that compliance with the Floor Space Ratio and Site Coverage development standards is unnecessary in the circumstance of the case and the Panel considers that there are insufficient environmental grounds to support the variation. The proposed development will not be in the public interest because the exceedance is 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, refuse Development Application No. DA/2022/0959 for ground and first floor alterations and additions to existing dwelling house and associated works at 53 Charles Street, LEICHHARDT for the following reasons listed below;
1. The proposed development is inconsistent with and has not demonstrated compliance with the *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Clause 1.2(2)(h) and (i) - Aims of Plan
 - b. Clause 2.1- Zone objectives and Land use table
 - c. Clause. 4.3C(3)(b) - Landscaped areas for residential accommodation in Zone R1 – Site Coverage
 - d. Clause. 4.4 - Floor Space Ratio
 2. The applicant has not demonstrated under Clause 4.6 of *Inner West Local Environmental Plan 2022* that there are sufficient environmental planning grounds to justify contravening the Site Coverage and FSR development standards and the development is considered contrary to the objectives of the standards in its proposed form.
 3. The proposed development is inconsistent with the Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Part C1.0 - General Provisions
 - b. Part C1.1 - Site and Context Analysis
 - c. Part C1.3 - Alterations and Additions
 - d. Part C2.2.3.4 - Helsarmel Distinctive Neighbourhood

- e. Part C3.1 0 - Residential General Provisions
 - f. Part C3.2 - Site Layout and Building Design
 - g. Part C3.3 - Elevation and Materials
 - h. Part C3.8 - Private Open Space
 - i. Part C3.9 - Solar Access
4. The proposed development will result in adverse impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
 5. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
 6. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

Reasons for the decision:

The Panel considered that the clause 4.6 submission should not be supported.

The proposal generally does not comply with, nor satisfies, the aims, objectives and design parameters contained in the *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

The development will result in incompatible and inconsistent development in the neighbourhood and significant impacts on the streetscape and is considered to be contrary to public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

The decision of the panel was unanimous.

IWLPP1134/23 Agenda Item 6	DA/2023/0157
Address:	85 Rowntree Street, Birchgrove
Description:	Lower ground, ground, first and second floor alterations and additions to existing semi-detached dwelling, new swimming pool and associated works.
Applicant:	Angela C Biddle

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

- Angela Biddle

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the landscape area, site coverage and floor space ratio development 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/2023/0157 for lower ground, ground, first and second floor alterations and additions to existing semi-detached dwelling, new swimming pool and associated works at 85 Rowntree Street, BIRCHGROVE, subject to the conditions listed in the officers report.

Reasons for the decision:

The proposal generally complies with the aims, objectives and design parameters contained in the *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013

The development, as proposed and as conditioned, will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The decision of the panel was unanimous.

IWLPP1135/23 Agenda Item 7	DA/2022/0467
Address:	96 Addison Road, Marrickville
Description:	Demolition of existing improvements and construction of a mixed used development containing 2 commercial tenancies and 14 residential units with basement car parking.
Applicant:	BENSON MCCORMACK PTY LTD

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

- Darren Laybutt
- Glenn McCormack

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 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/2022/0467 for demolition of existing improvements and construction of a mixed used development containing 2 commercial tenancies and 14 residential units with basement car parking at 94-98 Addison Road MARRICKVILLE, subject to the conditions listed in the officers report with the following changes:

Adding the following conditions;

Condition 38A: EV Charging

The basement is to have the ability to connect EV chargers and as such the appropriate electrical phasing and infrastructure is to be provided, generally in accordance with the National Construction Code October 2023. Details to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Condition 38B: Photovoltaic Cells

Amended plans being submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate illustrating the provision of photovoltaic cells on the roof of the subject development.

Condition 81: Landscaping

The Landscaping shall be maintained for the life of the development.

Panel Advising

The Panel would encourage the development to provide 100% EV charging facilities for residential car spaces, 10% of commercial car spaces and appropriate bicycle parking in accordance with National Construction Code October 2023.

Reasons for the decision:

The proposal generally complies with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

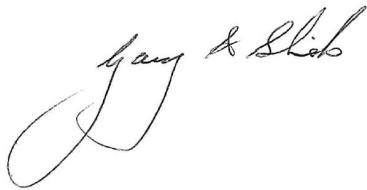
The decision of the panel was unanimous

The Inner West Planning Panel Public Meeting finished at 3.40pm

The Inner West Planning Panel Closed Meeting started at 3.45pm

The Inner West Planning Panel Closed Meeting finished at 5.10pm

CONFIRMED:

A handwritten signature in black ink, appearing to read "Gary Shiels". The signature is written in a cursive style with a large, looping initial 'G'.

**Dr Gary Shiels
Chairperson
11 July 2023**