



INNER WEST LOCAL PLANNING PANEL
MEETING

13 OCTOBER 2020

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via Zoom teleconference on Tuesday, 13 October 2020.

Present: The Honourable Angus Talbot in the chair; Mr David Johnson; Ms Kath Roach and Ms Lindsey Dey.

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

Meeting commenced: 2:03 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:

David Johnson declared a reasonably perceived conflict of interest in item 10 as one of the owners is a former friend of his son.

IWLPP904/20 Agenda Item 1	DA/2020/0346
Address:	14 Forrest Street, Haberfield
Description:	Demolition of existing rear extension, construction of single storey pavilion and basement carpark.
Applicant:	Mr Domenico Alvaro

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

- Jennie Askin
- Stephen Davies
- Domenic Alvaro

DECISION OF THE PANEL

- A. 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, hereby refuses Development Application No. DA/2020/0346 for Demolition of existing rear extension, construction of single storey pavilion at 14 Forrest Street Haberfield for following reasons:
1. The proposal is inconsistent with the aims set out in clause 1.2(2) of the Ashfield Local Environmental Plan 2013 as the proposal does not protect the urban character of Haberfield.
 2. The proposal is inconsistent with the aims set out in clause 5.10(1) and 5.10(4) of the Ashfield Local Environmental Plan 2013 as the proposal does not conserve the heritage significance of the heritage conservation area including fabric, settings and views.
 3. The proposal is contrary to clause 6.5(3)(b) of the Ashfield Local Environmental Plan 2013 as the proposal involves excavation in excess of 3m below ground level (existing).
 4. The proposal is contrary to clause 6.5(3)(d) of the Ashfield Local Environmental Plan 2013 as the proposal does result in at least 50% of the site being landscaped area.
 5. The submission under Clause 4.6 – Exceptions to development standards has not demonstrated sufficient environmental planning grounds to vary development standards under the Ashfield Local Environmental Plan 2013.
 6. The proposal is contrary to clauses 2.3(b), 2.6(e), and 2.12 of Chapter E2 – Haberfield Heritage Conservation Area of the Comprehensive Inner West Development Control Plan 2016 as the proposal does not maintain similar development pattern and size established by the original development and retain existing front and side setbacks.
 7. The proposal is contrary to clause 2.6 (g) of Chapter E2 – Haberfield Heritage Conservation Area of the Comprehensive Inner West Development Control Plan 2016 the proposal does not result in an extension less than and secondary to the original house

8. In accordance with Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development would have adverse environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
9. 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.

IWLPP905/20 Agenda Item 2	DA/2020/0139
Address:	40 Milton Street Ashfield
Description:	Construction of a 6-storey residential flat building of 37 units, 50 car parking spaces including affordable housing units and strata subdivision.
Applicant:	Habitation Design

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

- Brett Newbold
- Joseph Panetta
- Andrew Martin

DECISION OF THE PANEL

- A. 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, hereby refuses Development Application No. DA/2020/0139 for construction of a 6 storey residential flat building of 37 units, 50 car parking spaces including affordable housing units and strata subdivision at 40 Milton Street ASHFIELD NSW 2131 for the following reasons:
1. The proposal has not satisfactorily demonstrated compliance with the objectives specified in the Apartment Design Guide as required by clause 30 (2) (a) & (b) of SEPP 65 – Design Quality of Residential Flat Buildings.
 2. The proposal has not satisfactorily demonstrated compliance with Clause 101 of the State Environmental Planning Policy – Infrastructure 2007. The proposal has not satisfied the consent authority that it will not have an impact on the efficiency and operation of a classified road.
 3. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with clause 1.2 (a) & (i) – Aims of Plan of the *Ashfield Local Environmental Plan 2013*. The proposed development does not promote the orderly and economic development of Ashfield in a manner that is consistent with the need to protect the environment or incorporate the principles of ecologically sustainable development.
 4. In accordance with Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the relevant objectives of zone R3.
 5. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the objectives of the height of buildings control under Clause 4.3 of the *Ashfield Local Environmental Plan 2013*.
 6. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the

objectives of the Floor Space Ratio Development control under Clause 4.4 of the *Ashfield Local Environmental Plan 2013*.

7. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the request under clause 4.6 – Exceptions to development standards has not demonstrated sufficient environmental planning grounds to vary development standards under the *Ashfield Local Environmental Plan 2013*.
8. In accordance with Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development would have adverse environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
9. 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.

IWLPP906/20 Agenda Item 3	D/2019/477
Address:	14 Paul Street, Balmain East
Description:	Boundary adjustment, rear extension to existing house, new two-storey dwelling with basement and pool.
Applicant:	Coso Architecture

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

- Peter McGuinness
- Paul Connor
- Paul Manning
- David Tow

DECISION OF THE PANEL

A. 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*, hereby grants consent to Development Application No. D/2019/477 for boundary adjustment, rear extension to existing house, new two-storey dwelling with basement and pool at 14 Paul Street BALMAIN EAST NSW 2041 subject to the conditions listed in Attachment A to the officer's report, subject to the following changes:

- Add condition:
 - 1A. The landscape concept plans referred to in the table above are to be amended to include only locally endemic species appropriate for the soil profile and not capable of reaching a mature height of more than 4m. Although it does not technically apply to the site, Part 2 of the Marrickville DCP may be used as a guide to select appropriate vegetation.

The plans are to be approved by Council's Manager Urban Forest and Ecology or a Suitably Qualified Landscape Architect.

- Delete condition 2 and insert in lieu thereof:
 - a. That the front façade wall and verandah of the new dwelling 14A (Lot B) shall be modified in accordance with the amended Front Elevation (Drawing No. DA05) and Western Elevation (Drawing No DA07) Plans prepared by COSO Architecture, noted as Amendment B and dated 31 August 2020.
 - b. The proposed rear roof gable end on the new dwelling on the western lot No. 14A Paul Street shall be replaced with hip form.
 - c. That any front fence shall be of a vertical palisade or picket type, with a maximum height no greater than 1.2m at any point.
 - d. That the plans shall be clearly marked to show that the rock shelf near the western boundary of the site shall be protected and retained, with excavation and associated works not to extend beyond the UPVC Stormwater Drainage Line located immediately adjacent the walls of the new dwelling on the western lot, Lot B (14A Paul Street), as detailed on the Concept Ground Drainage Plan prepared by E2 Civil Structural Design and dated 7 November 2019.

The Panel is of the opinion that, contrary to the advice of Council's Heritage officer, the design changes proposed by the applicant in response to the objections by the owners of the neighbouring property are acceptable as a response to the character of the conservation area.

The decision of the panel was unanimous.

IWLPP907/20 Agenda Item 4	MOD/2020/0120
Address:	819 New Canterbury Road, Dulwich Hill
Description:	Application under s4.55(2) of the Environmental Planning and Assessment Act 1979 to modify Determination No.201500632 so as to convert the roof of the rearmost building to terraces and balconies with associated works.
Applicant:	Mars City Pty Ltd- Nordon Jago Architects

DECISION OF THE PANEL

- A. The Inner West Local Planning Panel, exercising the functions of the Council as the consent authority, hereby grants consent to Application No. MOD/2020/0120 for modification under s4.55(2) of the Environmental Planning and Assessment Act 1979 to modify Determination No.201500632 so as to convert the roof of level 3 of Building B to balconies serving level 4 with associated works at 819 New Canterbury Road DULWICH HILL NSW 2203 subject to a modified Determination being issued with condition 1 being modified as per the recommendation to the officer's report.

The decision of the panel was unanimous

IWLPP908/20 Agenda Item 5	DA/2020/0489
Address:	8 Richards Avenue, Marrickville
Description:	Alterations and additions to existing dwelling
Applicant:	Mr John Moshonis

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

- Bruce Threlfo

DECISION OF THE PANEL

- A. 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*, hereby refuses Development Application No. DA/2020/0489 for alterations and additions to existing dwelling at 8 Richards Avenue, Marrickville for the following reasons:
1. The proposed development is inconsistent and has not demonstrated compliance with the Marrickville Local Environmental Plan 2011, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
 - a. Clause 1.2 - Aims of Plan;
 - b. Clause 4.4 - Floor Space Ratio.
 2. The applicant has not made a written request pursuant to Clause 4.6 of the Marrickville Local Environmental Plan 2011 to vary the Floor Space Ratio development standard, despite the design including a gross floor area in excess of the maximum permissible Floor Space Ratio.
 3. The proposed development is inconsistent and has not demonstrated compliance with the Marrickville Development Control Plan 2011, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
 - a. Part 2.6 – Acoustic and Visual Privacy;
 - b. Part 4.1 – Low Density Residential Development; and
 - c. Part 9.30 – Strategic Context.
 4. The proposed development is inconsistent and has not demonstrated compliance with the *Draft Inner West Local Environmental Plan 2020*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
 - a. Clause 3.2 - Zoning Objectives and Land Use Table
 5. The proposal will result in adverse environmental impacts in the locality, pursuant to Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*.
 6. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.
 7. The public submission raised valid grounds of objection and approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the *Environmental Planning and Assessment Act 1979*.

The decision of the panel was unanimous.

IWLPP909/20 Agenda Item 6	DA10.2019.000186.1
Address:	185 Parramatta Road, Haberfield
Description:	Tree removal and pruning
Applicant:	Soil Conservation Service

DECISION OF THE PANEL

- A. 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, hereby approves Development Application No.10.2019.00186.1 for tree removal and pruning at 185 Parramatta Road HABERFIELD NSW 2045 subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

IWLPP910/20 Agenda Item 7	D/2020/4
Address:	21 Mckell Street, Birchgrove
Description:	Alterations and additions to an existing townhouse including a second floor addition and associated works.
Applicant:	Shayne Fegent

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 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 proposal is consistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. The applicant having obtained lawful Owner's Consent, 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, hereby approves Development Application No. D/2020/4 for alterations and additions to an existing townhouse, including a second floor addition and associated works at 21 McKell Street, Birchgrove, subject to the conditions in Attachment A to the officer's report.

The decision of the panel was unanimous.

IWLPP911/20 Agenda Item 8	DA201900446
Address:	122 Crystal Street, Petersham
Description:	To construct a four storey mixed use building comprising a retail tenancy at ground floor level, basement parking and twelve residential units above.
Applicant:	Primus Dms Pty Ltd

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

- Jeff Mead

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 to vary Clause 4.4 (Floor Space Ratio) 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 proposal is consistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. 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, hereby grants a deferred commencement approval to Development Application No. DA201900446 to construct a four storey mixed use building comprising a retail tenancy at ground floor level, basement parking and twelve residential units above at 122 Crystal Street, Petersham subject to the conditions listed in Attachment A to the officer's report and subject to the following changes:

- Amend condition A(5) as follows:

Delete the first sentence and insert, 'A single access point shall be provided.'

The decision of the panel was unanimous.

IWLPP912/20 Agenda Item 9	DA/2020/0163
Address:	279 Annandale Street, Annandale
Description:	Alterations to existing dwellings on site and Torrens title subdivision into two lots.
Applicant:	Pamela Freeman

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

- Matthew O'Donnell
- Pamela Freeman

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 to vary the minimum subdivision lot size development standard set out in Clause 4.1 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 proposal is consistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. 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, hereby grants consent to Development Application No. DA/2020/0163 for alterations to existing dwellings on site and Torrens title subdivision into two lots at 279 Annandale Street Annandale subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

IWLPP913/20 Agenda Item 10	DA/2020/0270
Address:	10 Excelsior Street, Leichhardt
Description:	Alterations & additions including an attic addition, with dormer window, rebuilding of existing shed, & demolition.
Applicant:	Ms Lucy Humphrey

David Johnson left the closed meeting at 4:35pm and returned at 4:37pm

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 of the Leichhardt Local Environmental Plan 2013 to vary Clause 4.3A(3)(b) Site Coverage and 4.4 Floor Space Ratio of the Leichhardt Local Environmental Plan 2013. After considering the requests, 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 proposal is consistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. 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, hereby grants consent to Development Application No. DA/2020/0270 for alterations & additions including an attic addition, with dormer window, rebuilding of existing shed, & demolition at 10 Excelsior Street LEICHHARDT NSW subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was by majority vote as David Johnson excused himself from the decision of this matter.

IWLPP914/20 Agenda Item 11	DA/2020/0147
Address:	54 Birchgrove Road, Balmain
Description:	Part demolition and alterations and additions to existing heritage listed terrace-house and associated works.
Applicant:	Jonathan Phillips

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

- James Phillips

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 of the Leichhardt Local Environmental Plan 2013 to contravene Clauses 4.3A Landscaping and 4.4 Floor Space Ratio of the LEP. 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 proposal is consistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. 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, hereby grants consent to Development Application No. DA/2020/0147 for Part demolition and alterations and additions to existing heritage listed terrace-house and associated works at 54 Birchgrove Road, Balmain 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 Public Meeting finished at 3:00pm.

The Inner West Planning Panel Closed Meeting commenced at 3:02pm.

The Inner West Planning Panel Closed Meeting finished at 4:41pm.

CONFIRMED:

A handwritten signature in black ink, appearing to read 'Angus Talbot', with a stylized flourish at the end.

**The Honourable RN (Angus) Talbot
Chairperson
13 October 2020**