



INNER WEST LOCAL PLANNING PANEL  
MEETING

**16 MARCH 2021**

MINUTES

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held via  
Teleconference on Tuesday, 16 March 2021

Present: Adjunct Professor David Lloyd QC in the chair; Mr David Johnson; Ms  
Jan Murrell; Ms Heather Warton.

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

Meeting commenced: 2.02pm

**\*\* 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**

Heather Warton declared a conflict of interest in relation to Item 2. Ms. Warton did not  
participate in this matter.

<b>IWLPP969/20</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 have been presented to the Panel Chairman and are duly noted.

The Panel brought forward Item 9 to be considered first on the agenda and resumed as per published agenda.

<b>IWLPP970/20 Agenda Item 2</b>	DA/2020/0691
<b>Address:</b>	5 Bruce Street, Ashfield
<b>Description:</b>	Demolition of the existing building and construction of a 4-storey residential flat building.
<b>Applicant:</b>	CD Architects

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

- Anthony Betros (Planner)
- Kerry Barlow

## **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. On 23 December 2013 the Ashfield Local Environmental plan 2013 was published on the NSW Legislation website and it presently continues in force. The subject land is zoned R2 Low Density Residential, in which residential flat buildings are prohibited, but dual occupancies (attached) are permissible. The Local Environmental Plan relevantly defines a residential flat building as: “a building containing three or more dwellings ...”
2. At all relevant times the subject property has been used as two residences within the one building, one on the ground floor and one on the upper floor. This remains the present use. This is a use which is not prohibited by the local environmental plan, being a dual occupancy (attached). It therefore does not fall within the definition of an “existing use”, since the local environmental plan does not “have the effect of prohibiting that use”: s4.65(a) *Environmental Planning and Assessment Act 1979*. Moreover, it does not fall within the definition of a residential flat building, noted above.
3. Accordingly, the proposed development is prohibited within the zone and cannot be considered. To re-state the obvious, the present use is not a prohibited use under the local environmental plan and thus does not qualify as an “existing use” as defined.

The decision of the panel was unanimous

<b>IWLPP971/20 Agenda Item 3</b>	DA/2020/0680
<b>Address:</b>	1 Macauley Street, Leichhardt
<b>Description:</b>	Alterations and additions and change of use to boarding house
<b>Applicant:</b>	Vanessa Rizk

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

- Millar Whalley
- Simon Georges

## 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 4.3A – Landscaped areas for residential accommodation in Zone R1 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/2020/0680 for Alterations and additions and change of use to boarding house at 1 Macauley Street LEICHHARDT NSW 2040 subject to the conditions listed in Attachment A with the following amendments:
  - Delete the word “picket” from the first sentence and the entire second sentence from condition 2(d).
  - Insert a new condition 2(i) to read “*The maximum number of boarding rooms shall be limited to 6*” and renumber current conditions 2(i), (j) and (k) accordingly.

The decision of the panel was unanimous

<b>IWLPP972/20 Agenda Item 4</b>	DA/2020/0566
<b>Address:</b>	53 Bruce Street, Stanmore
<b>Description:</b>	To carry out alterations and additions to an existing building and to use the premises as a boarding house
<b>Applicant:</b>	Shandell Karam

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

- Robert Lees

## **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, as the consent authority pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. 2020/0566 carry out alterations and additions to an existing building and to use the premises as a boarding house, subject to the conditions listed in Attachment A.

Reasons for the decision

Whilst it is noted that there is a Draft SEPP for Affordable Housing, the Panel is satisfied that this would not warrant a refusal of this compliant application.

The decision of the panel was unanimous

<b>IWLPP973/20 Agenda Item 5</b>	DA/2020/0932
<b>Address:</b>	10 Cambridge Street, Enmore
<b>Description:</b>	To demolish an existing garage and construct a two storey freestanding building containing a garage and shed on the ground floor and a secondary dwelling on the first floor.
<b>Applicant:</b>	Nigel White

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

- Robert and Karen Wilshire
- Nigel White (Planner)
- James Brennan (Builder)

## **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. The applicant has made a written request pursuant to Clause 4.6 to vary Clause 4.4 of *Marrickville Local Environmental Plan 2011*. After considering the request, the Panel is not satisfied that compliance with the standard is unnecessary in the circumstance of the case nor that there are sufficient environmental planning 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/2020/0932 for the demolition of an existing garage and construction of a two storey freestanding building containing a garage and shed on the ground floor and a secondary dwelling on the first floor at 10 Cambridge Street Enmore NSW 2042 for the following reasons:
  - i. The proposal fails to demonstrate that it satisfies the following Parts of Marrickville Development Control Plan 2011, pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*:
    - a. Part 2.1 – Urban Design;
    - b. Part 4.1 – Low Density Residential Development; and,
    - c. Part 9.8 – Enmore North and Newtown Central.
  - ii. The proposal fails to demonstrate that it will not result in any significant impacts on the built environment, particularly with respect to establishing an undesirable bulk, scale, and streetscape impact, pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
  - iii. The proposal fails to demonstrate that it satisfies the following Clauses of *Marrickville Local Environmental Plan 2011*, having regard to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:

- a. Clause 1.2 Aims of Plan;
  - b. Clause 2.3 Zone Objectives and Land Use Table (Zone R2 Low Density Residential – 1 Objectives of zone);
  - c. Clause 4.4 Floor space ratio; and,
- iv. The applicant has submitted a request under Clause 4.6 of the *Marrickville Local Environmental Plan 2011* to vary Clause 4.4 of that Plan relating to Floor Space Ratio. Contrary to the requirements of Clause 4.6, the application has failed to demonstrate sufficient environmental planning grounds to vary the development standard and the proposal will be inconsistent with the objectives of the standard and the zone in which the development is to be carried out.
- v. The proposal fails to demonstrate that it satisfies the following Clauses of 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. Clause 1.2 Aims of Plan;
  - b. Clause 2.3 Zone Objectives and Land Use Table (Zone R2 Low Density Residential – 1 Objectives of zone);
  - c. Clause 4.4 Floor space ratio; and,
  - d. Clause 4.6 Exceptions to development standards.
- vi. The proposal fails to demonstrate that it is suitable for the site, having regard to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
- vii. The application fails to take into consideration the concerns raised in the submissions that were received following the notification of the application, having regard to Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*.
- viii. The application fails to demonstrate that it is in the public interest, having regard to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

The decision of the panel was unanimous



<b>IWLPP974/20 Agenda Item 6</b>	DA/2020/0728
<b>Address:</b>	5/193 Darling Street, Balmain
<b>Description:</b>	Unit 5: Change of use from commercial to residential, internal fit out of existing unit and BCA upgrade.
<b>Applicant:</b>	Sarah Archer C/- TWArchitects

## 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)(a), 4.3A(3)(b) and 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 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/2020/0728 for change of use from commercial to residential and alterations and additions to dwelling at 5/193 Darling Street, Balmain subject to the conditions in the Notice of Determination.

The decision of the panel was unanimous

<b>IWLPP975/20 Agenda Item 7</b>	DA/2020/0971
<b>Address:</b>	14 Llewellyn Street, Balmain
<b>Description:</b>	Alterations and additions to existing dwelling-house
<b>Applicant:</b>	Ms Sophia Read-Hamilton

## 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 the development standard in 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/2020/0971 for alterations and additions to existing dwelling-house at 14 Llewellyn Street BALMAIN NSW 2041, subject to the conditions listed in Attachment.

The decision of the panel was unanimous

<b>IWLPP976/20 Agenda Item 8</b>	DA/2020/0957
<b>Address:</b>	229 Darling Street, Balmain
<b>Description:</b>	Alterations and additions to existing building to provide restaurant/ bar and two residential apartments with associated works
<b>Applicant:</b>	Mr Neil Avoledo

## 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 4.4A 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/2020/0957 for Alterations and additions to existing building to provide a restaurant / bar and 2 residential apartments with associated works at 229 Darling Street BALMAIN NSW 2041 subject to the conditions listed in Attachment A.

The decision of the panel was unanimous

<b>IWLPP977/20 Agenda Item 9</b>	DA/2020/0949
<b>Address:</b>	57 Junior Street, Leichhardt
<b>Description:</b>	Alterations and additions to existing attached dwelling-house
<b>Applicant:</b>	Johnny Ah-Ching

Item 9 was brought forward to be considered first in the public meeting.

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

- *Dr Genevieve Burt*
- *Paul Burt*
- *Johnny Ah-Ching*
- *Robert Wojtaszek*

## **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 the request, 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. DA/2020/0949 for Alterations and additions to existing attached dwelling-house at 57 Junior Street LEICHHARDT NSW 2040 subject to the conditions listed in Attachment A.

### Reasons for decision

The Panel notes the provisions of clause C6 as quoted in the assessment report together with the inclusion of condition 2c.

The decision of the panel was unanimous

<b>IWLPP978/20 Agenda Item 10</b>	DA/2020/0812
<b>Address:</b>	20 Montague Street, Balmain
<b>Description:</b>	Alterations and Additions to existing dwelling, plus a new garage.
<b>Applicant:</b>	Newton Teale Consulting Pty Ltd

## 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 written requests pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* to vary Clause 4.3A(3)(b) Site Coverage and Clause 4.4 Floor Space Ratio. After considering the request, 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 exceedances 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 Development Application No. DA/2020/0812 for Alterations and Additions to existing dwelling, plus a new garage. at 20 Montague Street BALMAIN NSW 2041 subject to the conditions listed in Attachment A.

The decision of the panel was unanimous

<b>IWLPP979/20 Agenda Item 11</b>	DA/2020/0771
<b>Address:</b>	86 Rowntree Street, BIRCHGROVE
<b>Description:</b>	Alterations and additions to existing dwelling house.
<b>Applicant:</b>	Mr Leonard V Hambleton and Ms Rhian N Czech

## 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)(a), 4.3A(3)(b) and 4.4 of the *Leichhardt 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 variations are 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/2020/0771 for alterations and additions to existing dwelling-house at 86 Rowntree Street BIRCHGROVE NSW 2041 subject to the conditions listed in Attachment A.

The decision of the panel was unanimous

**The Inner West Planning Panel Meeting finished at 3.12pm.  
The Closed session commenced at 3.13pm  
The Closed session finished at 4.01pm**

**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  
16 March 2021**