



INNER WEST LOCAL PLANNING PANEL  
MEETING

**9 NOVEMBER 2021**

MINUTES

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held via teleconference on Tuesday, 9 November 2021.

Present: Adjunct Professor David Lloyd QC in the chair; Ms Jan Murrell; Mr Kenneth Hawke; Ms Lindsey Dey.

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

Meeting commenced: 2:02 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**

There were no declarations of interest.

<b>IWLPP941/21</b> <b>Agenda Item 1</b>	Standing Item - Report in Accordance with Ministerial Direction: Pending Local Planning Panel Matters.
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Matters pending have been presented to the Panel Chair, and the following applications were noted to be reported as soon as available to the Panel:

- MOD/2021/0174 - 2-8 Weston Street, Balmain East
- DA/2021/0325 - Callan Park, Glover Street, Lilyfield

<b>IWLPP942/21 Agenda Item 2</b>	DA/2021/0110
<b>Address:</b>	194 Marion Street, Leichhardt
<b>Description:</b>	Demolition of all existing structures and redevelopment of the site to contain a four (4) storey mixed use development with basement and lower ground parking, retail shops and 23 apartments, landscaping and associated site works.
<b>Applicant:</b>	Benson McCormack Architecture

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

- Linda Pellew

### **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 4.4A of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is not 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 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. 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*, refuses Development Application No. DA/2021/0110 for Demolition of all existing structures and redevelopment of the site to contain a four (4) storey mixed use development with basement and lower ground parking, retail shops and 26 apartments, landscaping and associated site works at 194 Marion Street, Leichhardt for the reasons listed in Attachment A of the officer's report.

The decision of the panel was unanimous.

<b>IWLPP943/21 Agenda Item 3</b>	MOD/2021/0238
<b>Address:</b>	95 Grove Street, Birchgrove
<b>Description:</b>	Modification to approved alterations and additions, including changes to fenestration, materials, landscaping, internal modifications & condition of consent 7(l).
<b>Applicant:</b>	Edward Sarafian

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

- Craig Harkins
- Brett Janssen
- Maureen Qureshi
- Edward Sarafian

### **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, subject to the following changes:

A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*, grants consent to Modification Application No. MOD/2021/0238 for modification to the approved alterations and additions including changes to fenestration, materials, landscaping, internal modifications, & condition of consent 7(l) at 95 Grove Street, Birchgrove subject to the conditions listed in Attachment A of the officer's report, and subject to the changes listed below:

1. That condition 7(l) be amended to read:  
*"The setback of the rearmost 3.949m single storey portion of the south-western wall of the rear additions be a minimum of 900mm from the side boundary.*
2. That condition 7(q) be amended to read:  
*"That the proposed metal planter structure behind the garbage bin area within the front access steps is to be no higher than the existing front and side walls."*

**NOTE:** The Panel notes the Applicant request for consideration of proposed retaining walls. However, at this stage in the application these are not able to be appropriately considered by the Panel, noting that they did not form part of the modification application.

The decision of the panel was unanimous.

<b>IWLPP944/21 Agenda Item 4</b>	DA/2021/0124
<b>Address:</b>	35 Waterview Street, Balmain
<b>Description:</b>	Demolition of rear section of existing residence. Refurbishment of existing brick building at front of site and addition of three level rear extension.
<b>Applicant:</b>	Ollo and Co Pty Ltd

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

- Bob Stephenson
- Lynn Mollow
- Huw Davies

## 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, subject to the following changes:

- 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*, grants consent to Development Application No. DA/2021/0124 for demolition of rear section of existing residence. Refurbishment of existing brick building at front of site and addition of three level rear extension at 35 Waterview Street, Balmain subject to the conditions listed in Attachment A of the officer's report, and subject to the changes listed below:
1. That an additional condition (2c.) be added:  
2c. *A skylight may be installed onto the rear roof addition, of a maximum size of 2sqm.*
  2. That condition 16g. be deleted.
  3. That condition 18(b) be amended to read:  
*"The associated rear roller door is also to be deleted and the rear boundary fence is to remain, which can include a gate, with a maximum width of 1.5 metres."*

The decision of the panel was unanimous.

<b>IWLPP945/21 Agenda Item 5</b>	DA/2021/0094
<b>Address:</b>	20 Beattie Street, Balmain
<b>Description:</b>	Alterations and additions to an existing two storey dwelling, including partial demolition, a new lower ground floor living area, and a single car garage.
<b>Applicant:</b>	Ballast Point Pty Ltd

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

- Vishal Chopra
- Stephanie Rogers
- Ronald Brown
- Trevor Jensen
- Steven Griffiths

## 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, subject to the following changes:

- A. The applicant has made a written request pursuant to Clause 4.3A(3)(b) – Site Coverage 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. The applicant has made a written request pursuant to Clause 4.4 Floor Space Ratio 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.
- C. 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*, grants consent to Development Application No. DA/2021/0094 for alterations and additions to an existing two storey dwelling, including partial demolition, a new lower ground floor living area, and a single car garage. at 20 Beattie Street, Balmain subject to the conditions listed in Attachment A of the officer's report, and subject to the changes listed below:

1. That condition 2(a) be deleted.
2. That an additional condition (34a.) be added:  
*34a. The applicant is required to obtain a Post-Construction Dilapidation Report.*

The decision of the panel was unanimous.



<b>IWLPP946/21 Agenda Item 6</b>	DA/2021/0374:
<b>Address:</b>	1a Orchard Crescent, Ashfield
<b>Description:</b>	Demolition of existing building and erection of a new residential flat building containing 5 x 1 Bedroom, 10 x 2 Bedroom & 5 x 3 Bedroom units over 8 levels and 4 level of basement parking.
<b>Applicant:</b>	MP Australia Pty Ltd

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

- Ross Meachin

## 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 – Floor Space Ratio of the *Ashfield 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. 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*, grants consent to Development Application No. DA/2021/0374 for Demolition of existing building and erection of a new residential flat building containing 5 x 1 Bedroom, 10 x 2 Bedroom & 5 x 3 Bedroom units over 8 levels and 4 basement parking at 1A Orchard Crescent, Ashfield subject to the conditions listed in Attachment A of the officer's report.

The decision of the panel was unanimous.

<b>IWLPP947/21 Agenda Item 7</b>	DA/2021/0169:
<b>Address:</b>	90-92 Audley Street, Petersham
<b>Description:</b>	To carry out alterations and additions to an existing shop top housing development to provide an additional level, increasing the size of the upper level apartments from 1 to 2 bedrooms, provide a new hydrant to the ground floor shopfront and associated amendments to the existing strata subdivision.
<b>Applicant:</b>	Linedraft Pty Ltd

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

- Jamie Grounds

## 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, subject to the following changes:

- 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*, grant consent to Development Application No. DA/2021/0169 to carry out alterations and additions to an existing shop top housing development to provide an additional level, increasing the size of the upper level apartments from 1 to 2 bedrooms, provide a new hydrant to the ground floor shopfront and associated amendments to the existing strata subdivision at 90-92 Audley Street, Petersham subject to the conditions listed in Attachment A of the officer's report, and subject to the changes below:
1. That an additional condition (2c.) be added:  
*2c. Two (2) internal bicycle parking spaces are to be provided.*
  2. That condition 11 be amended to read:  
*"Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the Audley Street."*
  3. That condition 15 be amended to read:  
*"Prior to the pouring of the third floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD."*
  4. That conditions 27, 28 and 30 be deleted.
  5. That condition 31 be amended to read:  
*"Should the driveway be damaged during construction works and require replacement, then prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road*

*Reserve have been approved by Council under Section 138 of the Roads Act 1993 incorporating the following requirements:*

- a. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site.”*

*All works must be completed prior to the issue of an Occupation Certificate.*

6. That condition 42 be amended to read:  
*“Should the driveway be damaged during construction works and require replacement, then prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.”*
7. That condition 43 be amended to read:  
*“Should the driveway be damaged during construction works and require replacement, then prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the Roads Act 1993 including:*
  - a. Heavy duty concrete vehicle crossing at the vehicular access location; and*
  - b. Other works subject to the Roads Act 1993 approval.*

*All works must be constructed in accordance with Council’s standards and specifications and AUS-SPEC#2-“Roadworks Specifications”.*

8. That condition 51. be amended to read:  
*“All vehicles must enter and exit the basement carparking area in a forward direction. Th existing turntable mechanical device for rotating vehicles must be maintained in an operable state at all times.”*

The decision of the panel was unanimous.

<b>IWLPP948/21 Agenda Item 8</b>	DA/2021/0175
<b>Address:</b>	27 Percy Street, Rozelle
<b>Description:</b>	Torrens title subdivision into two lots.
<b>Applicant:</b>	Borak Enterprises Pty Ltd

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

- Monique Williams

## 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, subject to the following changes:

- A. The applicant has made a written request pursuant to Clause 4.1 - Minimum Lot Size under *Leichhardt Local Environmental Plan*. 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. The applicant has made a written request pursuant to Clause 4.3A(3)(b) - Site Coverage under *Leichhardt Local Environmental Plan*. 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.
- C. 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*, grants consent to Development Application No. DA/2021/0175 for Torrens title subdivision into two lots at 27 Percy Street, Rozelle subject to the conditions listed in Attachment A of the officer's report, and subject to the changes below:
  1. Deletion of the following conditions 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15.

**NOTE:** The Panel notes the application does not involve any physical works

The decision of the panel was unanimous.

<b>IWLPP949/21 Agenda Item 9</b>	DA/2021/0358
<b>Address:</b>	17 Crescent Street, Haberfield
<b>Description:</b>	Alterations and additions to an existing dwelling including rear pavilion, and rear detached double garage with roof deck.
<b>Applicant:</b>	Mr Stamati Perry

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

- Pamela Garrett
- Rob Harper

## 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, subject to the following changes:

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Ashfield 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. 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*, grants consent to Development Application No. DA/2021/0358 for alterations and additions to an existing dwelling including rear pavilion, and rear garage with roof deck. at 17 Crescent Street, Haberfield subject to the conditions listed in Attachment A of the officer's report, and subject to the changes listed below.
1. That condition 2c. be amended to read:  
*"Alteration to W11 so that the window consists of a bank of three openable windows, without fixed panes below."*
  2. That the additional condition 2d. be added:  
*2d. The privacy screen on the western elevation side shall be replaced with a solid wall as per the following plans –*

DA21 Rev Prelim	Plan Garden Level	9/11/2021	Rob Design Office
DA22 Rev Prelim	Plan Main Level	9/11/2021	Rob Design Office

*The wall is to be constructed at both ground and balcony levels.*

### NOTE

The Panel notes the Architect of the development agrees to the imposition of a solid wall to the western elevation

The decision of the panel was unanimous.

<b>IWLPP950/21 Agenda Item 10</b>	DA/2021/0329
<b>Address:</b>	26 Oxford Street, Newtown
<b>Description:</b>	To construct a garage/outbuilding at the rear of the site.
<b>Applicant:</b>	Mr James Hebron

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

- *James Hebron*

## **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 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*, to refuse Development Application No. DA/2021/0329 for to construct a garage/outbuilding at the rear of the site at 26 Oxford Street, Newtown for the reasons listed in Attachment A of the officer's report.

The decision of the panel was unanimous.

**The Inner West Planning Panel Public Meeting finished at 4:10pm.**

**The Inner West Planning Panel Closed Meeting commenced at 4:18pm.**

**The Inner West Planning Panel Closed Meeting finished at 5:24pm.**

**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  
9 November 2021**