



INNER WEST LOCAL PLANNING PANEL
MEETING

14 DECEMBER 2021

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via
Teleconference on 14 December 2021.

Present: Ms Heather Warton. in the chair; Mr John McInerney; Mrs Mary-Lynne Taylor; Ms Kath Roach

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

Meeting commenced: 2.03pm

**** 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.

IWLPP961/21 Agenda Item 1	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 was noted:

- DA/2021/0325 – Callan Park – For council to write to the Heritage Office (assuming this is the outstanding referral) to follow up on the referral and also engage with the Planning liaison officer with the DPIE.
- MOD/2021/0174 – 2- Weston Street Balmain East - For council to write to the Heritage Office (assuming this is the outstanding referral) to follow up on the referral and also engage with the Planning liaison officer from the DPIE.

IWLPP962/21 Agenda Item 2	DA/2021/0491
Address:	Unit 8/28 Gower Street Summer Hill
Description:	Enclosure of an existing balcony by the installation of windows
Applicant:	Mr Warwick V Sinclair

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

- Warwick Sinclair, the applicant.

DECISION OF THE PANEL

The majority Panel supports the findings contained in the Assessment Report that the proposal be refused and endorses the reasons for the refusal contained in that Report.

- 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 not satisfied that compliance with the standard is unnecessary in the circumstance of the case and finds 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 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/2021/0491 for to carry out enclosure of a balcony to unit 8 of Block A at 28 Gower Street SUMMER HILL NSW 2130 for the following reasons:
 1. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development (2002 EPI 530) Schedule 1 –
 - a. Principle 1: Context and neighbourhood character: The proposal is not consistent with the character of the building and the established streetscape.
 - b. Principle 2: Built form and scale: The proposal creates excessive bulk to the building.
 - c. Principle 6: Amenity: The proposal does not contribute to positive living environments and resident well being including the amenity as natural light and ventilation to the bedrooms and living room is proposed to be borrowed from the enclosed balcony.
 - d. Principle 9: Aesthetics: The proposal does not respond to the existing local context, particularly desirable elements such as open balconies of the streetscape.
 - e. SEPP No. 65 adopts the Apartment Design Guide (ADG). The proposal does not comply with objective 4D-1 of ADG as natural light and ventilation to the bedrooms and living room will be borrowed from the enclosed balcony.

2. 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 aims of Clause 1.2(2)(a) of Ashfield Local Environmental Plan 2013. The proposed enclosure of the balcony would have a detrimental impact on the built environment and as such is contrary to promote the orderly and economic development of Ashfield in a manner that is consistent with the need to protect the environment.
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 4.4(2) of Ashfield Local Environmental Plan 2013 as the proposed floor space ratio is in excess of the maximum allowed floor space ratio of 0.7:1.
4. The proposal does not comply with Clause 4.6 (4) of Ashfield Local Environmental Plan 2013 as:
 - (i) the applicant's written request has not adequately addressed the matters required to be demonstrated by subclause (3) namely that the development standard is not unreasonable or unnecessary and there are sufficient environmental planning grounds to justify contravening the development standard.
 - (ii) the proposed development will not be in the public interest because it is inconsistent with the objectives of the particular standard in which the development is proposed to be carried out.
5. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with Comprehensive Inner West Development Control Plan 2016 Chapter F Part 5 Performance criteria (PC) 1 and 2 as the character of the building and the streetscape will be adversely affected. It does not comply with PC4 as the proposed FSR is not appropriate to its context.
6. 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.
7. Pursuant to the provisions of Section 4.15(1)(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 by majority vote 3/1.

Mary-Lynne Taylor did not support the refusal for the following reasons:

Mary-Lynne Taylor would approve this application and uphold the cl 4.6 written objection, because of the severity of the traffic noise from Liverpool Road, which is exacerbated by the presence nearby of the ambulance station, the elevated position of the subject unit, and the proximity of the traffic lights at Gower St and Liverpool Rd intersection. I do not consider that the approval of this application will be an unsatisfactory precedent which would require Council to approve all other such similar applications at this site as there are already other balcony enclosures approved here. The presence of three very large trees in front of the balcony on the street and on the site in Gower St will ensure that the enclosure

is not prominent or offensive in the streetscape and the environmental benefit to the residents of the subject unit should prevail.

IWLPP963/21 Agenda Item 3	DA/2021/0655
Address:	110 Prospect Road Summer Hill
Description:	Torrens title subdivision of existing dual occupancy.
Applicant:	Corona Projects

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

- Joseph Chan, on behalf of the applicant.

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be approved for the reasons contained in that report, and subject to the recommended conditions of consent, with a minor addition regarding fire safety compliance.

- 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. 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/2021/0655 for Torrens title subdivision of existing dual occupancy at 110 Prospect Road SUMMER HILL NSW 2130 subject to the conditions listed in Attachment A of the officer's report, subject to the following changes.

Amend Condition 13, after the words...'*additional loads imposed thereon by the proposal*'... add the words... '*and that the party wall complies with the National Construction code regarding fire safety.*'

The decision of the panel was unanimous.

IWLPP964/21 Agenda Item 4	DA/2021/0779
Address:	78-80 Dalhousie Street Haberfield
Description:	Installation of three new building identification signs associated with Haberfield Centre and Library
Applicant:	Mr Stephen Iacono

There were no speakers at the meeting for this item.

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be approved for the reasons contained in that Report, subject to the recommended conditions of consent.

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/2021/0779 for Installation of three new building identification signs associated with Haberfield Centre and Library. at 78-80 Dalhousie Street HABERFIELD NSW 2045 subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

IWLPP965/21 Agenda Item 5	DA/2021/0390
Address:	51 Railway Parade Marrickville
Description:	Alterations and additions to existing building. Use as an entertainment facility
Applicant:	Ms Sally Hackett

There were no speakers at the meeting for this item.

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves to approve the application as a deferred commencement consent, for the reasons contained in that Report, subject to the recommended conditions.

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 deferred commencement consent to Development Application No. DA/2021/0390 for alterations and additions to existing building. Use as an entertainment facility at 51 Railway Parade MARRICKVILLE NSW 2204 subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

IWLPP966/21 Agenda Item 6	DA/2021/0480
Address:	2 Loughlin Street Rozelle
Description:	Demolition of existing cottage and construction of new three level residence with parking
Applicant:	Mr Ray Stevens

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

- Patrick Bulacz (Reynolds), objector
- Ray Stevens, the applicant.

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves to approve the application for the reasons generally contained in the Report, subject to the recommended conditions, with amendment to delete reference to the need to reduce the height of the upper ground floor as this would reduce the amenity of the dwelling and was unnecessary for streetscape reasons, also noting that there is no LEP building height control; to clarify the location of required privacy screens; and to ensure that air conditioning plant is located away from the adjoining neighbour to the north..

- 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 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/2021/0480 for Demolition of existing cottage and construction of new three level residence with parking at 2 Loughlin Street ROZELLE NSW 2039, subject to the conditions listed in Attachment A to the officer's report, subject to the following changes:

Amend Condition 2 to remove a(i) and renumber the current 2a(ii) as 2a

Amend Condition 8, in the second paragraph after the words '*the length of this screen, along the northern...*' add the words '*...and western*'.

Insert condition 6A to read:

'All air conditioning units are to be located the southern side of the building.'

The decision of the panel was unanimous.

IWLPP967/21 Agenda Item 7	DA/2021/0703
Address:	53-55 Waratah Street Haberfield
Description:	Fitout and use as a cafe including construction works.
Applicant:	The Major Haberfield

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

- *David Hazlewood, objector*
- *Melinda Upton, objector*
- *Juliet Suich, on behalf of the applicant; the operator of the premises also answered the panel's questions.*

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be approved for the reasons contained in that Report, subject to the recommended conditions. The description of the development was amended to refer to approval for up to nine seats in the premises, as although the applicant indicated in the meeting that only six seats were to be provided, the submitted drawings could be interpreted as showing nine seats, and nine seats was the basis of the Council's assessment.

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/2021/0703 for the fitout and use as a cafe including construction works at 53-55 Waratah Street HABERFIELD NSW 2045 subject to the conditions listed in Attachment A to the officer's report, subject to the following changes:

The description of the development be amended to reference 'up to 9 internal seats'

The decision of the panel was unanimous.

IWLPP968/21 Agenda Item 8	DA/2021/0848
Address:	42 College Street Balmain
Description:	Alterations and additions to dwelling at ground and first floor, new pool and tree removal
Applicant:	Ballast Point Pty Ltd

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

- Nancy Wahlquist, objector
- Peter Maxwell, on behalf of the applicant
- Emma Bull, applicant.

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and approves the application, subject to the recommended conditions of consent contained in that Report, with additional conditions with regards to the front fence, cladding profile and colours and materials; and the condition referred to no change to the original roof was deleted as it was vague and it appears that no change to that part of the roof was proposed.

The removal of the trees on the site was not supported. The Panel noted that the plunge pool could be relocated elsewhere on the site, and that its proposed location would affect the three high quality trees on the site. Whilst the applicant sought to have the high quality trees removed, no arboricultural evidence supported that position, and the tree removal was not justified (for reasons other than the location of the proposed pool).

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/2021/0848 for Alterations and additions to dwelling at ground and first floor at 42 College Street BALMAIN NSW 2041 subject to the conditions listed in Attachment A of the officer's report, subject to the following changes:

Delete condition 2b

Amend condition 2c, to read that the fence design is to be subject to the approval of Council's Heritage Specialist, prior to the issue of the Construction Certificate.

Insert the following conditions 2d and 2e as follows:

2(d) *The proposed vertical cladding is to be replaced with horizontal cladding.*

2(e) *The proposed grey with light material and finishes shall be replaced with those with warm, earthy, tones including beige and off whites.*

The decision of the panel was unanimous.

The Inner West Planning Panel Meeting finished at 3.25pm.

The Closed session commenced at 3.37pm

The Closed session finished at 4.40pm

CONFIRMED:



**Heather Warton
Chairperson
16 December 2021**