

INNER WEST LOCAL PLANNING PANEL
MEETING

8 FEBRUARY 2022

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on Tuesday, 8 February 2022.

Present: Adjunct Professor David Lloyd QC in the chair; Mr David Johnson; Ms Lea Richards, Ms Lindsey Dey

Staff Present: Development Assessment Manager and Administration Officers.

Meeting commenced: 2:01 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.

IWLPP969/22 Agenda Item 1	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. It was requested that the following development applications be reported to the Panel as soon as possible:

MOD/2021/0174 - 2-8 Weston Street, Balmain East

DA/2021/0518 – 1-5 Chester Street, Annandale

DA/2021/0651 – 1 The Esplanade, Ashfield

DA/2021/0688 – 35-41 Addison Road & 53-55 Philpott Street, Marrickville

IWLPP971/22 Agenda Item 2	DA/2021/0919
Address:	552 Parramatta Road, Petersham
Description:	To carry out alterations and additions to the existing building to create a 3-storey mixed use development comprising a commercial bakery on the ground floor and a boarding house containing 6 rooms.
Applicant:	Mr Joseph Panetta

DECISION OF THE PANEL

The Panel adjourned the decision of the matter to consider Item 4 first.

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 of the *Marrickville Local Environmental Plan 2011* to vary Clause 4.4 of the LEP. 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 insufficient environmental grounds to support the variation. The proposed development would not be in the public interest because the exceedance is inconsistent with the objectives of the standard.
- 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/2021/0919 to carry out alterations and additions to the existing building to create a 3 storey mixed use development comprising a commercial bakery on the ground floor and a boarding house containing 6 rooms at 552 Parramatta Road, Petersham subject to the reasons for refusal listed in Attachment A of the officer's report.

The decision of the panel was unanimous.

IWLPP972/22 Agenda Item 3	DA/2021/1028
Address:	176 Evans Street, Rozelle
Description:	Lower ground and ground floor alterations and additions to existing dwelling-house, new pool, modifications to garage and associated works.
Applicant:	Mr Daniel Talbot

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

- Glenn Apps
- Bridie Gough
- Jennifer Hill

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 changes listed below.

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* to vary Clauses 4.3A(3)(a)(ii) and 4.3A(3)(b) 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 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/2021/1028 for lower ground and ground floor alterations and additions to existing dwelling-house, new pool, modifications to garage and associated works at 176 Evans Street, Rozelle subject to the conditions listed in Attachment A of the officer's report, and subject to the following changes:
1. That condition 15 be amended as follows:
That the words "*and owners of identified properties...*" be replaced with the words "*and the owner of 174 Evans Street, Rozelle....*".
 2. That an additional condition 30a be inserted:
30a. The landscape plan is to be amended to provide an alternative to the proposed frangipani tree with a native tree to the satisfaction of Council. The proposed turf between the pavers on the south-western side of the site is to be replaced with a vegetative alternative, (with a maximum medium absorbency).

3. That condition 6c. be amended to read:
 - 6c. The Colorbond Basalt steel cladding to the connection between the main building form and the rear pavilion is to be replaced with a darker alternate colour, to break up the visual appearance of the four pavillions, to the satisfaction of Council's Heritage adviser.

The decision of the panel was unanimous.

IWLPP970/22 Agenda Item 4	MOD/2021/0329
Address:	13 Jane Street, Balmain East
Description:	Application under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 to modify Determination No D/2018/535 which approved alterations and additions to a heritage listed dwelling-house and associated works, including new pool, now seeking various internal and external changes, including modifications to approved ground floor extension and rear cabana/outhouse, and new carport accessed via an easement across No. 11 Jane Street.
Applicant:	Brook Lane Property Group Pty Ltd

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

- *Stephen Davies*
- *David Mitchell*
- *Justine McCarthy*

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 changes listed below:

A: The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to S4.55(2) of the *Environmental Planning and Assessment Act 1979*, grants consent to Modification Application No. MOD/2021/0329 to carry out various internal and external changes, including modifications to the approved ground floor extension and rear cabana/outhouse, and new carport accessed via an easement across No. 11 Jane Street at 13 Jane Street, Balmain, subject to the conditions listed in Attachment A of the officer's report and subject to the following changes:.

1. That the following changes be made to Condition 1A - Design Change:
 1. Delete conditions a. and b.
 2. Delete condition c.(i).
 3. Amend condition c.(iii) to read
 - iii. *The overall height must be reduced by at least 250mm, the ridge, at any point, must not be higher than RL37.35.*
 4. Amend condition c.(iv) to read:
 - iv. *The roof must be amended to a skillion roof form, sloping down from north to south.*

The decision of the panel was unanimous.

IWLPP973/22 Agenda Item 5	DA/2021/0653
Address:	96 Elizabeth Street, Ashfield
Description:	Alterations and additions to an existing building which includes the fit out and use of the ground floor as a medical centre and additions to the first floor residence including a terrace.
Applicant:	Urbanism Pty Ltd

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

- Nick Varkas

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 changes listed below:

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Ashfield Local Environmental Plan 2013* to vary Clause 4.4 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 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/2021/0653 for alterations and additions to an existing building which includes the fit out and use of the ground floor as a medical centre and additions to the first floor residence including a terrace at 96 Elizabeth Street, Ashfield subject to the conditions listed in Attachment A of the officer's report and subject to the following changes.
1. That the following additional conditions be included under condition 2. Design Change:
 - 2 h. Materials and Finishes
With reference to subpoint g., the proposed materials and finishes must be modified to accommodate the retention of the public art, to the satisfaction of Council's heritage adviser.
 - 2 i. – Bicycle Parking
Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that a bicycle storage area is provided on the site to accommodate a minimum of two (2) bicycles and is designed in accordance with relevant provisions of AS 2890.3-2015.

The decision of the panel was unanimous.

IWLPP974/22 Agenda Item 6	DA/2021/0959
Address:	36 Orpington Street, Ashfield
Description:	Tree Removal
Applicant:	Mrs Clare McNally

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*, refuses Development Application No. DA/2021/0959 for tree removal at 36 Orpington Street, Ashfield for the reasons listed in Attachment A of the officer's report.

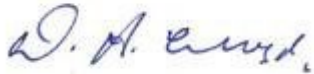
The decision of the panel was unanimous.

The Inner West Planning Public Panel Meeting finished at 2:57pm.

The Inner West Planning Panel Closed session commenced at 2:58pm.

The Inner West Planning Panel Closed session finished at 3:41pm.

CONFIRMED:

A handwritten signature in blue ink, appearing to read 'D. A. Lloyd', is positioned below the 'CONFIRMED:' text.

**Adjunct Professor David Lloyd QC
Chairperson
8 February 2022**