

INNER WEST LOCAL PLANNING PANEL  
MEETING

**8 MARCH 2022**

MINUTES

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held via  
Teleconference.

Present: Dr Gary Shiels in the chair; Ms Jan Murrell; Ms Lisa Trueman; Mr Allan Barnes

Staff Present: Acting Development Assessment Manager – Jai Reid and Administration Officers.

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.

<b>IWLPP975/22</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 were presented to the Panel Chairman and noted.

<b>IWLPP976/22 Agenda Item 2</b>	REV/2021/0020
<b>Address:</b>	2/467-469 Liverpool Road Croydon
<b>Description:</b>	S8.2 Review of Development Application - Enclosure of existing balcony of Unit 2.
<b>Applicant:</b>	Mr Timothy J Page

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

- Tim Page

## DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be refused for the following amended reasons.as per the recommendation contained in that report.

A. 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. REV/2021/0020 for S8.2 Review of Development Application - Enclosure of existing balcony of Unit 2 at 2/467-469 Liverpool Road CROYDON NSW 2132 for the following reasons:

1. 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.
2. The proposal does not respond to the existing local context, including desirable elements such as open balconies of the streetscape.
3. 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.
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 aims of Clause 1.2(2)(a) of Ashfield Local Environmental Plan 2013.

Insert a new reason for refusal to read as follows:

“The permanent enclosure of the balcony would remove the only outdoor private open space associated with apartment.”

The Panel notes a different design for a balcony enclosure that maintains solar access and ventilation may be acceptable, the enclosure can be designed in a way such that it must be flexible to allow the area to continue to be able to be used as private open space.

The decision of the panel was unanimous

<b>IWLPP977/22 Agenda Item 3</b>	DA/2021/1051
<b>Address:</b>	183 Liverpool Road Ashfield
<b>Description:</b>	Replace existing slate roof with Colourbond roof.
<b>Applicant:</b>	Corona Projects

## 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. 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/2021/1051 for the replacement of existing slate roof with Colourbond roof at 183 Liverpool Road ASHFIELD NSW 2131 for the reasons outlined in attachment A to the officers report.
1. The proposal is inconsistent with the aims of Clause 1.2(2) of the *Ashfield Local Environmental Plan 2013* as the proposal does not conserve the environmental and cultural heritage of Ashfield.
  2. The proposal is inconsistent with the objectives and controls of Clause 5.10(1), Clause 5.10(4) and Clause 5.10(5) of the *Ashfield Local Environmental Plan 2013* as it does not conserve the heritage significance of the heritage item including associated fabric, settings, and views.
  3. The proposal is contrary to the objectives and controls of Chapter E1 – Heritage Items and Conservation Areas (excluding Haberfield) of the Comprehensive Inner West Development Control Plan 2016, as follows:
    - a. Part 2 Heritage Items - O1, the proposed changes to the heritage item are not based on an understanding of the heritage significance of the item.
    - b. Part 2 Heritage Items - O2, the proposal does not seek to retain and conserve significant elements and features of the heritage item.
    - c. Part 2 Heritage Items – O3, the proposed development is unsympathetic to significant features of the heritage item.
    - d. Part 2 Heritage Items – C1, the proposal does not retain features that contribute to the significance of the item.
    - e. Part 2 Heritage Items - C4, the proposal seeks to remove significant fabric of the heritage item that represent key periods of the item.
    - f. Part 2 Heritage Items – C6, the proposed alterations and additions do not maintain the integrity of the building form so that the original building is retained and can be clearly discerned
  4. Contrary to Section 4.15(1)(b)(c) of the *Environmental Planning and Assessment Act 1979*, the proposed development would have adverse environmental impacts on both the built environment, and social and economic impacts in the locality and is not considered suitable for the site.

5. Contrary to Section 4.15(1)(d)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not considered to be in the public interest
6. The proposal is inconsistent with the aims and provisions of Clause 1.2(2), Clause 5.10(1), Clause 5.10(4) and Clause 5.10(5) of the *Draft Inner West Local Environmental Plan 2020* as the proposal does not protect and conserve the environmental heritage and significant local character of the Inner West.

The decision of the panel was unanimous

<b>IWLPP978/22 Agenda Item 4</b>	DA/2021/1284
<b>Address:</b>	33 Wellesley Street Summer Hill
<b>Description:</b>	Alterations and additions to an existing dwelling including construction of new lower ground floor addition, ground floor extension, hardstand parking space and front fence.
<b>Applicant:</b>	Hebden Architects

## 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. 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/2021/1284 for Alterations and additions to an existing dwelling including construction of new lower ground floor addition, ground floor extension, hardstand parking space and front fence. at 33 Wellesley Street, Summer Hill subject to the conditions listed in Attachment A below to the officers report

The decision of the panel was unanimous

<b>IWLPP979/22 Agenda Item 5</b>	DA/2021/0861
<b>Address:</b>	356 Canterbury Road Hurlstone park
<b>Description:</b>	Construction of three storey 88 place childcare centre with basement parking.
<b>Applicant:</b>	ArtMade Architects

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

- Jim Morris
- Alok Sabne
- Dennis McNevin

## **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.

- A. 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/2021/0861 for Construction of three storey 94 place childcare centre with semi basement parking. at 356 Canterbury Road HURLSTONE PARK NSW 2193 subject to the conditions listed in Attachment to the officers report, subject to the following changes:

The traffic management plan is to be updated to incorporate ingress and egress traffic light system and an indicator of vacant car parking spaces.

The decision of the panel was unanimous



<b>IWLPP980/22 Agenda Item 6</b>	DA/2021/0841
<b>Address:</b>	115 Short Street Birchgrove
<b>Description:</b>	Demolition of existing dwelling and construction of a new multi level dwelling, carport to rear and associated works, including tree removal.
<b>Applicant:</b>	Whiting Architects

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

- Robert Clark

## 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 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/2021/0841 for Demolition of existing dwelling and construction of a new multi level dwelling, carport to rear and associated works, including tree removal at 115 Short Street BIRCHGROVE NSW 2041 for the following reasons:

1. The proposed development is inconsistent with Clause 1.2 – *Aims of the Plan* - of the *Leichhardt Local Environmental Plan 2013* as the proposal will result in adverse impacts on the streetscape and desired future character, adverse on-site and neighbouring amenity impacts, noting that the proposed development is inconsistent with the following aims of this clause:
  - a. to ensure that development applies the principles of ecologically sustainable development,
  - b. to minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment,
  - c. to identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt,
  - d. to promote a high standard of urban design in the public and private domains,
  - e. to protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,
  - f. to maintain and enhance Leichhardt's urban environment,
  - k. to protect and enhance—
    - i. views and vistas of Sydney Harbour, Parramatta River, Callan Park and Leichhardt and Balmain civic precincts from roads and public vantage points, and
    - ii. views and view sharing from and between private dwellings
  - l. to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area,
  - m. to ensure that development provides high quality landscaped areas in residential developments,

- n. to protect, conserve and enhance the character and identity of the suburbs, places and landscapes of Leichhardt, including the natural, scientific and cultural attributes of the Sydney Harbour foreshore and its creeks and waterways, and of surface rock, remnant bushland, ridgelines and skylines,
  - o. to prevent undesirable incremental change, including demolition, that reduces the heritage significance of places, conservation areas and heritage items,
  - t. to ensure that development responds to, conserves, protects and enhances the natural environment, including terrestrial, aquatic and riparian habitats, bushland, biodiversity, wildlife habitat corridors and ecologically sensitive land,
  - v. to ensure that existing landforms and natural drainage systems are protected.
2. The proposed development is inconsistent with the zone objectives of the R1 Zone prescribed in Clause 2.3 of the *Leichhardt Local Environmental Plan 2013* as the proposal will result in adverse streetscape and amenity impacts, noting that the proposed development is inconsistent with the following zone objectives:
    - a. To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
    - b. To provide landscaped areas for the use and enjoyment of existing and future residents.
    - c. To protect and enhance the amenity of existing and future residents and the neighbourhood.
  3. The proposal does not comply with the Landscaped Area and Site Coverage development standards within Clauses 4.3A(3)(a) and 4.3A(3)(b) of the *Leichhardt Local Environmental Plan 2013* or the Floor Space Ratio development standard within Clause 4.4 of the *Leichhardt Local Environmental Plan 2013*.
  4. The submitted Clause 4.6 variations to Site Coverage and Floor Space Ratio do not provide sufficient environmental planning grounds to justify the variations and are not considered in the public interest, being inconsistent with objectives of the Site Coverage and Floor Space Ratio development standards of Clauses 4.3A(3)(b) and 4.4 and the objectives of the R1 Zone as prescribed in the *Leichhardt Local Environmental Plan 2013*.
  5. A Clause 4.6 variation to the proposed variation to the Landscaped Area development standard prescribed in Clause 4.3A(3)(a) of the *Leichhardt Local Environmental Plan 2013* has not been provided.
  6. The proposed development is inconsistent with the objectives of the Floor Space Ratio development standard within Clause 4.4 of the Draft Inner West Local Environmental Plan 2020, which has the weight of being imminent and certain.
  7. The proposed development is not consistent with the objectives 1(a) and 1(b) within Clause 5.10 – *Heritage Conservation* - of the *Leichhardt Local Environmental Plan 2013*, as the proposed development would result in a development that is detrimental to the Heritage Conservation Area, which seek to conserve the heritage significance of Heritage Conservation Areas, including settings and views.
  8. The proposal is inconsistent with the applicable Objectives O3, O4, and O6 of Part C1.0 – *General Provisions* - of the *Leichhardt Development Control Plan 2013*.

9. The proposal does not comply with the Controls C1(c) and C1(iv) of Part C1.2 – *Demolition* - of the Leichhardt Development Control Plan 2013 and is inconsistent with the applicable Objective O3 of the Leichhardt Development Control Plan 2013 as the proposed infill development is an unsympathetic and uncharacteristic addition within the Heritage Conservation Area in terms of scale, materials, details, design style and impact on streetscape and the proposed building is not consistent with the development controls contained within the *Leichhardt Local Environmental Plan 2013* and Leichhardt Development Control Plan 2013.
10. The proposal does not comply with the Controls C8 and C9 of Part C1.4 – *Heritage Conservation and Heritage Items* - of the Leichhardt Development Control Plan 2013 and is inconsistent with the applicable Objectives O1(a), O1(c), O1(d), O1(e), O1(f) and O1(g).
11. The proposal does not comply with the Controls C1(a) and C1(b) of Part C1.19 - *Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls* - of the Leichhardt Development Control Plan 2013 and is inconsistent with the applicable Objectives O1 and O2.
12. The proposal does not comply with the Controls C1, C7 and C17 of Part C2.2.2.5 - *Mort Bay Distinctive Neighbourhood* of the Leichhardt Development Control Plan 2013 and is inconsistent with the applicable Objective O1.
13. The proposal does not comply with the controls C4 and C5 of Part C1.5 – *Corner Sites* - of the Leichhardt Development Control Plan 2013 and the applicable Objectives O1(a) and O1(b).
14. The proposal does not comply with the Controls C4, C8, and C10 within Part C1.12 – *Landscaping* – of the Leichhardt Development Control Plan 2013 and Controls C11 and C12 within Part C1.14 – *Tree Management* - of the Leichhardt Development Control Plan 2013 and is inconsistent with the applicable Objectives O1(a), O1(b), O1(f), O1(g), and O1(j) within Part C1.12 and Objectives O3, O4, and O7 within Part C1.14.
15. The proposal is inconsistent with the applicable Objectives O3, O4, O5, and O7 of Part C3.1 – *Residential General Provisions* - of the Leichhardt Development Control Plan 2013.
16. The proposal does not comply with Controls C7, C8, C9 and C11-C20 within Part C3.2 – *Site Layout and Building Design* - of the Leichhardt Development Control Plan 2013 and is inconsistent with the applicable Objectives O1, O2, O4(a), O4(b), O4(c) and O4(d).
17. The proposal does not comply with Controls C1(a), C1(b), C1(c) and C1(d) within Part C3.8 – *Private Open Space* - of the Leichhardt Development Control Plan 2013 and is inconsistent with the applicable Objectives O1(b) and O1(c).
18. The proposal does not comply with controls C14, C15, C16 and C19 within Part C3.9 – *Solar Access* - of the Leichhardt Development Control Plan 2013 and is inconsistent with the applicable Objectives O1(a), O1(c), O1(d), O1(e), and O1(f).

19. The proposal does not comply with Control C1, C2 and C3(a) within Part C3.10 – Views - of the Leichhardt Development Control Plan 2013 and is inconsistent with the applicable Objective O2.
20. The proposal would result in adverse environmental impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
21. 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*.
22. The 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

The Panel notes difficulties retaining existing shadow profiles to maintain solar access to the north east side window at 113 Short Street, Birchgrove given the current subdivision pattern

<b>IWLPP981/22 Agenda Item 7</b>	DA/2021/0816
<b>Address:</b>	141 Bedford Street Newtown
<b>Description:</b>	Habitat Planning
<b>Applicant:</b>	Substantial demolition of the existing dwelling house, alterations and additions including a new second storey addition.

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

- Barbara Greaves
- Matt Johnson (Habitat Planning – Architect)

## DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and resolves that the application be refused as per the recommendation contained in that report.

- A. The applicant has made a written request pursuant to Clause 4.6 *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 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/2021/0816 for partial demolition, alterations and additions to an existing residential dwelling including a second storey addition at 141 Bedford Street NEWTOWN NSW 2042 for the following reasons, subject to the following changes:
1. There is not a current Clause 4.6 variation submitted with the application that would allow the panel to approve the application at the present form.
  2. The proposed development is inconsistent with the following Clauses of 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(h) - Aims of the Plan, as the proposal fails to exhibit a high standard of design.
    - b. Clause 4.4 - Floor Space Ratio, as the development exceeds that maximum floor space ratio applicable to the site resulting in a compromised amenity for adjoining properties, the streetscape and the subject site itself.
    - c. Clause 4.6 - Exceptions to Development Standards, in that the requirements of the standard have not been found to be unreasonable or unnecessary and the proposal is inconsistent with the objectives of the floor space ratio development standard.

3. The proposed development is inconsistent with the following Clauses of draft Inner West Local Environmental Plan 2020, pursuant to Section 4.15 (1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*:
  - a. Clause 1.2(h), (i) and (j) - Aims of the Plan, as the proposal fails to protect residential amenity, the significant local character or promote a high standard of design.
  - b. Clause 2.3 - Land Use Table and Zone Objectives, as the development is incompatible with the character, style and pattern of surrounding buildings and fails to protect residential amenity.
  - c. Clause 4.4 - Floor Space Ratio, as the development exceeds the maximum floor space ratio applicable to the site.
  - d. Clause 4.6 - Exceptions to Development Standards, as the requirements of the standard have not been found to be unreasonable or unnecessary and the proposal is inconsistent with the objectives of the floor space ratio development standard.
  
4. The proposed development does not comply with 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 2.7 - Solar Access and Overshadowing, as insufficiently detailed shadow diagrams fail to demonstrate the development protects solar access to surrounding properties.
  - b. Part 2.18 - Landscaping and open space, as the development does not provide sufficient private open space for occupants of the subject dwelling house thereby compromising amenity and the ability for providing adequate tree planting.
  - c. Part 4.1.6 - Building form and character, as the development proposes a height, bulk, and scale that overwhelms the adjoining properties and results in adverse amenity impacts for both residents of adjoining properties and the subject dwelling house.
  - d. Part 4.1.11 – Additional controls for residential period dwellings, as the development alters the fundamental building design of the subject terrace house and compromises the symmetry, massing, and proportions of the pair of terraces at 139 and 141 Bedford Street and the proposed additions are not subordinate to the main body of the period building.
  - e. Part 9.4.2 -Strategic context, in that the development fails to protect and preserve contributory buildings within the Newtown North planning precinct and results in the loss of original building form for terraces in Bedford Street.
  
5. The adverse streetscape/landscape impacts illustrate 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*.
  
6. Having regard to submissions received and the adverse impacts of the proposal, the application as proposed is not in the public interest, pursuant to Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*.

The decision of the panel was unanimous

<b>IWLPP982/22 Agenda Item 8</b>	DA/2021/0518
<b>Address:</b>	1-5 Chester Street Annandale
<b>Description:</b>	Demolition of existing structures and construction of six small non-residential tenancies, purpose built student housing providing 60 self-contained studio apartments up to 5 storeys above basement parking.
<b>Applicant:</b>	Corvas Pty Ltd

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

- *Tania Taylor*
- *Sue Strudwick*
- *Warren Duncan*
- *Kate Azzopardi*
- *Matt Sonter*
- *Anna Johnston*

## **DECISION OF THE PANEL**

The Panel supports the findings contained in the Assessment Report and resolves that the application be refused as per the recommendation contained in that report as amended.

- A. 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/2021/0518 for Demolition of existing structures and construction of six small non-residential tenancies, purpose built student housing providing 60 self-contained studio apartments up to 5 storeys above basement parking at 1-5 Chester Street, Annandale for the following reasons, subject to the following changes:
1. As concurrence with the Planning Secretary has not yet been granted, nor a VPA been agreed, Council has no power to approve the application.
  2. As a VPA between the applicant and Council has not been agreed, Council has no power to approve the application.
  3. The proposed development is inconsistent with the following Clauses of Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979:
    - a. Clause 5.21 – Flood Planning - As the proposal fails to provide an adequate Flood Risk Management Plan and Flood Emergency Response Plan.
    - b. Clause 6.22(5) - Floor Space Ratio – as the development has not demonstrated that compliance with the maximum floor space ratio has been achieved.

- c. Clause 6.22(5)(c) – Student Accommodation Gross Floor Area - as the development exceeds the maximum gross floor area for student accommodation on the site.
  - d. Clause 6.22(5)(e) – As the lack of internal vehicular access ramp or acceptable vehicle lift arrangement would result in potential parking traffic impacts such as would have a significant adverse impact on the amenity of the neighbourhood.
  - e. Clause 6.22(5)(i) – As the proposed use of a vehicular lift would result in additional power requirements than would be the case should access be gained via a vehicular ramp.
  - f. It has not been demonstrated that the floor space ratio has been complied with.
  - g. Clause 6.5 - Development in areas subject to aircraft noise, in that the Acoustic Report has not been revised to confirm that the amended design will satisfy acoustic privacy and amenity requirements.
4. The proposed development does not comply with the following Parts of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
- a. Part C1.11 - Parking - as the development is inconsistent with urban design principles; 4, 5 and 9 as the density, form and character of the proposal are at odds with the prevailing character of the conservation area and adjoining development.
  - b. C3.14 - Adaptable Housing – as the proposal fails to provide the minimum 10% number of adaptable dwellings.
  - c. Part E1.1.4 - Flood Risk Management Report & E1.3.1 Flood Risk Management – as the submitted reports are inadequate.
  - d. Part G1.4 Objectives – as the proposal fails to provide adequate vehicular access and loading facilities within the site in accordance with Objective O4.
  - e. Part G1.5 - Desired Future Character Statement - as the proposal fails to provide adequate vehicular access and loading facilities within the site in accordance with objective O9.
  - f. Part G1.6 - Built Form Height & Design - as the proposal fails to provide a vehicular ramp to basement parking level as per Diagram G.56.
  - g. Part G1.7 - Land Use - as the lower ground non-residential floor space does not achieve minimum required ceiling height of 4m.
  - h. Part G1.8 - Setback & Separation – as the proposal fails to satisfy controls C1 & C2 as the basement encroaches into the through site link area and glass block windows inhibit future development of adjoining land.
  - i. Part G1.9 - Student Accommodation - as the proposed student accommodation room layouts are constrained and the proposal does not satisfy controls C9 & C11 relating to provision of adequate Communal Open Space.
  - j. Part G1.12 Deep Soil Area & Landscaping – as the proposal fails to provide deep soil area as required by control C1 and the through site link design does not correspond to that contemplated in Figure G.55.
  - k. Part G1.13 Solar Access – as the proposal does not provide a detailed indicative design for future development of 17 Chester Street as required by control C1.
  - l. Part G1.14 Parking & Access – as the proposal does not provide adequate loading facilities in the basement in accordance with Control C1 as the basement is proposed to be accessed via a car lift; and fails to satisfy car



share parking provision in accordance with Control C4. The application fails to demonstrate compliance with service vehicle access in accordance with Control C12.

- m. Part G1.15 Environment Management – as evidenced by the shortfall in deep soil area required by control C3.
- n. Part G1.16 Waste Management – as the proposal relies on an unsatisfactory loading area design and location.

5. The proposal has not provided adequate information to demonstrate it will not result in adverse environmental impacts in the locality, pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979 in that:

- a. An adequate Acoustic Report has not been submitted.
- b. Information confirming that the proposed works do not encroach within 1m of the Sydney Water stormwater channel located at the southwestern corner of the site.
- c. A detailed design of the through site link satisfying the LDCP2013 requirements.

6. The adverse environmental impacts of the proposal demonstrate 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 proposal will significantly impact on the amenity of the neighbourhood and streetscape, 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 Panel notes that the applicant sought a deferral of the application, however the merits of the application a part from the fact that the panel does not have the power to approve the application at this point in time refusal will allow the application to seek a review under the Section 8.2 that traces the outstanding issues.

If the applicant wishes to seek a section 8.2 review, the panel recommends an effective plan of management

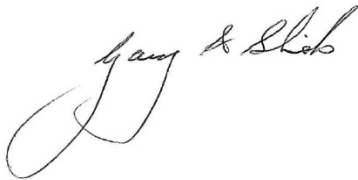
The decision of the panel was unanimous

**The Inner West Planning Public Panel Meeting finished at 3.25pm**

**The Inner West Planning Panel Closed session commenced at 3.38pm**

**The Inner West Planning Panel Closed session finished at 4.29pm**

**CONFIRMED:**

A handwritten signature in black ink, appearing to read "Gary Shiels". The signature is written in a cursive style with a large, looping initial 'G'.

**Dr Gary Shiels  
Chairperson  
8 March 2022**