



INNER WEST LOCAL PLANNING PANEL
MEETING

14 February 2023

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 14 February 2023

Present: Adjunct Professor David Lloyd QC in the chair; Mrs Mary-Lynne Taylor; Ms Lisa Trueman; Mr Allan Barnes;

Staff Present: Development Assessment Manager - Ruba Osman, Development Assessment Team Leader – Kaitlin Zieme, and Corporate Support and Administration Officers – Stav Ristevski, Selena Topich, Adriana Ferriera and Gerardine Galley.

Meeting commenced: 2:00 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.

IWLPP1084/23 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 and noted.

IWLPP1085/23 Agenda Item 2	DA/2022/0573
Address:	23 Gordon Street, Rozelle
Description:	Demolition of existing dwelling house, construction of two semidetached dwellings with swimming pools, and associated works, including Torrens title subdivision into two lots
Applicant:	Mr Raymond Panetta

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

- Raymond Panetta

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 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 Minimum lot size development 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/2022/0573 for demolition of the existing dwelling house, construction of two semi-detached dwellings with swimming pools, and associated works, including Torrens title subdivision into two lots at 23 Gordon Street, Rozelle, subject to the conditions listed in Attachment A.

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved** as per recommendations contained in that report.

One submission was made against the application, but no one spoke at the meeting and the concerns expressed in the objection have been dealt with in the assessment of the application and by suitable conditions of consent.

Reasons for Decision:

1. The proposal generally complies with the aims, objectives and design parameters of the R1 General Residential zone and generally satisfies the requirements of the applicable planning controls.
2. The proposed development subject to amendments in the recommendation will not result in any significant impacts on the amenity of adjoining properties and the streetscape and is consistent with the character of the area.
3. The development will be compatible with the existing development and character of the area.
4. For the reasons given above the proposal is in the public interest.

The decision of the panel was unanimous.

IWLPP1086/23 Agenda Item 3	DA/2022/0847
Address:	65 Tillock Street, Haberfield
Description:	Alterations and additions to existing dwelling including a rear addition and lateral extension
Applicant:	Adrian Elterman

No person addressed the Panel in the meeting on this item

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. 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 Height of Building and Development below existing ground level variations. 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/2022/0847 for alterations and additions to the existing dwelling including a rear addition and lateral extension at 65 Tillock Street, Haberfield for the reasons outlined in attachment A.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the **refusal** contained in that Report.

Reasons for Decision:

The Inner West Local Planning Panel, as the responsible authority, hereby refuses Development Application No. DA/2022/0847 for alterations and additions to the existing dwelling including a rear addition and lateral extension at 65 Tillock Street HABERFIELD for the following reasons:

1. The proposal is inconsistent with the aims set out in section 1.2(2) of the Inner West Local Environmental Plan 2022 as the proposal does not protect or conserve the cultural heritage of the Inner West, particularly Haberfield.
2. The proposal is inconsistent with the aims set out in section 4.3(1)(a) and development standard 4.3(2) of the Inner West Local Environmental Plan 2022 as the proposal does not comply with the height of buildings development standard and does not result in a development compatible with the area.
3. The proposal is inconsistent with section 4.6(3) of the Inner West Local Environmental Plan 2022 as the application is not accompanied by a written request to vary the height of buildings development standard.

4. The proposal is inconsistent with section 4.6(3) of the Inner West Local Environmental Plan 2022 the provided written request to vary section 6.20(3)(ii) of the Inner West Local Environmental Plan 2022 as the application has not demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
5. The proposal is inconsistent with the aims set out in section 5.10(1) and 5.10(4) of the Inner West Local Environmental Plan 2022 as the proposal does not conserve the heritage significance of the heritage conservation area including fabric, settings and views.
6. The proposal is contrary to Section 6.20(3)(a)(ii) of the of the Inner West Local Environmental Plan 2022 as the proposal results in a lower ground floor area GFA greater than 25% of the existing ground floor.
7. The proposal is contrary to Section 6.20(3)(c) of the Inner West Local Environmental Plan 2022 as the proposal seeks the addition of gablet windows.
8. The proposal is contrary to Sections 2.3(b), 2.6(e), and 2.12 of Chapter E2 – Haberfield Heritage Conservation Area of the Comprehensive Inner West Development Control Plan 2016 as the proposal does not maintain a similar development pattern and size established by the original development nor does it retain existing front and side setbacks.
9. 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 in the locality.
10. 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 decision of the panel was unanimous.

IWLPP1087/23 Agenda Item 4	REV/2022/0030
Address:	7 King Street, Ashfield
Description:	S8.2 Review of Determination No. DA/2022/0362, dated 19 August 2022, to delete condition 2a relating to an increase in the required front setback of the carport.
Applicant:	Ms Helen L Randall

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

- William Hegarty
- Helen Randall

DECISION OF THE PANEL

- 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. REV/2022/0030 for a review of Determination No. DA/2022/0362 dated 19 August 2022, to delete condition 2a relating to an increase in the required front setback of the carport at 7 King Street, Ashfield for the following reasons in Attachment A.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the **refusal** contained in that Report.

Reasons for Decision:

1. The proposed development does not comply with the objectives of Clause 5.10 of the Inner West Local Environmental Plan 2022 in that the lack of a setback of the proposed carport to the facade of the building does not preserve the environmental heritage of the Inner West, resulting in an adverse impact to local Heritage Item I235 and the Hampden Street and King Street Heritage Conservation Area (C8).
2. The proposal does not comply with control C2 within Chapter E1, Part 4.3 of the Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill (IWDCP 2016) in that the carport is not setback from the building facade by 1 metre and is inconsistent with objectives O1 and O3 of Chapter E1, Part 4.3 of the IWDCP 2016.
3. The proposed development is not in the public interest.

Advisory note: The Panel is of the opinion that the carport as approved with condition 2a is still an unsatisfactory heritage outcome in terms of impact on the heritage item and the heritage conservation area.

The decision of the panel was unanimous.

IWLPP1088/23 Agenda Item 5	DA/2022/0502
Address:	23 Darling Street, Balmain East
Description:	Alterations and additions to residential development including a glass roof over the existing void and demolition of existing garden bed on basement level.
Applicant:	Peter Perras

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

- Olga Vinogradova
- Trevor Valaire

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:

Reasons for Decision:

1. The applicant has made a written request pursuant to *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 floor space ratio 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.
2. The proposal will result in unsatisfactory internal amenity to the adjoining habitable rooms at the basement level.
3. The panel considers that there is insufficient information to determine if the proposed development is able to comply with the applicable building standards in relation to ventilation and natural light.
4. The Heritage Impact Statement submitted with the application is deficient as it fails to address the heritage impacts of the proposal and compliance with Council's heritage controls. In particular the Statement fails to address the specific development that is the subject of this development application.
5. The proposed development is not in the public interest.

The decision of the panel was unanimous.

IWLPP1089/23 Agenda Item 6	REV/2022/0035
Address:	237 Marrickville Road, Marrickville
Description:	S8.2 Review of DA/2022/0069, refused on 14 September 2022, for alterations to the existing first floor for use as a dwelling
Applicant:	Design Studio 407 Pty Ltd

No person addressed the Panel in the meeting on this item.

DECISION OF THE PANEL

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. REV/2022/0035 for a S8.2 Review of DA/2022/0069, refused on 14 September 2022, for alterations to the existing first floor for use as a dwelling at 237 Marrickville Road, Marrickville for the following reasons:

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the **refusal** contained in that Report.

Reasons for Decision:

1. The proposed development is inconsistent and has not demonstrated compliance with the 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(b) & (h) - Aims of Plan, in that the proposal does not satisfactorily protect residential amenity and fails to promote a high standard of design.
2. The proposed development is inconsistent and has not demonstrated compliance with the Marrickville Development Control Plan 2011, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as follows:
 - a. Part 2.1 – Principle 3 -Complementary mix of uses and types. The proposal has not demonstrated the proposed residential and existing ground floor commercial are able to operate independently of each other as the waste management is combined. In this instance the proposed mixed uses are not complimentary and present as a poor urban design outcome.
 - b. Part 2.7 – Solar access and overshadowing, in that insufficient information has been provided, notwithstanding assessment indicates that the proposal fails to be sited and designed to maximise direct solar access to the subject site in accordance with O2, C1 and C9 of Part 2.7 and O7 and C26 of Part 2.18 of the Marrickville Development Control Plan 2011.
 - c. Part 2.21 – Site Facilities and Waste Management, in that the submitted waste management plan (WMP) has not provided all of the required information to demonstrate satisfactory waste management practices for shop top housing developments, the recycling/waste storage area is not designed in accordance with the requirements in Appendix 4 under Part 2.21.7, the recycling/waste storage area is proposed to be shared between

the residential and non-residential uses. Therefore, the proposal is not considered to be in accordance with O1, O2, O3, C1 and C46.

- d. Part 5.1.1 – General Objectives (Commercial and Mixed-Use Development), in that the proposal does not improve the environmental amenity of commercial centres or demonstrate that the proposed arrangements for waste management and disposal promote an accessible and safe environment in accordance with O8 and O10.
3. The proposed development is inconsistent and has not demonstrated compliance with the Draft Inner West Local Environmental Plan 2020, which has the weight of imminent and certain, pursuant to Section 4.15 (1)(a)(ii) of the Environmental Planning and Assessment Act 1979v having regard to the following:
 - a. Clause 1.2(j) & (l) – Aims of Plan, in that the proposal does not protect and enhance the amenity for existing and future residents or prevent adverse environmental impacts including cumulative impacts.
 4. The proposal will result in adverse environmental impacts in the locality, pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979.
 5. 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.

The decision of the panel was unanimous.

IWLPP1090/23 Agenda Item 7	DA/2022/0592
Address:	47 Junior Street, Leichhardt
Description:	Alterations and additions to existing two storey attached residence
Applicant:	Laura Cook

No person addressed the Panel in the meeting on this item.

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 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 floor space ratio development 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/2022/0592 for alterations and additions to the existing two storey attached residence at 47 Junior Street, Leichhardt subject to the conditions listed in Attachment A below.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the **approval** contained in that Report.

Reasons for Decision:

1. The proposal generally complies with the aims, objectives and design parameters of the R1 General Residential zone and generally satisfies the requirements of the applicable planning controls.
2. The proposed development subject to amendments in the recommendation will not result in any significant impacts on the amenity of adjoining properties and the streetscape and is consistent with the character of the area.
3. The development will be compatible with the existing development and character of the area.
4. For the reasons given above the proposal is in the public interest.

The decision of the panel was unanimous.

IWLPP1091/23 Agenda Item 8	DA/2022/0209
Address:	425 New Canterbury Road, Dulwich Hill
Description:	Alterations and additions to existing building for use as a mixed use development comprising retail premises and dwellings with associated parking.
Applicant:	Australasian Properties Pty Ltd

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

- Daniel McNamara
- Tony Owen

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to *Marrickville Local Environmental Plan 2011*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the floor space ratio development 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 a deferred commencement consent to Development Application No. DA/2022/0209 for alterations and additions to the existing building for use as a mixed-use development comprising retail premises and dwellings with associated parking at 425 New Canterbury Road, Dulwich Hill subject to the conditions listed in Attachment A.

Five submissions were made against the application, but no one spoke at the meeting and the concerns expressed in the objections have been dealt with in the assessment of the application and by suitable conditions.

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 change:

- That condition A3 relating to design change be amended to read as follows:
The brickwork defining the main arches **is** to be detailed with bricks tapered to the radius and with a perceptible depth appropriate to their size.

Reasons for Decision:

1. The proposal generally complies with the aims, objectives and design parameters of the B2 local centre zone and generally satisfies the requirements of the applicable planning controls.
2. The proposed development subject to amendments in the recommendation will not result in any significant impacts on the amenity of adjoining properties and the streetscape and is consistent with the character of the area.

3. The design changes were agreed to be the applicant.
4. The panel notes the findings of the architectural excellence and design review panel in support of the adaptive reuse of the existing building.
5. For the reasons given above the proposal is in the public interest.

The decision of the panel was unanimous.

IWLPP1092/23 Agenda Item 9	DA/2022/0746
Address:	31 Chalder Street, Marrickville
Description:	Restoration works and alterations and additions to a dilapidated warehouse building on Lot 2 in DP1275800
Applicant:	Corona Projects Ptd Ltd

No person addressed the Panel in the meeting on this item.

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Floor Space Ratio 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*, grants a deferred commencement consent to Development Application No. DA/2022/0746 for restoration works and alterations and additions to a dilapidated warehouse building at 31 Chalder Street, Marrickville subject to the conditions listed in Attachment A below.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the **approval** contained in that Report.

Reasons for Decision:

1. The existing site contains a heavily fire damaged and dilapidated two storey building historically used for the purpose of a factory unit/ warehouse and the proposal will restore the existing ground floor and reconstruct the existing first floor resulting in no additional floor space to a bulk and scale commensurate with the building prior to fire damage and at the same height as the adjoining building on the site.
2. The proposal generally complies with the aims, objectives and design parameters of the B5 Business Development zone and generally satisfies the requirements of the applicable planning controls.
3. The proposed development subject to amendments in the recommendation will not result in any significant impacts on the amenity of adjoining properties and the streetscape and is consistent with the character of the area.
4. For the reasons given above the proposal is in the public interest.

The decision of the panel was unanimous.

The Inner West Planning Panel Meeting finished at 2:38pm.

CONFIRMED:

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

**Adjunct Professor David Lloyd KC
Chairperson
14 February 2023**