



INNER WEST LOCAL PLANNING PANEL
MEETING

Tuesday, 12 December 2023

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on Tuesday, 12 December 2023.

Present: The Hon David Lloyd KC in the chair; Mr David Johnson; Ms Lindsey Dey; Mr Kenneth Hawke

Staff Present: Ruba Osman, Development Assessment Manager; Senior Development Support Officer and Support Officer.

Meeting commenced: 2.04 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.

IWLPP1178/23 <i>Agenda Item 1</i>	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.

IWLPP179/23 Agenda Item 2	DA/2023/0443
Address:	115-117 Evans Street, Rozelle
Description:	Alterations and works to existing dual occupancy and Torrens title subdivision into two lots
Applicant:	Chapman Planning Pty Ltd

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

- There were no speakers for 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 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/2023/0443 for alterations and works to an existing dual occupancy and Torrens title subdivision into two lots at 115-117 Evans Street, Rozelle subject to the conditions listed in Attachment A of the officer's report.

REASONS FOR DECISION

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

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The Panel notes that there will be no discernable impacts as no physical works are proposed apart from fire rating the internal wall between the two dwellings.

The decision of the panel was unanimous.

IWLPP1180/23 Agenda Item 3	DA/2023/0393
Address:	51-55 Carrington Road, Marrickville
Description:	Change of use including fitout for mixed use development, comprising a vehicle sales and hire premises and a vehicle repair station and installation of signage.
Applicant:	Eagers Automotive Limited

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

- Bianca Pineda – objector
- Tim Campelj – on behalf of Applicant

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*, grants consent to Development Application No. DA/2023/0393 for change of use including fitout for a vehicle sales and hire premises and a vehicle repair station and installation of signage at 51-55 Carrington Road, Marrickville subject to the conditions listed in Attachment A of the officer's report.

REASONS FOR DECISION

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

The development subject to the imposition of appropriate conditions will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

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:

That condition 7 be amended to read:

7. Parking

The development must provide and maintain within the site:

- 8 standard vehicle car parking spaces for staff and visitors;
- 2 small to medium rigid vehicle storage spaces for showroom display;
- 7 work bays;
- 15 small to medium rigid vehicle parking spaces; and
- 1 Carwash bay
- 3 bicycle spaces

That condition 35 be amended to read:

35. Hours of Operation

- a. The hours of operation of the vehicle sales or hire premises must not exceed the following:

Day	Hours
Monday to Friday	7:00am to 6:00pm
Saturday	8:00am to 5:00pm
Sunday/Public Holidays	Closed

- b. The hours of operation of the vehicle repair station premises must not exceed the following:

Day	Hours
Monday to Friday	7:00am to 6:00pm Between 5pm and 6pm, no vehicle repair is permitted and only collection of vehicles is to occur during this time.
Saturday	8:00am to 3:00pm
Sunday/Public Holidays	Closed

That condition 38 be amended to read:

38. Complaints Register

A contact name and number is to be clearly displayed at the front of the premises (Renwick Street) to contact the Manager. Any complaints are to be included in a complaints register to be available to Council for inspection on request and include actions taken to address any complaint. The Manager is to be contactable by residents during operating hours of the premises. This is to be included in the Plan of Management.

The decision of the panel was unanimous.

IWLPP1181/23 Agenda Item 4	DA/2023/0099
Address:	557A King Street, Newtown
Description:	Partial demolition of existing structures and alterations and additions to the building to create a 3 storey shop top housing development comprising 2 commercial tenancies on the ground floor and 3 apartments above with associated car parking.
Applicant:	Di Gardoll

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

- Benjamin May - objector

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 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/2023/0099 for partial demolition of existing structures and alterations and additions to the building to create a 3 storey shop top housing development comprising 2 commercial tenancies on the ground floor and 3 apartments above with associated car parking at 557A King Street, Newtown subject to the conditions listed in Attachment A of the officer's report.

REASONS FOR DECISION

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

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:

That condition 7 be amended to:

7. Car Parking

The development must provide and maintain within the site:

- a. 1 car parking spaces must be paved and line marked;
- b. 2 Bicycle storage capacity within the site; and
- c. 1 dedicated Loading dock/bay.

That an additional condition be added:

7A. Loading/unloading on site

All loading and unloading in connection with the commercial use on the site are to be conducted within the site at all times.

Advisory Note:

The Panel notes that no external air conditioning units to be placed on the façade of the building.

The decision of the panel was unanimous.

IWLPP1182/23 Agenda Item 5	REV/2023/0019
Address:	33 Adolphus Street, Balmain
Description:	S8.2 Review of Development Consent DA/2023/0219 relating to approved alterations and additions to existing heritage listed dwelling seeking to delete condition 2 regarding a skylight.
Applicant:	Dr Ray Stevens

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

- Dr Ray Stevens - applicant

DECISION OF THE PANEL

- A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to 8.2 of the *Environmental Planning and Assessment Act 1979*, approves Application No. REV/2023/0019 which seeks a review of Condition 2 of Development Consent DA/2023/0219 to the existing heritage listed dwelling at 33 Adolphus Street, Balmain for the reasons outlined below.

REASONS FOR DECISION

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be **approved** for the following reasons:

The Panel having visited the site is of the opinion that the proposed skylight would be difficult to see from the footpath or the roadway and would not be detrimental to the heritage item, or to the Balmain East Conservation Area, or to the streetscape.

It will improve the amenity within the dwelling house particularly in terms of light and ventilation.

The Panel recommends that the following changes:

That condition 2a be amended to read:

2 Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a) The openable skylight proposed in the southern roof plane of the main roof form (RL03) shall be flat with the roof plane and finished in a similar colour to the roof.

The decision of the panel was unanimous.

IWLPP1183/23 Agenda Item 6	DA/2023/0699
Address:	40 Carrington Street, Lilyfield
Description:	Convert car hard stand space at rear to garage, with roof terrace over.
Applicant:	DEV ELEMENTS Pty Ltd

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

- Mike Leigh – objector
- Denis Doyle – objector
- Amanda Holt - objector

DECISION OF THE PANEL

- A. The applicant has made a written request to vary 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 satisfied that compliance with the Site Coverage and Floor Space Ratio development standards 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 standards 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/2023/0699 for conversion of the car hard stand space at rear to garage, with roof terrace over, at 40 Carrington Street, Lilyfield subject to the conditions listed in Attachment A of the officer's report.

REASONS FOR DECISION

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013.

Subject to amendment to the terrace design by way of condition, the development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate 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 changes.

That condition 2 be amended to read:

2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a. A non-trafficable planter is to be provided along the entire eastern elevation (to the rear laneway) of the proposed roof terrace with vegetation maintained at a minimum height of 1 metre, to ensure residential amenity is protected. This planter is to have a minimum depth of 1m from the rear of the terrace.
- b. That the external lighting on and adjacent to the roof terrace be designed to result in minimal light spill to adjacent properties.

The decision of the panel was unanimous.

IWLPP1184/23 Agenda Item 7	DA/2023/0698
Address:	40A Carrington Street, Lilyfield
Description:	Convert car hard stand space at rear to garage, with roof terrace over.
Applicant:	DEV ELEMENTS Pty Ltd

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

- Mike Leigh – objector
- Denis Doyle – objector
- Amanda Holt - objector

DECISION OF THE PANEL

- A. The applicant has made a written request to vary 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 satisfied that compliance with the Site Coverage and Floor Space Ratio development standards 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 standards 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/2023/0698 for conversion of the car hard stand space at rear to garage, with roof terrace over, at 40A Carrington Street, Lilyfield subject to the conditions listed in Attachment A of the officer's report.

REASONS FOR DECISION

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013.

Subject to amendment to the terrace design by way of condition, the development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate 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 changes:

That condition 2 be amended to read:

2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a. A non-trafficable planter is to be provided along the entire eastern elevation (to the rear laneway) of the proposed roof terrace with vegetation maintained at a minimum height of 1 metre, to ensure residential amenity is protected. This planter is to have a minimum depth of 1m from the rear of the terrace.
- b. That the external lighting on and adjacent to the roof terrace be designed to result in minimal light spill to adjacent properties
- c. A retaining wall is to be provided along the southern side boundary to No. 42 Carrington Street from the proposed external garage stairs to the stairs accessing the rear private open space, so that all overland flow waters are directed away from neighbouring properties.

The decision of the panel was unanimous.

IWLPP1185/23 Agenda Item 8	MOD/2023/0178
Address:	60 Percival Road, Stanmore
Description:	Section 4.55 (2) application to modify determination REV/2022/0010 to reintroduce the ensuite bathroom increasing the size of the approved first floor addition.
Applicant:	The Trustee for Blu Print Family Trust

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

- *Sonia Starr & Susana Boullosa - objector*
- *Maria Severino - objector*

DECISION OF THE PANEL

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 Application No. MOD/2023/0178 which seeks to modify REV/2022/0010 dated 13 September 2022 to reintroduce the ensuite bathroom increasing the size of the approved first floor addition at 60 Percival Road, Stanmore subject to the amendments listed in Attachment A of the officer's report.

REASONS FOR DECISION

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

The modified development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

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

The decision of the panel was unanimous.

IWLPP1186/23 Agenda Item 9	MOD/2023/0281
Address:	31A Mallett Street, Camperdown
Description:	Section 4.55(1A) application to modify Modified Determination DA201500378 dated 23 November 2021 to continue extended trading hours for the restaurant of 6.00am to 11.00pm Mondays to Thursdays, 6.00am to 12.00 midnight Fridays and Saturdays and 6.00am to 10.00pm on Sundays and Public Holidays and the trading hours for the caravan café of 6.00am to 10.00pm daily including Public Holidays
Applicant:	Camperdown Project Pty Ltd

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

- Dean Thomas – on behalf of applicant

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55 of the *Environmental Planning and Assessment Act 1979*, grants consent to Application No. MOD/2023/0281 to modify Modified Determination DA201500378 dated 23 November 2021 to continue extended trading hours for the restaurant of 6.00am to 11.00pm Mondays to Thursdays, 6.00am to 12.00 midnight Fridays and Saturdays and 6.00am to 10.00pm on Sundays and Public Holidays and the trading hours for the caravan café of 6.00am to 10.00pm daily including Public Holidays at 31A Mallett Street, Camperdown subject to the modified conditions of consent in Attachment A of the officer's report.

REASONS FOR DECISION

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

The proposed modification will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate 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 additional advisory note;

Advisory Note:

Bike Racks

The applicant is encouraged to provide bicycle parking within the site.

The decision of the panel was unanimous.

IWLPP1187/23 Agenda Item 10	REV/2023/0020
Address:	29 Albermarle Street, Marrickville
Description:	S8.2 Review of DA/2023/0275, to amend the approved alterations and additions to the existing dwelling house to delete condition 2a, which requires the carport/garage to be setback further from the front boundary
Applicant:	Kresho Srpak

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

- Tealia Scott – owner
- Kresho Srpak - Applicant

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.2 of the *Environmental Planning and Assessment Act 1979*, refuses Application No. REV/2023/0020 which seeks a review of Condition 2a of Determination DA/2023/0275 dated 29 June 2023 to amend the garage setback at 29 Albermarle Street, Marrickville subject to the reasons listed below;

Reasons for Refusal:

1. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following sections of Inner West Local Environmental Plan 2022:
 - a. Section 1.2 Aims of the Plan, in that the development does not conserve and maintain the built and cultural heritage of Inner West, contrary to (2)(b).
 - b. Section 5.10 – Heritage conservation: The proposed development would cause an adverse impact upon the heritage significance of the South Dulwich Hill Heritage Conservation Area.
2. Pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following parts of Marrickville Development Control Plan 2011:
 - a. Part 4.1.7- Car Parking, as the development proposes a parking structure forward of the building line to an extent that would adversely impact the streetscape.
 - b. Part 8.3.2.3 - Building setbacks, as the development proposes a garage between the original building line and the street boundary to an extent that would dominate the contributory dwelling and adversely impact the South Dulwich Hill Heritage Conservation Area
 - c. Part 8.3.2.13 - Car Parking, as the development proposes a car parking structure forward of the rear building line to an extent that would dominate the contributory dwelling and adversely impact the South Dulwich Hill Heritage Conservation Area
3. The proposal has not demonstrated that it will not result in any significant impacts on the built environment, particularly with respect to establishing an undesirable bulk, scale, and streetscape impact, pursuant to section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

4. In view of the extent of non-compliances with the planning provisions, the proposal is not considered to be in the public interest, contrary to section 4.15(1)(e) Environmental Planning and Assessment Act 1979.

REASONS FOR DECISION

The proposal does not comply with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

The development would result in adverse impacts on the streetscape and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

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

The decision of the panel was unanimous.

IWLPP1188/23 Agenda Item 11	DA/2023/0333
Address:	140 Young Street, Annandale
Description:	Part demolition and alterations and additions an existing dwelling house
Applicant:	David Jarvis

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

- There were no speakers for this item

DECISION OF THE PANEL

- A. The applicant has made a written requests pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Floor Space Ratio and Site Coverage development standards are unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations. The proposed development will be in the public interest because the exceedances are 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/2023/0333 for part demolition and alterations and additions an existing dwelling house at 140 Young Street, Annandale subject to the conditions listed in Attachment A in the officer's report.

REASONS FOR DECISION

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate 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 imposition of the advisory note.

Advisory Note:

Front Fence

To improve the streetscape appearance and provide greater continuity with the adjoining dwelling it is recommended that the front fence be amended such that the height of the

southern side of the fence should be reduced to match the height of the northern side of the front fence.

The decision of the panel was unanimous.

**The Inner West Planning Panel Meeting finished at 3.21pm.
The Inner West Planning Panel Closed Meeting commenced at 3.22pm.
The Inner West Planning Panel Closed Meeting finished at 4.30pm.**

CONFIRMED:

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

**The Hon Professor David Lloyd KC
Chairperson
12 December 2023**