

INNER WEST LOCAL PLANNING PANEL
MEETING

12 June 2024

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 12 June 2024.

Present: Dr Gary Shiels AM in the chair; Ms Kim Crestani; Mr Garry Chapman; Ms Andrea Connell.

Staff Present: Andrew Newman, Acting Development Assessment Manager; Development Support Officer Selena Topich and Senior Development Support Officer Aneeta Gurung.

Meeting commenced: 2:01pm

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.

IWLPP1239/24 <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.

IWLPP1240/24 Agenda Item 2	REV/2024/0009
Address:	28 Francis Street, Enmore
Description:	Section 8.2 Review of DA/2023/0715, determined 12/12/2023 to remove one tree from the rear of the site
Applicant:	Mr Timothy Stainton

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

- Jenny Mullineux – Neighbour (Objector of Council’s Decision but a Supporter for the Application)
- Kate Benjamin – 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, refuses Development Application No. REV/2024/0009 for Section 8.2 Review of DA/2023/0715, determined 12/12/2023 to remove one tree from the rear of the site at 28 Francis Street ENMORE NSW 2042 for the following reasons:
1. The removal of the tree would be inconsistent with Section 2.1 of SEPP (Biodiversity and Conservation) 2021 as follows:
 - a. It would fail to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
 - b. The removal would fail to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.
 2. The removal of the tree would be inconsistent with aims (h) and (i) of the Inner West Local Environmental Plan 2022 as it will result in adverse environmental impacts on the local character of Inner West and will not prevent adverse and cumulative environmental impacts.
 3. The proposal is inconsistent with the Marrickville Development Control Plan 2011 as follows:
 - a. C8 and C9 – Application Assessment Criteria: insufficient supporting evidence has been provided to Council which demonstrates that the subject tree is a danger to human life and to the surrounding properties and as such the proposal would fail to meet objectives O4 and O5.
 4. The proposal is considered to result in adverse environmental impacts on the built environment pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
 5. The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

REASONS FOR DECISION

The Panel heard from the adjoining owner and their support for the application, because of the stated impact on her amenity. However, the Panel noted that there was no evidence to substantiate those impacts and there would need to be documented evidence if the application was to have any chance of success. The panel also noted that the Chinese Celtic was classified as a tree and not a weed, as suggested by the Applicant, in the Inner West Local Government Area.

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

The proposal does not comply with the aims, objectives and design parameters contained in the SEPP (Biodiversity and Conservation) 2021, Inner West Local Environmental Plan 2022 and Marrickville Development Control Plan 2011.

The proposal does not comply with the aims and controls contained within the relevant environmental planning instruments and Development Control Plan. The applicant has not provided adequate Arboricultural reasons and other reasons such as structural impacts on the built form to support removal of the Chinese Celtic on the site. The panel was advised that the tree is in good health, contributes to the local landscape, tree canopy, and has high ecological and amenity significance, and its removal would be contrary to the public interest.

In light of the above, it is recommended that the application be refused for reasons stated in the Council Officer's Report.

The decision of the panel was unanimous.

IWLPP1241/24 Agenda Item 3	DA/2023/1010
Address:	46 Johnston Street, Annandale
Description:	Alterations and additions to dwelling house, new garage with studio above, tree removal
Applicant:	Ray Stevens

No one addressed the meeting in relation to this item.

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 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/2023/1010 for alterations and additions to a house, construction of a new garage with studio above and tree removal at 46 Johnston Street Annandale 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.

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

The application is considered suitable for approval subject to the conditions contained in the Council Officer's Report.

The decision of the panel was unanimous.

IWLPP1242/24 Agenda Item 4	MOD/2023/0393
Address:	1-13 Parramatta Road, Annandale
Description:	Section 4.56 Modification of Development Consent D/2017/161 as last modified by MOD/2023/0104 seeking various internal and external changes including: removal of external planters; proposed amalgamation of Units A101 and A102; update unit layouts of Units A103 and Unit B402; and fenestration and blade wall changes
Applicant:	Eranna Development P/L

Mitchell Favalaro – Applicant was available to answer any questions.

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report, in particular the variation to the development standard at clause 6.14 of the LEP and endorses the conditions for the approval contained in that Report.

- A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.56 of the Environmental Planning and Assessment Act 1979, grants consent to Application No. MOD/2023/0393 to modify D/2017/161 as last modified by MOD/2023/0104 seeking various internal and external changes including: removal of external planters; proposed amalgamation of Units A101 and A102; update unit layouts of Units A103 and Unit B402; and fenestration and blade wall changes at 1-13 Parramatta Road ANNANDALE 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.

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

The decision of the panel was unanimous.

IWLPP1243/24 Agenda Item 5	DA/2023/1083
Address:	21 Garnet Street, Dulwich Hill
Description:	Demolition of existing improvements, including tree removal. Torrens Title subdivision of the existing allotment into two (2) lots, and construction of a two (2) storey semi-detached dwelling house on each Lot with detached double garage and two (2) storey secondary dwelling at the rear of each allotment.
Applicant:	Cracknell & Lonergan Architects Pty Ltd

Peter Lonergan – Applicant was available to answer any questions.

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 Section 4.6 Inner West Local Environmental Plan 2022 to vary Sections 53(2)(a) and (b) of the Housing SEPP 2021. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the minimum site area and parking standard is 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 standards 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 consent to Development Application No. DA/2023/1083 for demolition of existing improvements, including tree removal, Torrens Title subdivision of the existing allotment into 2 lots, and construction of a 2 storey dwelling house on each lot with detached double garage and 2 storey secondary dwelling at the rear of each allotment at 21 Garnet Street DULWICH HILL 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 SEPP (Housing) 2021, Inner West Local Environmental Plan 2022 and the Marrickville Development Control Plan 2011.

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

The application is considered suitable for approval subject to the conditions contained in the Council Officer's Report.

The decision of the panel was unanimous.

IWLPP1244/24 Agenda Item 6	DA/2024/0082
Address:	9 Prospect Street, Leichhardt
Description:	Alterations and additions to semi-detached dwelling
Applicant:	Mrs Jodie Wrigley

Helena Miller (MG Planning) – Town Planner on behalf of Applicant and Nicole Raven (Raven Fisher & Associates) – Architect on behalf of Applicant were available to answer any questions.

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 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 FSR 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/2024/0082 for alterations and additions to a dwelling house at 9 Prospect Street LEICHHARDT 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.

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

The application is considered suitable for approval subject to the conditions contained in the Council Officer's Report.

The decision of the panel was unanimous.

IWLPP1245/24 Agenda Item 7	DA2024/0088
Address:	10/91 Mort Street, Balmain
Description:	A minor internal fitout of an existing unit inside the historic Star Hotel unit block.
Applicant:	Edward Davis

Cherie Barber was available to answer any questions.

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 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/2024/0088 for a minor internal fit out of an existing unit inside the historic Star Hotel unit block at 10/91 Mort Street BALMAIN 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.

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

The application is considered suitable for approval subject to the conditions contained in the Council Officer's Report.

The decision of the panel was unanimous.

IWLPP1246/24 Agenda Item 8	DA/2023/1129
Address:	465 Darling Street, Balmain
Description:	Ground, first and second floor alterations and additions to a dwelling.
Applicant:	Tony McLain

Tony McLain – Applicant was available to answer any questions.

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 Sections 4.3C and 4.4 of the Inner West Local Environmental Plan 2022. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel was satisfied that compliance with the FSR and Site Coverage standards is 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 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/2023/1129 for ground, first and second floor alterations and additions to a dwelling at 465 Darling Street BALMAIN NSW 2041 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.

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 conditions contained in the Council Officer's Report.

The decision of the panel was unanimous.

IWLPP1247/24 Agenda Item 9	MOD/2024/0079
Address:	86 Rowntree Street, Birchgrove
Description:	Section 4.55(2) modification of Determination No DA/2020/0771 which approved alterations and additions to the existing dwelling. House. Modification seeks internal and external changes.
Applicant:	Leonard Hambelton

Anthony Green (Evans & Green Architects) – Architect on behalf of Applicant was available to answer any questions.

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report, in particular the variation to the development standards at clauses 4.3C and 4.4 of the LEP and endorses the reasons for the approval contained in that Report.

- 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 Application No. MOD/2024/0079 for internal and external modifications to the existing dwelling at 86 Rowntree Street BIRCHGROVE 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.

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 conditions contained in the Council Officer's Report.

The decision of the panel was unanimous.

IWLPP1248/24 Agenda Item 10	DA/2023/0556
Address:	41 Hubert Street, Leichhardt
Description:	Demolition, construction of two dwellings, and Torrens title subdivision.
Applicant:	Puria Davoodi

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

- Riley Edwards - Objector
- Andrew Martin - Town Planner on behalf of Applicant

DECISION OF THE PANEL

The objector requested two amendments to the proposal: obscure glazing and re-design to the indent in the floor plan. The panel felt that the latter would require re-design and the marginal improvement to solar access did not justify the redesign. The panel felt that a condition could be imposed to require obscure glazing.

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:

- Condition 28A being added to read as follows:
Privacy
Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with amended plans indicating the window to the stairwell on the southern elevation to be fitted with obscure glazing.

The additional conditions identified above have been imposed for the following reasons:

- To ensure that visual privacy of the neighbouring property is maintained.
- 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 minimum subdivision 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/2023/0850 for demolition, remediation works, construction of two dwellings, and Torrens title subdivision at 41 Hubert Street LEICHHARDT 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.

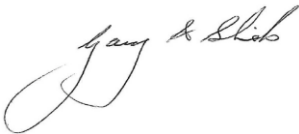
The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the conditions contained in the Council Officer's Report.

The decision of the panel was unanimous.

**The Inner West Planning Panel Public Meeting finished at 2:40 pm.
The Inner West Planning Panel closed Meeting started at 2:46 pm.
The Inner West Planning Panel closed Meeting finished at 3:45 pm.**

CONFIRMED:

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

**Dr Gary Shiels AM
12 June 2024**