

INNER WEST LOCAL PLANNING PANEL
MEETING

8 October 2024

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via video conference on 8 October 2024

Present: Mr Adam Seton in the chair for items 1, 3, 4 and 5; Ms Glennys James; Mr David Logan in the chair for item 2; Ms Andrea Connell

Staff Present: Ruba Osman, Development Assessment Manager; Adele Cowie Team Leader Development Assessment, Clare Fitzpatrick-Clark, Senior Development Support Officer, and Nathan Beer Development Support Officer.

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**

The following declarations of interest were made:

Panel Chair Adam Seton declared a non-pecuniary conflict of interest in agenda Item 2 (DA/2024/0097 40 Lucy Street, Ashfield) and did not chair and was not present at any part of the meeting where the matter was considered or discussed by the Panel or at any time during which the Panel voted on any question in relation to the matter.

IWLPP12684 <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

IWLPP1269/24 Agenda Item 2	DA/2024/0097
Address:	40 Lucy Street, Ashfield
Description:	Demolition of existing dwelling and construction of a part-one, part-two storey dwelling house with basement garage and pool
Applicant:	Nathalie Scipioni - NS Studio Pty Ltd

Panel member Adam Seton declared a non-pecuniary conflict in this matter and did not participate in the briefing, public meeting, Panel deliberations or voting on this matter.

The remaining Panel members elected David Logan as the Chair of the meeting for this item.

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

- Yaying Dong
- Safiye Ordukaya
- Nathalie Scipioni
- Mary Nagle
- Morgan Nguyen
- Steven Griffiths

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. DA/2024/0097 for the demolition of the existing dwelling and construction of a part-one, part-two storey dwelling house with basement garage and pool at 40 Lucy Street Ashfield for the reasons outlined below.

REASONS FOR DECISION

1. The proposed development is inconsistent with, and has not demonstrated compliance with, Section 4.6(1) of *State Environmental Planning Policy (Resilience and Hazards) 2021* as the Detailed Site Investigation identifies the site as contaminated and no Remediation Action Plan has been submitted. Consequently, the proposal fails to demonstrate that the site can be suitably used for residential purposes and the consent authority cannot be satisfied as to the matters under Section 4.6(1)(b) and (c).
2. The proposed development is inconsistent with, and has not demonstrated compliance with, the *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Section 1.2(2)(b), (2)(h) and (2)(i) - Aims of Plan as the proposal is not considered to conserve and maintain the built heritage, prevent adverse environmental impacts on the local character, including cumulative impacts.
 - b. Section 2.3 - Zone Objectives and Land Use Table as the proposal is not considered '*to provide residential development that maintains the character of built and natural features in the surrounding area*'.

- c. Section 5.10(1)(a), (1)(b) and 4 - Heritage Conservation as the proposal does not satisfactorily conserve the heritage significance of the heritage conservation area, including its associated fabric, setting and views.
 - d. Section 6.3(3)(c) - Stormwater Management as the information submitted and current design has failed to demonstrate that the management of stormwater does not result in significant adverse impacts.
3. The proposed development is inconsistent with, and has not demonstrated compliance with, the Comprehensive Inner West Development Control Plan 2016, pursuant to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Chapter A, Part 2 – Good Design, as the proposal does not comply with PC1, PC2 & PC2.1 as it does not appropriately address the context, development pattern, scale and built form of the neighbourhood.
 - b. Chapter A, Part 11 – Fencing, as the proposal does not comply with PC1, DS1.1, DS1.3, DS1.6 as there is insufficient information to ensure the front fence is appropriate to the streetscape.
 - c. Chapter A, Part 15 – Stormwater, as the proposed development does not comply with PC1 & DS1.1 as there is insufficient information to adequately demonstrate the feasibility of the proposed drainage system connection to Council’s system.
 - d. Chapter E1, Part 3.2 – Contributory Buildings (Building Rankings Contributory 1 and 2), as the proposal does not comply with O1 and C1 as no exceptional circumstances were demonstrated to justify the demolition of the contributory building.
 - e. Chapter E1, Part 3.4 – Infill Development within a Heritage Conservation Area, as the proposal does not comply with O1, C2, C4 and C6 as the infill development is inconsistent with the bulk, scale, building envelopes, side boundary setbacks, and solid to void ratios of the nearby contributory buildings.
 - f. Chapter E1, Part 8.1 – Demolition affecting heritage items or within heritage conservation areas, as the proposal does not comply with O1 and C1 as no exceptional circumstances were demonstrated to justify the demolition of the contributory building.
 4. The proposed development will result in adverse built environment impacts in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
 5. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
 6. The proposal has not demonstrated it is 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 by majority votes (3/0).

IWLPP1270/24 Agenda Item 3	DA/2024/0519
Address:	233 Catherine Street, Leichhardt
Description:	Construction of a mezzanine level, internal fit out works to Unit 1 of the existing light industrial building
Applicant:	The Trustee for TAP III Leichhardt Trust

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

- There were no registered speakers for this item

DECISION OF THE PANEL

- A. In relation to the proposal by the development in Development Application No. 2024/0519 to contravene the development standard in Clause 4.4 of *Inner West Local Environmental Plan 2022* the Panel is satisfied that the Applicant has demonstrated that:
- compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - there are sufficient environmental planning grounds to justify the contravention of the development standard.
- B. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grants consent to Development Application No. DA/2024/0519 for the construction of a mezzanine level, internal fit out works to the light industrial building to Unit 1 at 233 Catherine 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 imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1271/24 Agenda Item 4	MOD/2024/0263
Address:	77 Beattie Street, Balmain
Description:	Section 4.56 Modification to D/2018/243 dated 06/08/2019, modification involves increase to the floor-to-ceiling heights of the ground floor, increase the floor area of the first floor addition, and a new second floor for terrace 2
Applicant:	Annandale Hub Pty Ltd

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

- There were no registered speakers for this item

DECISION OF THE PANEL

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, refuses Modification Application No. MOD/2024/0263, which seeks to modify DA/2018/243 to increase the floor-to-ceiling heights of the ground floor, increase the floor area of the first floor addition, and add new second floor for terrace 2 at 77 Beattie Street Balmain, for the reasons listed below.

REASONS FOR DECISION

1. The Panel is not satisfied under section 4.56(1)(a) of the Environmental Planning and Assessment Act 1979 that the development to which the consent as proposed to be modified relates is substantially the same development as the development for which consent was originally granted and therefore has no power to approve the application.
2. Inadequate information has been provided to enable a proper assessment of the application despite the request made for further information on 6 September 2024. In particular, the following have not been provided:
 - a survey showing updated levels as well as work that has already been completed;
 - plans identifying with precision the approved works, the works that have already been carried out and the changes that are proposed;
 - updated shadow diagrams in plan and elevation;
 - an updated Schedule of Conservation and Repair Works;
 - a Structural Engineer's Report and Work Method Statement.
3. The proposed modified development is not consistent with the objectives of the R1 General Residential Zone under Inner West Local Environmental Plan 2022 (IWLEP 2022) as it does not maintain the character of built and natural features in the surrounding area.

4. The additional floor space in the proposed modification is unacceptable and results in adverse heritage, streetscape and amenity impacts and fails to achieve the following objectives of the floor space ratio development standard:
 - (b) to ensure development density reflects its locality,*
 - (c) to provide an appropriate transition between development of different densities,*
 - (d) to minimise adverse impacts on local amenity.*
5. The design of the proposed modified development does not satisfactorily conserve the heritage significance of The Valley Heritage Conservation Area (HCA).
6. The Heritage Impact Statement previously submitted does not address the development as proposed to be modified.
7. The proposed modified development will result in adverse environmental impacts in the locality including unacceptable visual bulk, scale and streetscape impacts and is out of character with the Evans Street/Beattie Street Former Commercial Precinct sub area.
8. The proposed modified development is unacceptable having regard to the non-compliance with the building location zone required under Control C3 in Part C section 3 of the Leichhardt Development Control Plan 2013 (LDCP 2013) given the lower scale adjoining property to the west at 79 Beattie Street does not have a third storey and the proposal seeks to extend the western boundary wall to the first floor contrary to the required side setback under Control C7.
9. The site is not suitable for the proposed modified development having regard to the resultant adverse environmental impacts.
10. The public submissions raised valid grounds of objection and approval of this application is likely to create an adverse precedent and 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.

IWLPP1272/24 Agenda Item 5	DA/2024/0314
Address:	204 Nelson Street, Annandale
Description:	Torrens title subdivision of existing dual occupancy into two allotments
Applicant:	Mr James Linz

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

- There were no registered speakers for this item

DECISION OF THE PANEL

- A. In relation to the proposal by the development in Development Application No. DA/2024/0314 to contravene the development standards in clauses 4.1, 4.3C and 4.4 of the Inner West Local Environmental Plan 2022 the Panel is satisfied that the Applicant has demonstrated that:
- (i) compliance with the development standards is unreasonable or unnecessary in the circumstances of the case, and
 - (ii) there are sufficient environmental planning grounds to justify contravening the development standards.
- 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/2024/0314 for Torrens title subdivision of an existing dual occupancy into two allotments at 204 Nelson Street, Annandale subject to the conditions listed in Attachment A of the officer's report.

REASONS FOR DECISION

The Panel had regard to the fact that there was already a dual occupancy existing on the subject site that had been approved in 1993 and constructed in 1999.

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

The development will not result in any unacceptable 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 decision of the panel was unanimous.

The public meeting finished at 2:48pm.

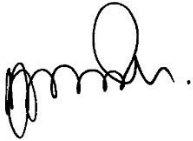
**The Inner West Planning Panel Meeting resumed as a closed session at 2:48pm.
Chair Adam Seton deliberated on Items 1, 3, 4 and 5 and left the meeting at 2:59pm
David Logan assumed the role of Chair for the deliberation and determination of
Item 2 commencing at 3:00pm
The Inner West Planning Panel Meeting closed session finished at 3:25 pm.**

CONFIRMED:



**Mr Adam Seton
Chairperson for Items 1, 3, 4 and 5
8 October 2024**

CONFIRMED:



**Mr David Logan
Chairperson for Item 2
8 October 2024**