



INNER WEST LOCAL PLANNING PANEL
MEETING

12 November 2024

MINUTES

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

Present: Alison McCabe in the chair; Mr Mark Adamson; Ms Lisa Trueman; Ms Lea Richards.

Staff Present: Ruba Osman, Development Assessment Manager; Conor Wilson – Team Leader Development Assessment, Senior Development Support Officer, Clare Fitzpatrick -Clark and Development Support Officer, Selena Topich.

Meeting commenced: 2.05pm

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:

Item 5 - Ms Lisa Trueman declared a non-pecuniary perceived conflict of interest as she was involved in the original Land and Environment Court Appeal for the original DA.

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 Chair and noted.

IWLPP1273/24 Agenda Item 2	REV/2024/0018
Address:	12 Stanley Street Stanmore
Description:	Section 8.2 Review of DA/2024/0374 determined on 20/06/2024, for removal of one (1) tree, located within the rear setback
Applicant:	Carmel Gatt

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

- Ian Pike - 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 Application No. REV/2024/0018 for a Section 8.2 Review of DA/2024/0374 determined on 20 June 2024, which seeks the removal of one (1) tree, located within the rear setback at 12 Stanley Street STANMORE for the following reasons:
1. The proposed development is inconsistent with, and has not demonstrated compliance with the State Environmental Planning Policy (Biodiversity and Conservation) 2021, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, including:
 - a. Section 2.1 (a) as the proposal does not protect the biodiversity values of trees in non-rural areas, and
 - b. Section 2.1 (b) as the proposal does not preserve the amenity of non-rural areas of the State through the preservation of trees.
 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)(h) and 1.2(2)(i) as the removal of the tree will result in adverse environmental impacts on the local character of the Inner West and will not prevent adverse cumulative environmental impacts
 - b. Section 2.3 as the tree removal does not maintain the natural features in the surrounding area.
 3. The proposed development is inconsistent with, 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, including:

- a. Part 2.20 Tree Management, in that the proposal includes tree removal of a tree in good health, without valid arboricultural reasons and sufficient justification for removal, contrary to Controls C8 and C9. The tree removal is inconsistent with Objectives O4 and O5, as the proposal does not adequately manage the urban landscape and the proposal does not maintain the amenity of the Inner West through the preservation of trees.
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 suitable for the site pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
6. 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 proposal generally 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 applicant has not provided adequate arboricultural reasons to support removal of the *Celtis sinensis* (Chinese Hackberry) on the site, which is in good health, contributes to the local landscape and has ecological and amenity value. The Panel is of the view that there is insufficient information to support the argument for the removal of the tree.

Therefore, the application is considered unsupportable and in view of the circumstances, the original determination of refusal of Determination No. DA/2024/0374 be CONFIRMED for the reasons outlined in the notice of determination.

The decision of the panel was unanimous.

IWLPP1274/24 Agenda Item 3	MOD/2024/0193
Address:	9 Gerald Street Marrickville
Description:	Section 4.55(2) modification to DA/2023/0732 dated 2 May 2024, proposing deletion of deferred commencement condition 1.B. to allow events and amendment to conditions 21 and 22 relating to events and live amplified music
Applicant:	Jason Suplina

No registered speakers for this matter.

DECISION OF THE PANEL

- 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 Modification Application No. MOD/2024/0193 which seeks to modify DA/2023/0732 dated 2 May 2024 so as to delete deferred commencement condition 1b to allow events and amend conditions 21 and 22 relating to events and live amplified music at 9 Gerald Street, 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 Panel notes that the Modification application was supported with a detailed Plan of Management and further Acoustic report.

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 Panel notes the condition requiring a trial period will allow for the matter to be reassessed in 12 months time.

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

The decision of the panel was unanimous.

IWLPP1275/24 Agenda Item 4	DA/2024/0424
Address:	25 - 25A Edwin Street South CROYDON
Description:	Torrens title subdivision of existing dual occupancy into 2 lots, partial demolition of existing structures, construction of ground floor and first floor additions, rear decks and one (1) hardstand car space.
Applicant:	Visioner Pty Ltd

No registered speakers for this matter.

DECISION OF THE PANEL

- A.** In relation to the proposal in Development Application No. DA/2024/0424 to contravene the Minimum Street Frontage Width development standard in Clause 4.1A of Inner West Local Environmental Plan 2022 the Panel is satisfied that the Applicant has demonstrated that:
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) 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/2024/0424 for Torrens title subdivision of existing duplex into 2 lots and change of use to semi-detached dwelling, partial demolition of existing structures, construction of ground floor and first floor additions and 1 hardstand parking space at 25 - 25A Edwin Street South, CROYDON subject to the conditions listed in Attachment A of the officer's report and subject to the following additional condition:

- Materials and Finishes Schedule

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an amended materials and finishes schedule demonstrating the following:

- (i) All roof material is to be amended to a terracotta roof tile of a similar colour to the existing tiles.
- (ii) The first floor cladding is to be constructed with James Hardie Stria and painted in Dulux Snow Season.

Reason: To ensure the finishes are sympathetic to the neighbourhood.

REASONS FOR DECISION

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan* and Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill. The Panel notes that the proposed subdivision is consistent with that of the surrounding area. The proposed dark roof is not consistent with the character of the streetscape and potentially adds to urban heat.

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 decision of the panel was unanimous.

IWLPP1276/24 Agenda Item 5	MOD/2024/0085
Address:	77 Glassop Street Balmain
Description:	Section 4.56 Modification of Development Consent to DA/2022/0684 which approved demolition of existing structures and construction of residential flat building including basement parking and landscaping works, seeking consent for various internal and external modifications at all levels, including roof changes
Applicant:	Chanine Design Pty Ltd

Panel member Lisa Trueman declared a non-pecuniary conflict in this matter and did not participate in the briefing, public meeting, or other Panel discussions on this matter.

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

- Kristine Gibson – Objector
- Saade Saade – Supporter
- Liljana Ermilova – Applicant

DECISION OF THE PANEL

A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, defers the determination of Development Application No. MOD/2024/0085 which seeks to modify DA/2022/0684 dated 10 October 2023 to carry out various internal and external modifications at all levels, including roof changes at 77 Glassop Street, BALMAIN for:

1. A further assessment of the TPZ associated with trees T10 and T11, and the siting of the building, basement and stormwater works.
2. A comprehensive analysis of the measures required to ensure the retention and protection of trees T10 and T11 and whether or not this requires modification to the building.

REASONS FOR DECISION

There is a disconnect between the proposed TPZ for Trees 10 and 11 and the comments in the Council report and the location of the building on the plans. The impact of the TPZ on the building needs to be properly articulated. The Panel notes that there is a conflict between the original arborist report and that provided by the submitter which has not been resolved.

For this reason, the application has been deferred for further information and assessment and reported to a future Panel.

The decision of the Panel of three was unanimous, noting that Lisa Trueman did not participate in the briefing, public meeting, or other Panel discussions on this matter.

IWLPP1277/24 Agenda Item 6	DA/2024/0382
Address:	10 England Avenue MARRICKVILLE
Description:	Demolition of existing structures, Torrens title subdivision of the existing lot into 4 allotments and construction of a 2 storey semi-detached dwelling on each lot including construction of in-ground swimming pools and tree removal
Applicant:	Planzone Pty Ltd

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

- Gillian Dalla Pozza – Objector
- Pat Harrington – Objector
- Matthew Blake – Objector

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 DA/2024/0382 to demolish existing structures, Torrens title subdivision of the existing lot into 4 allotments and construction of a 2 storey semi-detached dwelling on each lot including construction of in-ground swimming pools and tree removal at 10 England Avenue, MARRICKVILLE for the following reasons:

Reasons for refusal

1. The proposed development is inconsistent with, and has not demonstrated compliance with the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Sections 2.1(a) and 2.1(b) as the development does not protect the biodiversity values of existing trees and the development does not preserve the amenity of the area through the preservation of trees.
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 Section 1.2 - Aims of Plan and 2.3 - Zone objectives as follows:
 - a. Section 1.2(2)- as the proposal is not considered to enhance the amenity for Inner West residents, fails to create a high quality urban place and has adverse environmental impacts on the local character of the Inner West, including cumulative impacts.
 - b. Section 2.3 - Zone objectives and Land Use Table as the proposal is inconsistent with the objectives of the zone as the development does not maintain the character of the surrounding area.

3. The proposed development is inconsistent with, 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*, including:
- a. Part 2.1 - Urban Character - as:
 - i. The design of the proposed dwellings is inconsistent with the prevailing pattern of development and the existing streetscape character.
 - ii. The proposal is inconsistent with Principle 9 (Sense of place and character in streetscapes and townscapes) of the urban design principles as it is inconsistent with the characteristics that form the streetscape, and the infill design guidelines contained in Part 2.1 of the MDCP 2011.
 - iii. The proposed subdivision is inconsistent with the prevailing cadastral pattern of the streetscape.
 - iv. The proposed building height to width proportion is inconsistent with the character of the streetscape.
 - v. Removal of healthy street trees of high retention value within the public domain is proposed.
 - vi. The proposed car parking arrangements at the front are not consistent with the streetscape character.
 - vii. The proposed two-storey scale of the development is not consistent with the predominantly single storey streetscape.
 - viii. The character, scale, massing and form of existing buildings in the street have not been adequately considered in the design of the proposed buildings, which are unsympathetic to the streetscape.
 - ix. The proposed building setbacks are not consistent with the character of the streetscape.
 - b. Part 2.6 - Acoustic and Visual Privacy - as the proposal does not comply with control C3 within Part 2.6 and is inconsistent with the applicable objectives O1 and O2 as the development does not provide adequate visual privacy for residents and users of surrounding buildings and the development has not been sited and designed to ensure adequate visual privacy for occupants is provided.
 - c. Part 2.7 - Solar Access and Overshadowing - as the proposal does not comply with controls C1, C2 and C8 within Part 2.7, and is inconsistent with the applicable objectives O2 and O3 as the submitted shadow diagrams are inadequate and the proposal does not demonstrate the protection of solar access enjoyed by neighbours and that the use of passive solar design has been incorporated in the design of the proposed dwellings.
 - d. Part 2.9 - Community Safety - as the proposal does not comply with controls C2 and C4 within Part 2.9, and is inconsistent with the applicable objectives O1 and O5 as the development does not contribute to the safety of the public domain through the creation of a physical environment that encourages a feeling of safety, and as the main building entries are not clearly visible from the street frontage or other vantage point offering natural surveillance to enhance the safety and security of building users.
 - e. Part 2.10 - Parking - as the proposal cannot comply with control C1 without removal of high retention value street trees, and, hence, is inconsistent with the applicable objective O4 as the off-street parking is not compatible with the particular development proposed.
 - f. Part 2.18 - Landscaping and Open Space - as the proposal does not comply with control C12 within Part 2.18, and is inconsistent with the applicable objectives O1, O2, O3, O4, O5, O7, and O8 as:

- i. Proposed lots C and D fail to provide the quantum of private and pervious open space required, and this area also fails to achieve adequate solar access compromising not only the amenity of future occupants but also of adjoining properties by failing to establish an appropriate landscape setting which can accommodate sufficient tree planting.
- g. Part 2.20 - Tree Management - as the proposal does not comply with controls C12 and C13, and is inconsistent with the applicable objectives O3, O4, O5, and O6 as:
 - i. The development does not protect trees that are adjacent to the site, it fails to maintain or enhance the amenity of the Inner West through the preservation of appropriate trees and vegetation and does not provide adequate above and below ground space and deep soil areas to accommodate canopy trees that help to achieve Council's tree canopy target.
- h. Part 2.21 - Site Facilities and Waste Management - as the proposal does not comply with controls C1, C4, C5, C12, and C58, and is inconsistent with the applicable objectives O1, O2, O3, O4, O5, and O8 as:
 - i. It has not been demonstrated that adequate provision can be made for required site facilities. And that they can be adequately accessible and easy to maintain.
- i. Part 3 - Subdivision, Amalgamation and Movement Networks - as the proposal does not comply with controls C1, C5, and C6, and is inconsistent with the applicable objectives O3 and O5 as:
 - i. The proposed subdivision does not reflect and reinforce the predominant subdivision pattern of the street.
 - ii. The proposed subdivision does not have characteristics similar to the prevailing cadastral pattern of the lots fronting the same street, in terms of dimensions, shape and orientation.
 - iii. The development does not provide adequate areas of private and pervious open space, and solar access to private open space.
 - iv. The development cannot provide adequate off-street car parking without the removal of high retention value street trees and the development results in adverse impacts to the streetscape and neighbouring amenity.
 - v. The design of the proposed development is inconsistent with the existing character of the area.
 - vi. The development results in adverse impacts on the amenity of surrounding development.
- j. Part 4.1.5 - Streetscape and Design - as the proposal does not comply with controls C2 and C3, and is inconsistent with the applicable objectives O8 and O9 and Part 4.1.6 - Built form and character - as the proposal does not comply with controls C10 and C13, and is inconsistent with the applicable objectives O10, O12, O13, O14, O15, and O16 as:
 - i. The proposed height, bulk and scale of the development, roof form, windows dimensions, verandahs, balconies and porches, materials, colours and finishes and the overall façade design of the dwellings is inconsistent with the prevailing pattern of development and predominantly single storey streetscape character along England Avenue.
 - ii. Given the orientation and siting of lots C and D, the proposed building setbacks result in adverse amenity impacts on the visual privacy of neighbouring properties.
 - iii. The proposed building siting does not appropriately integrate with existing development in the street and the scale and siting of the

- buildings do not ensure adequate separation between buildings for solar access.
- k. Part 4.1.7 - Car Parking - as the proposal does not comply with controls C14, C15, C26, C28, and C30, and is inconsistent with the applicable objectives O17, O18, O19, and O20 as:
 - i. As the development does not maintain kerbside parking and streetscape character.
 - ii. As the car parking design to lots A and B does not respect and enhance the character of the street and are a dominant element on the site.
 - iii. As the parking spaces to lots A and B are not at the rear, which, given the proposed access handle to lots C and D could be achieved for, at least, lot A.
 - l. Part 9.9 - Newington Precinct (Precinct 9) - as the proposal is inconsistent with the desired future character statements as:
 - i. The subdivision layout is inconsistent with the prevailing subdivision pattern of the streetscape and requires the removal of existing street tree/s to accommodate vehicular access.
 - ii. The development does not maintain the distinctly single storey streetscape along England Avenue.
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*.

REASONS FOR DECISION

The proposal does not comply with the aims, objectives and design parameters contained within the relevant environmental planning instruments and development controls plan.

The proposal will have unacceptable impacts on the amenity of adjoining properties and the streetscape, and the site is not suitable for the proposed development. To approve the application would be contrary to the public interest.

The application is unsupportable and in view of the circumstances the application is REFUSED.

The decision of the panel was unanimous.

**The Inner West Planning Panel Public Meeting opened at 2.05pm
The Inner West Planning Panel Public Meeting closed at 3.00pm
The Inner West Planning Panel Meeting finished at 4:33pm.**

Lisa Trueman left the meeting at 3:32pm

CONFIRMED:

A handwritten signature in black ink, appearing to read 'Alison McCabe', written in a cursive style.

**Alison McCabe
Chairperson
12 November 2024**