



**INNER WEST LOCAL PLANNING PANEL
MEETING**

10 December 2024

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via Zoom on 10 December 2024.

Present: Mr John Brunton in the chair; Mr Thomas Mithen; Ms Linda Gosling; Ms Andrea Connell.

Staff Present: Ruba Osman, Development Assessment Manager; Kaitlin Zieme, Team Leader Development Assessment; Clare Fitzpatrick –Clark, Senior Development Support Officer and Gerardine Galley, Development Support Officer.

Meeting commenced: 2.00pm

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.

IWLPP12685 <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.

IWLPP1278/24 Agenda Item 2	DA/2024/0724
Address:	95 Ramsay Street, Haberfield
Description:	Construction of a shade sail and relocation of an existing sign associated with the existing car wash.
Applicant:	Peter Khouri

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

- *Hugh Loughrey – Objector*
- *Sue Jackson-Stepowski – Objector*
- *Brett Burton – Objector*

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 grants consent to Development Application No. DA/2024/0724 for construction of a shade sail and relocation of an existing sign associated with the existing car wash at 95 Ramsay Street, Haberfield subject to the conditions listed in Attachment A of the officer's report, as amended as follows;

Conditions 7, 15 and 17 – deleted

REASONS FOR DECISION

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Inner West Comprehensive Development Control Plan 2016* for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The Panel acknowledges residents' concerns for maintaining heritage values of the Heritage Conservation Area, however the Panel appreciates that the site has been utilised for this commercial purpose for many years and the shade sail and relocated sign would have no adverse heritage impact.

The Panel supports the application as its provision is in the interest of the work health and safety of the employees through the provision of the shade sail.

The development will not result in any significant adverse impacts on the amenity of the adjoining premises, nearby 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.

IWLPP1279/24 Agenda Item 3	MOD/2024/0279
Address:	1-13 Parramatta Road, Annandale
Description:	Section 4.56 Modification to D/2017/161 dated 2 March 2018, modifications include internal layout changes to Unit No. AG02 and A401, modifications to the basement ramp, retail layout, waste and storage rooms, basement roller door amendment, additional retail car space and upgrades to the public domain lift and stair and new external finishes, colours and materials.
Applicant:	Eranna Pty Ltd

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

- *Mitchell Favaloro - Applicant*

DECISION OF THE PANEL

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 modify D/2017/161 dated 2 March 2018 to carry out internal layout changes to Unit No. AG02 and A401, modifications to the basement ramp, retail layout, waste and storage rooms, basement roller door amendment, additional retail car space and upgrades to the public domain lift and stair and new external finishes, colours and materials 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 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.

IWLPP1280/24 Agenda Item 4	DA/2024/0330
Address:	136 Percival Road, Stanmore
Description:	Alterations and additions to a shop top housing development including alterations and additions to the existing unit above the ground floor commercial building at the front of the site; demolition of the garage fronting the rear laneway; construction of a garage with 3 storey residential unit above; associated services, access walkways and landscaping.
Applicant:	Mike Devitt

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

- Bret Tombs – Objector
- Mona Nasaralla – Objector
- Danielle Funston – Objector
- John Perry - Architect

DECISION OF THE PANEL

- A.** In relation to the proposal by the development in Development Application No. DA/2024/0330 to contravene the floor space ratio development standard in Clause 4.4 of Inner West Local Environmental Plan 2022 the Panel is not 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 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*, refuses Development Application No. DA/2024/0330 for alterations and additions to a mixed-use shop top housing development including alterations and additions to create two residential units above the ground floor commercial building at the front of the site; demolition of the garage fronting the rear laneway; construction of a garage with 3 storey residential unit above; associated services, access walkways and landscaping at 136 Percival Road Stanmore.

Reasons for Refusal

1. 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*:
 - a. Section 1.2(h) & (i) – Aims of Plan: The proposal does not conserve and maintain the natural, built and cultural heritage of Inner West; encourage diversity in housing to meet the needs of, and enhance amenity for, Inner

West residents; create a high-quality urban place through the application of design excellence in all elements of the built environment and public domain; or prevent adverse social, economic and environmental impacts on the local character of Inner West, including cumulative impacts.

- b. Section 2.3 – Zone objectives and Land Use Table: The proposal is not consistent with the objectives of the E1 – Local Centre zone, as the proposal does not enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area, or enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality nor contributes positively to the desired character and cultural heritage of the locality.
- c. Section 4.4 – Floor Space Ratio: The proposal does not provide an appropriate density which reflects the locality and transition between developments, and does not minimise adverse impacts on local amenity.
- d. Section 4.6 – Exceptions to Development Standards: Given the departure that is proposed to Section 4.4 of the IWLEP 2022, the proposal fails to comply with the objectives of Section 4.6(1)(b) and has not demonstrated sufficient environmental planning grounds to justify the departure from the development standard, in accordance with Section 4.6(3)(b) of the IWLEP 2022.
- e. Section 5.10 – Heritage Conservation: The proposal does not conserve the environmental heritage of the Inner West, including any associated fabric, settings and views.

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 2.1 – Urban Design: The proposal is inconsistent with objective O1, control C1 and Principle 5 (Urban form) within this part, as the proposal is not of a scale and proportion that is appropriate to the function and character of the surrounding locality.
- b. Part 2.6 – Acoustic and Visual Privacy & Part 5.3.1.2 – Noise and Vibration Generation: The proposal is inconsistent with objectives O1 & O2 and controls C2 ii. & C3 v. within Part 2.6, as the proposal has not demonstrated how the visual and acoustic privacy of adjoining properties are maintained as a result of the proposed rooftop terrace and second-floor balcony.
- c. Part 2.9 – Community Safety: The proposal is inconsistent with objectives O5 & O7 and control C4 within Part 2.9, as the principal entrance of the residential component is via a recessed entrance from Percival Lane West which poses safety and security concerns, does not permit a legible entrance along the laneway and therefore is not consistent with the Crime Prevention Through Environmental Design principles.
- d. Part 5.1.1 – General Objectives: The proposal is inconsistent with objectives O4, O8 & O10 within this part, as the proposal has not demonstrated how the development responds to its context, is compatible within the existing built

- environment, improves the environmental and aesthetic amenity of commercial centres, or promotes an accessible and safe environment.
- e. Part 5.1.2 – Contributory Buildings in Commercial Centres: The proposal is inconsistent with objectives O15, O16 & O18 within this part, as the proposal has not demonstrated that the alterations and additions do not detract from the overall architectural character and building form of the contributory building, or respects its context in terms of height, scale and the detailing of the streetscape (including laneway) presentation.
 - f. Part 5.1.4 – Building Form: The proposal is inconsistent with objectives O19-O22, O27 & O31-O32 within this part, as the proposal has not demonstrated that the density and height of the development is compatible with the future desired character of the Stanmore North Precinct, how it is appropriate to the contextual constraints of the site, how the massing of the development does not cause significant visual bulk or amenity impacts on neighbouring properties to the rear, or how the development is scaled to support the future desired character with appropriate massing and spaces between buildings, and provides adequate building separation which protects the visual and acoustic privacy for building occupants.
 - g. Parts 8.3.2.4 & 8.3.2.5 – Building heights & form: The proposal is inconsistent with control C19 within Part 8.3.2.4 and control C21 within Part 8.3.2.5, as the proposed additions are higher than the existing roof form, height of the original building, and do not provide an appropriate transition between adjoining sites and ultimately overwhelm the existing built form when viewed from the laneway.
 - h. Part 9.3 – Stanmore North: The proposal is not consistent with the desired future character of the Stanmore North precinct, as the proposal does not protect the identified values of the Annandale Farm Heritage Conservation Area.
3. The proposed development is inconsistent with, and has not demonstrated compliance with the *Environmental Planning and Assessment Regulation 2021*, pursuant to Section 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Section 64 – Consent authority may require upgrade of buildings: A Building Code of Australia Report has not been submitted which demonstrates that the building has appropriate fire protection and facilitates the safe egress of persons from the building.
 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 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. In view of the extent of non-compliances with the planning controls and the matters raised within the submissions, 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 fails to comply with the aims, objectives and design parameters contained in the *Inner West Local Environmental Plan 2022* and the *Marrickville Development Control Plan 2011*.

The development would result in significant impacts on the amenity of the adjoining properties, particularly with respect to visual and acoustic privacy and significant impacts on the Percival Lane streetscape and Heritage Conservation Area, and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances the application is refused.

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.

IWLPP1281/24 Agenda Item 5	DA/2023/1123
Address:	37 John Street, Leichhardt
Description:	Demolition of existing building and construction of a new two storey light industrial development to John Street and a new warehouse with mezzanine office over basement parking to Whites Creek Lane with associated site works.
Applicant:	JDS DP C/- Koturic & Co.

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

- Beverley Boland – Objector
- Steven Koturic - Architect

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/2023/1123 for the demolition of an existing building and construction of new two storey light industrial development to John Street and new warehouse with mezzanine office over basement parking to Whites Creek Lane with associated site works at 37 John Street, Leichhardt for the following reasons:

Reasons for Refusal

1. The proposal does not satisfy Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979* in the following manner:
 - a. The proposal is inconsistent with the *Inner West Local Environmental Plan 2022* as follows:
 - (i) Section 1.2 (a), (c), (g), (h) and (i) – Aims of Plan, as the proposal: will not encourage ecologically sustainable development; does not reduce community risk, nor does it improve resilience to natural hazards; and does not prevent adverse (cumulative) social and environmental impacts to the locality.
 - (ii) Section 2.3 – Zone objectives and Land Use Table, as the proposal: does not ensure the viable use land for industrial uses; and does not minimise adverse effect of the industry on other land uses.
 - (iii) Section 5.21 – Flood Planning, as the proposal is inconsistent with the objectives of subsection (1) and matters for consideration of subsections (2) and (3) given that it: does not minimise the flood risk to life and property associated with the use of land; does not allow development on land that is compatible with the flood function and behaviour on the land, does not avoid adverse or cumulative impacts on flood behaviour and the environment; and

does not enable the safe occupation and efficient evacuation of people in the event of a flood.

- (iv) Section 6.2 – Earthworks, as the proposal is inconsistent with 1(a) and 3(a) given that the proposed earthworks are likely to: change the ground level at the subject site which will have adverse and detrimental impacts on the environmental functions and process of a Flood Control Lot; and will alter the existing drainage patterns and soil stability of the lot.
- (v) Section 6.3 – Stormwater Management, as the development will not minimise the impacts of urban stormwater on the subject land and adjoining properties and is inconsistent with subsections 1(a) and 1(b), given that the proposed development: does not satisfy subsection 3(a) in that the existing permeable surface at the subject site is reduced; and does not satisfy 3(c) as the proposal does not avoid adverse stormwater impacts to adjoining properties or the subject site.

2. The proposal is inconsistent with the Leichardt Development Control Plan 2013 as follows:

- a. Part C1.1 – Site and Context Analysis, as the proposed development does not satisfy the objective O1(a), and (f) given that the proposal does not respond positively to the subject site being a Flood Control Lot.
- b. Part C1.11 – Parking, as the subject site is a Flood Control Lot and the proposed on-site parking provision will be constructed below the flood planning levels.
- c. Part C4.3 – Ecologically Sustainable Development, as the proposed development is inconsistent with O1(b), (d), and (e), and Control C7 and C9, given that the development: does not enable a resilient development which responds positively to climate change; and the industrial office units have not been designed to receive adequate solar access.
- d. Part C4.10 – Industrial Development, as the proposal is inconsistent with O1(f), given that the development will adversely alter stormwater flows at the subject site, the adjoining properties, Whites Creek Lane and the residential developments within proximity of the subject site.
- e. Part E1.1.3 – Stormwater Drainage Concept Plan, as: insufficient details have been provided on the stormwater plans; the development will not minimise the impacts of urban stormwater on the subject land and adjoining properties; and the levels shown on the stormwater plans are not consistent with the architectural plans.
- f. Part E1.2.2 – Managing Stormwater within the Site: as the proposal is inconsistent with O1 given the development fails to integrate site layout and the

drainage system to avoid nuisance flows and flooding within the development and onto neighbouring properties.

- g. Part E1.2.3 – On-Site Detention of Stormwater, as the submitted stormwater drainage plans provide insufficient information to assess how stormwater is captured at the subject site, and does not demonstrate that there is a direct connection to Whites Creek Stormwater Channel.
 - h. Part E1.3.1 – Flood Risk Management, as the proposal: is inconsistent with O1 as it will not reduce the risks and costs associated with flooding; and will have adverse impact to flood water and storm water flow at the subject site and adjoining properties.
- 3. The proposal is considered to result in adverse environmental impacts pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
 - 4. The subject site is considered unsuitable for the proposed development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
 - 5. The proposal is considered contrary to 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 in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

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

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

The application is considered unsupportable and in view of the circumstances of the proposal, the application is refused.

The decision of the panel was unanimous.

IWLPP1282/24 Agenda Item 6	DA/2024/0345
Address:	62 Jarrett Street LEICHHARDT
Description:	Integrated development under the Water Management Act 2000, works include demolition of existing structure and construction of a four storey mixed use building, including ground floor commercial space, residential accommodation above, and basement car parking.
Applicant:	Architecture Design Studio (Nsw) Pty Ltd

There were no speakers in relation to this item.

DECISION OF THE PANEL

- A.** In relation to the proposal by the development in Development Application No.2024/0345 to contravene the floor space ratio and housing diversity development standards in Clauses 4.4A and 6.14 of Inner West Local Environmental Plan 2022 the Panel is satisfied that the Applicant has demonstrated that:
- (a) compliance with the development standards is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of 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 a deferred commencement consent to Development Application DA/2024/0345 for integrated development under the Water Management Act 2000, works include demolition of existing structure and construction of a four storey mixed use building, including ground floor commercial space, residential accommodation above, and basement car parking at 62 Jarrett Street, Leichhardt subject to the conditions listed in Attachment A of the officer's report, and amended as follows;

47	<p>Design Change</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:</p> <ul style="list-style-type: none"> (i) An additional cubic metre (1m³) of storage space is to be provided for Units 01-01 and 03-01, either at the basement level or within the respective apartments. This additional storage space is not to impact upon storage space of other units. (ii) The fence screening between the balcony of Unit 01-01 and the communal space adjacent is to be solid (non-see-through) to a height of 1.8m (iii) A privacy screen with a 75% block out density and a height of 1.6m from the FFL of Level 1 is to be provided along the southern edge of the landscaped planter. This screen is limited to the western side of the communal area (opposite Unit 01-01) on the southern elevation.
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	<p>(iv) The rendered finish on the western elevation on Levels 1-2 is to be amended to brickwork to match the remaining brick finish on those levels.</p> <p>(v) The brick finish in the finishes schedule on Drawing NoA400 Rev 2 dated 3/10/24 shall be a dry pressed brick similar in colour to Austral Park Lane Dorchester</p> <p>(vi) The basement is to have the ability to connect EV chargers and as such the appropriate electrical phasing and infrastructure is to be provided.</p> <p>Reason: To ensure that the design changes protect the amenity of the neighbourhood and caters to users of the site</p>
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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 deferred commencement approval subject to the imposition of appropriate conditions.

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

The decision of the panel was unanimous.

IWLPP1283/24 Agenda Item 7	DA/2024/0155
Address:	19 Robert Street, Marrickville
Description:	Partial demolition of existing structures, alterations and additions to the existing building including a new rooftop terrace above the principal dwelling and addition of a secondary dwelling and parking at the rear.
Applicant:	Mr Samuel Crawford

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

- Mark Longhurst – Objector
- Phillip Bull - Project Planner
- Samuel Crawford - Applicant

DECISION OF THE PANEL

- A.** In relation to the proposal by the development in Development Application No.2024/0155 to contravene the non-discretionary standards for parking and lot size in Clause 53(2)(a) and (b) of *State Environmental Planning Policy (Housing) 2021* and the FSR development standard in Clause 4.4 of *Inner West Local Environmental Plan 2022* the Panel is satisfied that the applicant has demonstrated that:
- (a) compliance with the development standards is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of 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/2024/0155 for partial demolition of existing structures, alterations and additions to the existing building including a new rooftop terrace above the principal dwelling and addition of a secondary dwelling and parking at the rear at No. 19 Robert Street, Marrickville subject to the conditions listed in Attachment A of the officer's report, as amended by the following;

30	<p>Design Change</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:</p> <ol style="list-style-type: none"> a. The first-floor privacy screen along the northern elevation of the rear deck is to be increased in height by 200mm to be 1.8m in height and is to have a 75% block out density; b. The 1.6m privacy screen to the rear (western) elevation of the rooftop terrace is to be deleted and replaced with a minimum 1.2 metres high x 1.2 metres wide planter bed for the length of the rear elevation between the proposed planter and staircase; and c. The Demolition Plan is to be updated to illustrate that the existing rear staircase leading from the private open space to the first floor of the existing building is to be demolished. d. The Demolition Plan is to be updated to illustrate that any remaining kitchen elements on the ground floor are to be demolished/removed. e. Southern elevation which illustrates boundary fencing that is compliant with the provisions of 2.11 Fencing of Marrickville Development Control Plan 2011. <p>Reason: To ensure that the design changes protect the amenity of the neighbourhood.</p>
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Condition 42A added

42A Reinstatement Work

Prior to painting of the existing structures, the fabric is to be repaired to ensure the surfaces are finished in a workmanlike manner and the replacement of the awnings with structures appropriate to a building of this period, subject to approvals under the Roads Act.

Reason: To ensure the building is restored in a workmanlike manner

Condition 33 to be deleted as it is already covered by another condition

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 as conditioned 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 addressing privacy and streetscape appearance.

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.

IWLPP1284/24 Agenda Item 8	DA/2024/0465
Address:	10 Mckell Street, Birchgrove
Description:	Alterations and additions to an existing semi-detached dwelling, including partial demolition of existing structures, construction of ground, first and second floor addition.
Applicant:	The Trustee for Varley Family Trust

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

- Laura Woodford – Architect
- William Fleming - Planner

DECISION OF THE PANEL

- A.** In relation to the proposal by the development in Development Application No. DA/2024/0465 to contravene the Landscape Area, Site Coverage and floor space ratio development standards in Clauses 4.3C(3)(a), (b) and 4.4 of *Inner West Local Environmental Plan 2022* the Panel is satisfied that the Applicant has demonstrated that:
- (a) compliance with the development standards is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of 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/2024/0465 for alterations and additions to an existing semi-detached dwelling, including partial demolition of existing structures, construction of ground, first and second floor addition at 10 Mckell 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 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.

The decision of the panel was unanimous.

IWLPP1285/24 Agenda Item 9	DA/2024/0655
Address:	14 Rich Street, Marrickville
Description:	Fit out and use of premises as an indoor recreation facility (gym) operating 5:00am to 10:00pm 7 days a week and installation of business identification signage.
Applicant:	Kim Rothe

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

- *Jennifer Scott – Objector*
- *Veronica Mayson – Objector*
- *Amelia Tovey – Objector*
- *Kim Rothe – Applicant*
- *Justin Ashley – Project Manager*

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/2024/0655 for fit out and use of premises as an indoor recreation facility (gym) operating 5:00am to 10:00pm 7 days a week and installation of business identification signage at 14 Rich Street, Marrickville.

REASONS FOR DECISION

The proposal results in several non-compliances with the aims, objectives and standards contained in the *Marrickville Development Control Plan (DCP) 2011*.

The application lacks sufficient information in relation to parking and accessible access throughout the site, servicing, and waste management.

Having considered the public submissions, the Panel considers the proposal in its current form is not in the public interest.

The application in its current form is considered unsupportable and in view of the circumstances, the application is refused.

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

1. The application lacks sufficient information as follows;
 - a. A detailed parking layout plan demonstrating the car park can accommodate the required parking spaces (including accessible parking), area for loading and unloading, bicycling parking and adequate waste management.
 - b. A detailed plan illustrating an accessible path of travel into and throughout the building.

- c. Evidence of exclusive use of car park facility.
 - d. Evidence of a mechanism to restrict access for exclusive use of the car park by the tenancy.
 - e. A plan showing the relationship of the subject tenancy with the common areas within the site outside the tenancy.
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 2.10 – Parking: The proposal fails to demonstrate that the required number of car parking and bicycle parking spaces can be accommodated on the site, failing to meet controls C1 and C16 and objectives O1, O4, O6 and O7.
 - b. Part 2.10 - Parking: The proposal fails to meet control C24 and objective O2, as it has not been demonstrated that the development would have an adequate on-site service/delivery area that would not conflict with the operation of the site including parking and pedestrian access.
 - c. Part 2.5 – Equity of Access and Mobility- The proposal fails to meet Control C1, as it does not demonstrate a continuous path of travel into and within the building, thus failing to meet objective O1.
 - d. Part 2.21 - Site Facilities and Waste Management – The proposal fails to meet objective O4 as the proposed waste transfer route has not been adequately demonstrated to meet the requirements of Appendix 4 as required by control C30 and is overly complex.
 - e. Part 2.21 - Site Facilities and Waste Management – The proposal fails to meet control C42 and objective O4 as it has not been demonstrated that the recycling and waste collection would be compatible with other loading and unloading facilities on site.
3. The proposal submitted will result in adverse environmental impacts in the locality, pursuant to Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*.
4. The proposal has not demonstrated that the site is suitable for development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
5. 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 unanimous.

IWLPP1286/24 Agenda Item 10	DA/2024/0034
Address:	80-82 Ramsay Street, Haberfield
Description:	Demolition of existing structures and construction of a 3-storey shop top housing development including ground level commercial tenancy, car parking and 6 apartments on the upper levels.
Applicant:	O2 Architecture Pty Ltd

There were no registered speakers in relation to this item.

DECISION OF THE PANEL

- A.** In relation to the proposal by the development in Development Application No DA/2024/0034 to contravene the development standard in Clause 4.4 of *Inner West Local Environmental Plan 2022* the Panel is not 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*, refuses Development Application No. DA/2024/0034 for the demolition of existing structures and construction of a 3-storey shop top housing development including ground level commercial tenancy, car parking and 6 apartments on the upper levels. at 80-82 Ramsay Street, Haberfield for the following reasons listed below.

Reasons for refusal

1. The proposed development is inconsistent with, and has not demonstrated compliance with Chapter 4 *Design of residential apartment development* the *State Environmental Planning Policy Housing (2021)*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Section 147(1)(a), as the development results in a built form and density that fails to adequately respond to the context and neighbourhood character, contrary to Principle 1 and Principle 3 of the quality design principles.
 - b. Section 147(1)(a), as the development results in a built form and scale that is inappropriate to the existing or desired future character of the street and surrounding buildings, contrary to Principle 2 of the quality design principles.

- c. Section 147(1)(a), as the design does not positively influence internal and external amenity for residents and neighbours, contrary to Principle 6 of the quality design principles.
 - d. Section 147(1)(b), as the separation to the sides, rear, and internally are inadequate to equitably share amenity and has not demonstrated acceptable visual and acoustic privacy impacts, contrary to 3F of the Apartment Design Guide.
 - e. Section 147(1)(b), as insufficient information has been provided with the application to determine whether the proposal complies with the solar and daylight access requirements, contrary to 4A of the Apartment Design Guide.
 - f. Section 147(1)(b), as the layout and design of the proposal is reliant on light wells as the primary air source and does not maximise natural ventilation, contrary to 4B of the Apartment Design Guide.
 - g. Section 147(1)(b), as apartment 3 and 6 kitchen areas are centrally located, contrary to 4D of the Apartment Design Guide.
 - h. Section 147(1)(b), as apartments 3, 5 and 6 do not provide adequate storage size volumes in accessible areas within the dwelling, contrary to 4G of the Apartment Design Guide.
 - i. Section 147(1)(c), the proposed development is inconsistent with the advice received from the design review panel.
2. The proposed development is inconsistent with, and has not demonstrated compliance with Chapter 4 *Remediation of land* of the *State Environmental Planning Policy (Resilience and Hazards) 2021*, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, including:
- a. Section 4.6(2), as insufficient information has been provided with the application to enable a full and proper assessment that the site will be made suitable for residential use.
3. 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)(g)(h)(i) Aims of plan, in that the proposal is not considered to prevent adverse environmental impacts on the local character of the Inner West, including cumulative impacts.
 - b. Section 2.3 Objectives of the zone, in that the proposal is of poor design quality and does not contribute to the desired character or cultural heritage of the locality.
 - c. Section 4.4 Floor space ratio, the proposal exceeds the maximum permitted floor space ratio and is inconsistent with the relevant objectives of the floor space ratio development standard.

- d. Section 4.6 Exception to development standards, in that submitted Section 4.6 is insufficient to grant consent as the written request does not accurately calculate floor space ratio and misrepresents the extent of variation being sought.
 - e. Section 4.6 Exception to development standards, in that the consent authority is not satisfied that the applicant has demonstrated that compliance with the floor space ratio development standard is unreasonable or unnecessary, and that there are sufficient planning grounds to vary the development standard.
 - f. Section 5.10 Heritage conservation, the proposed infill building is uncharacteristic of the heritage conservation area and does not satisfactorily conserve the environmental heritage of the heritage conservation area or the Inner West.
 - g. Section 6.13 Residential accommodation in Zones E1, E2 and MU1, the proposal is not compatible the character the Haberfield Heritage Conservation Area, results in unreasonable bulk and provides residential units with poor amenity and is therefore not in the public interest.
4. 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. Section 2.2 Good design, the proposal does not comply with PC1, PC2, PC2.1, PC3, PC6 and PC8, as the proposal does not contribute to the character of the area and provides poor internal amenity.
 - b. Section 2.4 Solar access and overshadowing, PC1, DS1.1, DS1.2 and DS1.3, as insufficient information has been provided to enable a full proper assessment of the application demonstrating compliant solar access has been provided.
 - c. Section 2.8 Parking, DS3.1, DS7.1, DS8.1 and DS15.8, as insufficient information has been provided to enable a full proper assessment that compliant vehicular access has been provided.
 - d. Section C.3 Waste and recycling & management standards, DS1.1 and DS3.1, as inadequate waste storage areas have been provided.
 - e. Section E2 Haberfield Neighbourhood, O1, O3 & C1, C91 and C94, as the proposal is inconsistent with the pattern of development and insufficient information has been provided to clarify works below the awning within that character context area.
5. 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*.

6. 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*.
7. 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 results in several non-compliances with the aims, objectives and standards contained in the *Housing SEPP, Inner West Local Environmental Plan 2022* and the Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development would result in significant impacts on the amenity of future residents, the adjoining premises/properties, the streetscape and the heritage conservation area, and is not considered to be in the public interest.

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

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.

**The Inner West Planning Panel Public Meeting opened at 2.00pm
The Inner West Planning Panel Public Meeting closed at 3.54pm
The Inner West Planning Panel Meeting finished at 6:14pm.**

CONFIRMED:

A handwritten signature in black ink, appearing to read 'John Brunton', with a long horizontal flourish extending to the right.

**John Brunton
Chairperson
10 December 2024**