

## Instrument of Delegation of functions of the Inner West Local Planning Panel

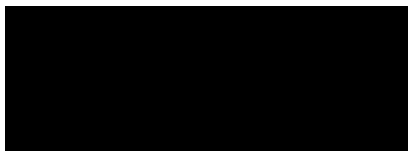
Pursuant to section 2.20(8) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Inner West Local Planning Panel delegates the following functions under the EP&A Act to the Inner West Council staff members for the time being occupying or acting in the office titled Senior Manager Development Assessment or the office titled Development Assessment Manager subject to the conditions specified in Schedule A:

1. The determination of a development application or an application to modify a development consent for minor alterations and additions to a building that is or is part of a heritage item as defined in a local environmental plan, provided that the development as proposed or proposed to be modified:
  - (a) Maintains at least 90% of the significant fabric of the building; or
  - (b) Does not adversely affect the heritage significance of the heritage item; and
  - (c) Is supported in writing by Council's heritage adviser/expert.
2. The determination of a development application or an application to modify a development consent for minor work to a tree that is a heritage item or is located on land on which a heritage item is located provided that the development as proposed or proposed to be modified:
  - (a) Does not involve removal of more than 10% of the tree canopy; and
  - (b) Does not adversely impact the health of the tree; and
  - (c) Does not adversely affect the heritage significance of the tree or heritage item; and
  - (d) Is supported in writing by Council's heritage adviser/expert.
3. The determination of a development application for removal of a tree located on land on which a heritage item is located provided that:
  - (a) the tree is not individually listed as a heritage item in the local environmental plan; and
  - (b) the description of the heritage item in the local environmental plan does not include trees or gardens; and
  - (c) removal of the tree is consistent with Inner West Council's ordinary tree removal assessment policies and conditions.
4. The determination of a development application or an application to modify a development consent for the following development types on land in Zone R1 General Residential and identified as "Area 1" on the Key Sites Map referred to in Inner West Local Environmental Plan 2022 where the development as proposed or proposed to be modified contravenes the landscaped area or site coverage development standard in clause 4.3C or the floor space ratio development standard in clause 4.4 of Inner West Local Environmental Plan 2022:
  - (a) dwelling houses;
  - (b) semi detached dwellings;
  - (c) attached dwellings.
5. The determination of a development application or an application to modify a development consent relating to development for the purpose of a dwelling house on land in the Haberfield Heritage Conservation Area referred to in Inner West Local Environmental Plan 2022 where the development:

- (a) contravenes clause 6.20(3)(a)(ii) or clause 6.20(3)(b) of the Inner West Local Environmental Plan 2022; or
  - (b) contravenes clause 6.20(3)(d) of the Inner West Local Environmental Plan 2022 provided that the proposed contravention is no greater than any contravention that exists at the time of determination of the application.
6. The determination of an application under section 4.56 of the EP&A Act to modify a development consent granted by the Court other than an application that:
- (a) Proposes a modification to a design amendment condition of the development consent that was added by the Court, or
  - (b) Involves contravention of a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

### **Schedule A**

1. A word or expression used in this direction has the same meaning as it has in the standard local environmental plan prescribed by the Standard Instrument (Local Environmental Plans) Order 2006 made under the Act unless it is otherwise defined in this instrument.
2. The delegated functions must not be exercised by the delegate if the application relates to development identified in Item 1 (Conflict of Interest) or Item 2 (Contentious development) of Schedule 2 of the Direction dated 6 March 2024 given by the Minister for Planning and Public Spaces under section 9.1 of the EP&A Act titled "LOCAL PLANNING PANELS DIRECTION -DEVELOPMENT APPLICATIONS AND APPLICATIONS TO MODIFY DEVELOPMENT CONSENTS".
3. A quarterly report is to be presented to the Panel Chair to identify applications which have been determined under Item 4 of the Instrument of Delegation.



Signed by Adam Seton as the person authorised by the resolution passed by the Inner West Local Planning Panel on 14 August 2024.