



INNER WEST LOCAL PLANNING PANEL
MEETING

13 FEBRUARY 2024

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on Tuesday 13 February 2024.

Present: The Hon. David Lloyd KC in the chair; Mrs Deborah Laidlaw; Jeremy Swan; Mr Kenneth Hawke

Staff Present: Ruba Osman, Development Assessment Manager; Senior Development Support Officer and Support Officer.

Meeting commenced: 2.01 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**

There were no declarations of interest.

IWLPP1197/24 <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.

The panel resolved to adopt the Proposed Instrument of Delegation, being attachment A to the report.

The decision of the panel was unanimous

IWLPP1199/24 Agenda Item 3	DA/2023/0857
Address:	185 Parramatta Road, Haberfield
Description:	Removal of trees.
Applicant:	Department of Planning & Environment

DECISION OF THE PANEL

- A. 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*, grant consent to Development Application No. DA/2023/0857 for removal of trees at 185 Parramatta Road HABERFIELD subject to the conditions listed in Attachment in the officers report.

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

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 (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development will not result in any significant impacts on the heritage significance of the item, 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

IWLPP1200/24 Agenda Item 4	DA/2023/0697
Address:	14A Ewenton Street BALMAIN
Description:	Demolition of existing structures, construction of new two storey detached dwelling house including rear basement parking, gym and storage areas, new swimming pool and cabana, and associated excavation and landscaping.
Applicant:	Mr Michael Harris

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

- Brendan Heffernan
- Thomas Wills

DECISION OF THE PANEL

- 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 Landscaped area 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. 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*, grant consent to Development Application No. DA/2023/0697 for demolition of existing structures, and construction of a new two storey detached dwelling house including rear basement parking, gym and storage areas, new swimming pool and cabana, and associated excavation and landscaping at 14A Ewenton Street BALMAIN subject to the conditions listed in the officers report.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report subject to the following changes:

It is recommended that the design change condition be reworded as follows

2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a report shall be prepared by a qualified geotechnical engineer which provides advice as to (i) the minimum depth of rock to be retained adjacent to Grafton Lane and (ii) construction methodology including, if required, permanent anchoring within the site boundaries to ensure the stability of the rock face, in each case ensuring that the maximum feasible depth of rock (that is, not simply the 'face' or 'veneer' of the rock) is retained.

- b) Floor plans depicting the full extent/depth of the existing rock outcrop on the eastern boundary of the site being retained in accordance with the Geotechnical advice. Some internal adjustments to the garage may be required to retain the existing rockface.

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, as proposed and 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.

The decision of the panel was unanimous

IWLPP1201/24 Agenda Item 5	DA/2023/0022
Address:	350 Illawarra Road, Marrickville
Description:	Retention of the building façade and construction of a five storey shop top housing development comprising one commercial tenancy and five residential units.
Applicant:	Benson McCormack Pty Ltd

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

- James Gainsford
- Glenn McCormack

DECISION OF THE PANEL

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*, grant consent to Development Application No. DA/2023/0022 for retention of the building façade and construction of a five storey shop top housing development comprising one commercial tenancy and five residential units at 350 Illawarra Road MARRICKVILLE, subject to the recommended conditions identified in Attachment B of the Assessment Report and the insertion of the additional 3 revised conditions as follows:

39A. Imported Fill Materials

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use. All fill imported onto the site shall be validated by either one or both of the following methods:

- a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

43A. Contamination – Disposal of Soil

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the Protection of the Environmental Operations Act 1997.

Condition 9 to be amended as follows:

- a. One loading bay should be dedicated to the retail tenancy.
- b. One residential parking space shall be allocated to apartment 5.

The Panel supports the findings contained in the Supplementary Report and endorses the reasons for the approval contained in that 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 development is consistent with the desired future character of the area and the E1 local centre zoning of the land.

The development is supported by Councils Architectural Excellence and Design Review Panel.

That a detailed site investigation has shown the site is suitable for development.

The decision of the panel was unanimous.

IWLPP1202/24 Agenda Item 6	DA/2023/0740
Address:	11 Lookes Avenue Balmain East
Description:	Demolition of existing 3-storey dwelling, construction of a new 3-storey dwelling and related landscaping.
Applicant:	Bentancorp Pty Ltd

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

- Dany's Bentancur
- William Williams
- David Waghorn

DECISION OF THE PANEL

- 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 ration 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. 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*, grant consent to Development Application No. DA/2023/0740 for demolition of existing three storey dwelling and construction of a new three storey dwelling and related landscaping at 11 Lookes Avenue, BALMAIN EAST subject to the conditions listed in Attachment in the officers report.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report subject the following changes:

Delete Condition 2 a and b

Insert condition 2

The external wall colour noted as 'Snowy Mountains' is to be a pale grey (not white) colour.

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

IWLPP1203/24 Agenda Item 7	DA/2023/0306
Address:	14 Nicholson Street Balmain East
Description:	Alterations and additions to existing dwelling
Applicant:	Keith Pike Associates Pty Ltd

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

- Keith Pike

DECISION OF THE PANEL

- 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 Landscape Area 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. 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*, grant consent to Development Application No. DA/2023/0306 for alterations and additions to an existing dwelling at 14 Nicholson Street, BALMAIN EAST subject to the conditions listed in the officers report.

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

REASONS FOR DECISION

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

The development will not result in any significant impacts on the amenity of the adjoining premises 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

IWLPP1204/24 Agenda Item 8	DA/2023/0238
Address:	21,23 & 25 Gordon Street Petersham
Description:	Demolition of existing structures and construction of a 6 storey residential flat building comprising 20 apartments and associated landscaping, basement car parking and facilities.
Applicant:	GAT and Associates Pty Ltd

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

- Josh Mehlman
- Darren Laybutt

DECISION OF THE PANEL

- 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. 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*, grant consent to Development Application No. DA/2023/0238 for the demolition of existing structures and construction of a 6 storey residential flat building comprising 20 apartments and associated landscaping, basement car parking and facilities at 21, 23 and 25 Gordon Street PETERSHAM subject to the conditions listed in the officers report.

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 additional conditions:

37A. Provision for Electric Vehicle Charging Stations

Prior to the issue of a Construction Certificate, the applicant shall prepare revised plans to the satisfaction of Principal Certifying Authority. The revised plans must provide the infrastructure necessary to allow users of the car park within the development to install electric vehicle charging stations in individual car spaces without resulting in the loss of any parking and the spaces shall adhere to AS2890:2004. The development must have the electrical/load capacity to facilitate such charging.

Panel advisory note
Parking Permits

Owners and occupants of the proposed building shall not be eligible for any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this 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 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 development responds appropriately to the surrounding development, the desired future character of the area and the high density zoning of the land.

The development is supported by the Councils Architectural Excellence and design review panel and the Councils Urban design specialist.

The decision of the panel was unanimous

IWLPP1205/24 Agenda Item 9	MOD/2023/0197
Address:	95 Louisa Road Birchgrove
Description:	Section 4.55(2) modification to approved new dwelling under DA/2022/840 for proposed new basement level.
Applicant:	Minto Planning Services Pty Ltd

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

- *Andrew Minto*
- *Joseph Macri*

DECISION OF THE PANEL

- A. That 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*, grant consent to approve Application No. MOD/2023/0197 for for a proposed new basement level at 95 Louisa Road BIRCHGROVE subject to the conditions listed in the officers report.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that 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 proposal is a basement level located wholly within the envelope of the approved building and is compatible with the character, style, orientation and pattern surrounding buildings.

The decision of the panel was unanimous

IWLPP1206/24 Agenda Item 10	DA/2023/0565
Address:	2/215 Lilyfield Road Lilyfield
Description:	Part demolition, and alterations and additions to an existing residential studio apartment unit to provide for an upper level room addition on the second floor and associated works.
Applicant:	Ms Jennifer M Madz and Paragrid Pty Ltd

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

- David Springett
- Bruce Threlfo
- Jennifer Madz

DECISION OF THE PANEL

- 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 not satisfied that compliance with the Floor Space Ratio standard is unnecessary in the circumstance of the case and the Panel is not satisfied that there are sufficient environmental grounds to support the variation. The proposed development is not considered to be in the public interest because the exceedance is inconsistent with the objectives of the standard 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*, refuse Development Application No. DA/2023/0565 for part demolition, and alterations and additions to an existing residential studio apartment unit to provide for an upper level room addition on the second floor and associated works at 2/215 Lilyfield Road, LILYFIELD.

The panel has had regard to the E1 zoning provisions and planning controls in the DCP.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for refusal as listed below subject to the following additional reasons:

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 - *Aims of the Plan*: aims (g), (h) and (i), where the proposed height, bulk and scale of the addition will have an adverse impact on the streetscape and Distinctive Neighbourhood in which the site is located, particularly due to the development being inconsistent with the predominant form, height and scale of buildings characteristic of this part of Lilyfield Road and adjacent streets.

- ii. Section 2.3 - *Zone Objectives for Zone E1 Local Centre*, as the proposal does not enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contribute to the desired character and cultural heritage of the locality.
 - iii. Section 4.4 - *Floor Space Ratio*: Objectives (1)(a)(b)(c), as it does not provide an appropriate density which reflects the locality and transition between developments and Objectives (1)(d) and (e) and it does not minimise adverse impacts on local amenity.
 - iv. Section 4.4A – *Exception to maximum floor space ratio for active street frontages*, specifically Sub-section (3)(c) is not satisfied as the proposal is not compatible with the desired future character of the locality.
 - v. Section 4.6 - *Exceptions to Development Standards*, as the proposal fails to satisfy the objectives of the E1 Local Centre in accordance with Section 4.6(3)(a) and (b), and the requirements of section 4.6(3)(b) of the LEP with particular respect to streetscape / response to local character, height, bulk and scale and amenity impacts and outcomes.
 - vi. Section 6.13 – *Residential Accommodation in Business Zones*, as the proposal is inconsistent with Section 6.13(3)(c) as it fails to comply with the desired future character of the locality.
2. The proposal is inconsistent with the Leichhardt Development Control Plan 2013 as follows:
- a. Part 1.0 - *General Provisions*: Objective O6, as it does not respond the existing and desired future character of the surrounding area.
 - b. Part C1.1 - *Site and Context Analysis*: Objective O1 (a) and (f), as the existing site conditions on the site and at adjoining properties have not been adequately taken into consideration.
 - c. Part C1.3 - *Alterations and Additions*: Objectives O1(a)-(f) and Control C1(a) and (c)-(f), as it does not preserve the character of the streetscape, will not be compatible with its setting nor the desired future character of the distinctive neighbourhood, does not have regard to the Building Typologies of the DCP and results in adverse amenity impacts. The proposed addition interferes with the characteristics stepped form of the side wall adjoining 213 Lilyfield Road.
 - d. Part C1.5 – *Corner Sites* Objectives O1(a)-(c) and Controls C1(a) and (b), C2-C4 and C5(e) and (f), as the addition will be highly visible from various street frontages and is not compatible with the single and two storey forms and scales that predominate these streetscapes and will have intrusive and adverse visual impacts when viewed from the adjoining residence at No. 213 Lilyfield Road.
 - e. Part C2.2.4.3 – *Leichhardt Park Distinctive Neighbourhood*: Objective O1, and Controls C1 and C11, as the proposal is not considered to be consistent with the desired future character controls as it will not result in a development of a consistent building form that is compatible with the single and two storey forms that predominate in the area, and the proposed addition will further breach the

maximum building height of 7.2m by proposing a 10.6m wall height to the eastern boundary.

- f. Part C3.2 – *Site Layout and Building Design*: Controls C6 and C8 are not satisfied with regard to Building Location Zone and Side Boundary Setbacks.
3. 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*.
4. 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*.
5. The proposed plans are inconsistent with the existing building.

The decision of the panel was unanimous

The Inner West Planning Panel public meeting finished at 3.13pm.

The Inner West Planning Panel closed meeting started at 3.15pm.

The Inner West Planning Panel closed meeting finished at 4.07pm.

CONFIRMED:

A handwritten signature in blue ink, appearing to read 'D. A. Lloyd', is positioned above the typed name.

**The Hon. David Lloyd KC
Chairperson
13 February 2024**