



INNER WEST LOCAL PLANNING PANEL  
MEETING

**14 May 2024**

MINUTES

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held via teleconference on Tuesday 14 May 2024

Present: Mr Jason Perica as Chair; Mr Garry Chapman; Ms Vanessa Holtham; Mr Allan Barnes.

Staff Present: Ruba Osman, Development Assessment Manager; Selena Topich and Nathan Beer, Administration Officers.

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**

The following declarations of interest were made:

Garry Chapman– Items 2 and 3. Non-pecuniary, due to an association with work.

Vanessa Holtham – Item 10. Non-pecuniary. Ms Holtham was not involved in the decision for this application as she was on the Panel that determined the original DA.

<b>IWLPP 1228/24</b> <b><i>Agenda Item 1</i></b>	<b>Standing Item - Report in Accordance with Ministerial Direction:</b> <b>Pending Local Planning Panel Matters</b>
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Matters pending were presented to the Panel Chairman and noted and will be presented to the next available Panel meeting.

<b>IWLPP 1229/24 Agenda Item 2</b>	REV/2024/0005
<b>Address:</b>	631 King Street NEWTOWN NSW 2042
<b>Description:</b>	Section 8.2 Review of DA/2023/0299 determined on 23 November 2023, for change of use of the first floor of the Sydney Park Hotel to a pub in conjunction with the existing premises including fitout of the first floor and operation between 10.00am and 12.00am (Midnight), Monday to Saturdays and 10.00am and 10.00pm, Sundays and public holidays, review involves amended acoustic information
<b>Applicant:</b>	Elaine Richardson

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

- There were no speakers for this item.

Please note: Panel member Gary Chapman left the meeting and was not present for the presentations, deliberation or decision for items 2 and 3.

## 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 Application No. REV/2024/0005 for a Section 8.2 Review of DA/2023/0299 determined on 23 November 2023, for change of use of the first floor of the Sydney Park Hotel to a pub in conjunction with the existing premises including fitout of the first floor and operation between 10.00am and 12.00am (Midnight), Monday to Saturdays and 10.00am and 10.00pm, Sundays and Public Holidays, at 631 King Street, Newtown subject to the conditions listed in Attachment of the Council Officer's report, as amended as follows:

That Condition 11 be amended as follows;

### 11. Licensed Premises - Plan of Management

Prior to the issue of a Construction Certificate, the approved Plan of Management, dated August 2023, prepared by Ray Reilly, must be amended to the satisfaction of the Certifying Authority as follows:

- (i) Section 7 referencing that no more than 100 patrons are to occupy Level 1 of the premises at any one time.
- (ii) To include the management recommendations set out in the approved acoustic report prepared by The Acoustic Group, reference 54.5526.R2:MSC dated 30 January 2024.

Reason: To ensure that the documentation is consistent and accurately reflects maximum patron numbers.

That Condition 11A be added as follows

### 11 A. Licensed Premises – Plan of Management – Operation

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

Reason: For appropriate management of the premises.

## **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, subject to conditions, will not result in any significant impacts on the heritage significance of the building or upon 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, including noise which reasonably address issues raised by the neighbour.

The decision of the Panel was unanimous (3/0)

<b>IWLPP1230/24 Agenda Item 3</b>	DA/2023/0945
<b>Address:</b>	187 Enmore Road ENMORE
<b>Description:</b>	Partial demolition of existing structures and alterations and additions to an existing commercial building to create a 4 storey mixed use shop top housing development including 4 residential apartments
<b>Applicant:</b>	John Drivas

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

- *Kon Vourtzoumis*

## **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 the applicant has demonstrated 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 FSR standard and of the zone in which the development is to be carried out.
- 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/2023/0945 for partial demolition of existing structures and alterations and additions to an existing commercial building to create a 4 storey mixed use shop top housing development including 4 residential apartments at 187 Enmore Road, Enmore subject to the conditions listed in Attachment A of the Council 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 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 has been reviewed by Council's Architectural Excellence and Design Review Panel who considered the proposal to be an acceptable form of development having regard to the adjoining site context.

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

In terms of public submissions, the Panel noted there was one submission in support of the proposal.

The decision of the Panel was unanimous (3/0).

<b>IWLPP 1231/24 Agenda Item 4</b>	DA/2023/0863
<b>Address:</b>	27 Moonbie Street SUMMER HILL
<b>Description:</b>	Alterations and additions to existing building to convert it into a single dwelling house. Construction of a detached garage and secondary dwelling structure
<b>Applicant:</b>	Ms Adele T Walsh

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

- Hannah Stone

## DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 4.6 Inner West Local Environmental Plan 2022 to vary Section 53(2)(a) of the Housing SEPP 2021. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the minimum site area standard is unnecessary in the circumstance of the case and that the applicant has demonstrated 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. 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/2023/0863 for alterations and additions to convert the building into a single dwelling house and construction of a detached garage and secondary dwelling structure. at 27 Moonbie Street SUMMER HILL subject to the conditions listed in Attachment A in the Council Officer's Assessment report, subject to incorporation of a new condition 2A which states:

### *2A. Finishes*

*An amended schedule of materials and finishes to be provided to the satisfaction of Councils Manager Development Assessment illustrating the provision of:*

- i) A colour scheme of earthy tones to the boundary fence; and*
- ii) A timber panel lift door to the garage, and its finish, to avoid black and stark colours.*

*Reason: To ensure the colour scheme reflects earthy tones and colours and the garage detailing improves the streetscape contribution.*

## 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 amenity of the adjoining properties and the streetscapes (including subject to additional conditions) and is considered to be in the public interest.

The neighbour submission has been considered, and the Panel agrees with the assessment of issues raised and the conclusions in the Council staff assessment report.

The application is considered suitable for approval subject to the imposition of appropriate conditions, including an amendment.

The decision of the Panel was unanimous.



<b>IWLPP1232/24 Agenda Item 5</b>	MOD/2023/0336
<b>Address:</b>	115 Short Street BIRCHGROVE NSW 2041
<b>Description:</b>	Section 4.56 modification of Determination No DA/2021/0841 which approved a new dwelling, carport and associated works, with this proposal seeking to enclose the carport to form a garage
<b>Applicant:</b>	SJB Planning

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

- Michael Baker

## DECISION OF THE PANEL

- A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.56 of the Environmental Planning and Assessment Act 1979, grants consent to Application No MOD/2023/0336 to enclose the carport to form a garage at 115 Short Street BIRCHGROVE subject to the conditions listed in Attachment A in the Council Officer's Assessment report, subject to incorporation of a new condition 2a. (iii) to state:

*2a (iii) The plans shall be amended to include and detail a drainage solution along the western boundary of the subject site, designed by a suitably qualified civil engineer, to ensure all water flowing down and along the western side setback of the subject property is able to be properly captured and discharged to the public street, wholly within the subject site. This plan and associated details are to be approved by the Certifier.*

## 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 modified 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, including an additional condition to address a reasonable concern raised by the adjoining neighbour at the Panel meeting relating to drainage.

The decision of the Panel was unanimous.

Please note:

Jason Perica queried the Council's approach regarding counting all garaged car parking for dwellings as Gross Floor Area ("GFA") in the former Leichhardt LGA, covered by Leichhardt DCP 2013 ("the DCP"). It is understood the Council's approach is on the basis that there is no, or zero, "requirement" for car parking, as the stated minimum parking for a dwelling is zero in the DCP. An alternative interpretation, and that favoured by Mr. Perica, is that the

term “requirement” for car parking exclusion in the definition of GFA should be applied less literally and more holistically to consider the Council’s parking controls, and compliance with such controls or requirements. In that interpretation or approach, the DCP controls provide, or “require”, a minimum of zero and a maximum of two car parking spaces for a dwelling. Providing 2 car spaces for a dwelling meets the Council’s DCP controls (or requirements). The DCP controls do not require zero parking spaces, they merely allow it. That is, the “requirement” for parking in the GFA definition should be read to be a minimum of zero and a maximum of 2. That is the practical effect of the DCP parking controls or requirements. In that interpretation, only spaces in excess of 2 garaged car spaces would be included as GFA. This is also an approach adopted by other Councils in similar circumstances (e.g. City of Sydney). This matter is important, as it affects the stated compliance with the FSR standard and may also affect the jurisdiction of DA or Modification Application determination (as the Panel threshold is 10% above the standard). So, Mr. Perica suggests the Council consider the matter further and potentially seek further legal advice or legal peer review.

<b>IWLPP1233/24 Agenda Item 6</b>	MOD/2023/0347
<b>Address:</b>	238 Annandale Street ANNANDALE
<b>Description:</b>	Section 4.55(2) modification of Determination No DA/2022/0880 which approved alterations and additions to the existing dwelling house, new carport to rear and associated works. Modification seeks to enclose approved carport to form enclosed garage
<b>Applicant:</b>	Mr James Stevens

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

- *There were no speakers for this item*

## **DECISION OF THE PANEL**

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 Application No. MOD/2023/0347 to enclose the approved carport to form a garage at 238 Annandale Street ANNANDALE subject to the conditions listed in Attachment A of the Council Officer's Assessment 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 or 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, as recommended.

The neighbour submissions have been considered, and the Panel agrees with the assessment of issues raised and the conclusions in the assessment report.

The decision of the Panel was unanimous.

Please note:

As per Item 5 Jason Perica queried the Council's approach regarding counting all garaged car parking for dwellings as Gross Floor Area ("GFA") in the former Leichhardt LGA, covered by Leichhardt DCP 2013 ("the DCP"). See Item 5 for full description.

<b>IWLPP1234/24 Agenda Item 7</b>	DA/2023/0753
<b>Address:</b>	84 Albion Street ANNANDALE
<b>Description:</b>	Alterations to existing dwelling and construction of a double garage and gym over at rear of site
<b>Applicant:</b>	Mr Hong H Ko

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

- Ray Stevens

## 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 requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the site coverage and floor space ratio standards is unnecessary in the circumstance of the case and that the applicant has demonstrated 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 standards and of the zone in which the development is to be carried out.
- 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/2023/0753 for alterations to existing dwelling and construction of a double garage and gym over at rear of site at 84 Albion Street Annandale subject to the conditions listed in Attachment A of the Council 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 noted there were no submissions in relation to this application.

The decision of the Panel was unanimous.

Please note:

As per Item 5 Jason Perica queried the Council's approach regarding counting all garaged car parking for dwellings as Gross Floor Area ("GFA") in the former Leichhardt LGA, covered by Leichhardt DCP 2013 ("the DCP"). See Item 5 for full description.

<b>IWLPP1235/24 Agenda Item 8</b>	DA/2023/0503
<b>Address:</b>	40 Nicholson Street BALMAIN EAST
<b>Description:</b>	Alterations and additions to residential development including new boatshed
<b>Applicant:</b>	The Trustee for Sky Property and Planning Trust

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

- Jasmin Blazevic

## 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/2023/0503 for alterations and additions to residential development including new boatshed at 40 Nicholson Street, Balmain East for the following reasons:

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*, including:
  - a. Clause 1.2(2)(h) and 1.2(2)(i) - Aims of Plan in that the proposal is not considered prevent adverse environmental impacts on the local character of the Inner West, including cumulative impacts.
  - b. Clause 4.6 (3) – The applicant has not demonstrated that compliance with the development standard 4.3C – Landscaped Area for Residential Accommodation is unreasonable or unnecessary nor that there are sufficient environmental planning grounds to justify the contravention of the development standard.
  - c. Clause 4.6 (3) – The applicant has not demonstrated that compliance with the development standard 4.4 - FSR is unreasonable or unnecessary nor that there are sufficient environmental planning grounds to justify the contravention of the development standard.
  - d. Clause 6.5 (1)(b) – The development will adversely affect the significance and amenity of the area.
  - e. Clause 6.5 (3)(b) – The applicant has not satisfactorily demonstrated that the design, size, siting, and internal layout of the structure (including toilet and shower) functions as a boatshed and this raises issues of permissibility in the Foreshore Area. This is also a concern given arguments in the Clause 4.6 variation requests which refer to the structure enhancing the amenity for the residents of the site.
  - f. Clause 6.5 (4)(b) – The appearance of the structure from the waterway and adjoining foreshore areas is not compatible with the surrounding area.
2. The written Clause 4.6 variation request regarding the FSR non-compliance refers to a pool shed, which is a prohibited form of development. A late amendment made to that submission was not able to be properly considered by the Panel. In any event, the environmental planning reasons to support the variation do not warrant the variation.

3. The proposed development is inconsistent with, and has not demonstrated compliance with the Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
  - a. Part C: Place - Section 1: General Provisions as the proposal does not comply control C2 within C1.20 Foreshore Land, and is inconsistent with the applicable objective O1c. as the proposed structure is not compatible with surrounding landscapes and is inconsistent with Clause 6.5 - Limited development on foreshore area within the *Inner West LEP 2022*.
4. The design and siting of the proposed structure will result in appearing as an additional (lower) storey of the existing dwelling rather than an ancillary boat shed structure.
5. The proposed structure will result in an undesirable exacerbation of bulk, scale and visual dominance of the existing dwelling from the waterscape.
6. The proposed structure, in combination with the removal of the tree and amendments to the extant seawall, will further erode what remains of the desired natural appearance of the Balmain East foreshore.
7. The proposed development will result in adverse built and natural environment impacts in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
8. 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*.
9. 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**

As the application has been refused, the reasons for the decision are included in the terms of the decision above.

The decision of the Panel was unanimous.

<b>IWLPP1236/24 Agenda Item 9</b>	DA/2023/0973
<b>Address:</b>	261 Enmore Road ENMORE
<b>Description:</b>	Partial demolition, alterations and additions to the existing 2 storey commercial building and the continued operation of the electronics workshop as a goods repair and reuse premises
<b>Applicant:</b>	George Loupis

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

- There were no speakers for this item

## 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 (FSR) development standard is unnecessary in the circumstance of the case and that the applicant has provided 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. 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/2023/0973 for partial demolition, alterations and additions to the existing 2 storey commercial building and the continued operation of the electronics workshop as a goods repair and reuse premises at 261 Enmore Road, Enmore subject to the conditions listed in Attachment A of the Council Officer's report and as amended below:

Condition 18(l) be added as follows:

**18. Stormwater Drainage System – Minor Developments (OSD is not required)**

- l) *The architectural plans are to be updated to reflect items a) to k) above.*

Condition 19 be amended as follows:

**19. Design Change**

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

- One (1) bicycle parking space is to be provided on site.*
- An accessible toilet is provided on the ground floor in accordance with the provisions of AS1428.*
- Accessible path and entry in accordance with the provisions of AS1428 into the new ground floor front office be demonstrated.*
- Modify the planter to be a non-trafficable roof area.*

*Reason: To ensure appropriate accessibility and protect the amenity of the neighbourhood.*

C. That the following new condition be added:

**8A. Separate consent required for Signage**

*This consent does not authorise the provision of any signage. A separate development application is to be lodged for signage.*

*Reason: To confirm the terms of approval which does not include signage.*

**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 and the streetscape and is considered to be in the public interest, subject to the recommended conditions, as amended by the Panel.

The Panel noted there were no submissions in relation to this application.

The decision of the Panel was unanimous



<b>IWLPP1237/24 Agenda Item 10</b>	REV/2024/0003
<b>Address:</b>	30 Albert Street Leichhardt NSW 2040
<b>Description:</b>	Section 8.2 Review of DA/2023/0217 determined on 19 December 2023, for boundary adjustment associated with two existing lots, alterations and additions to existing dwelling house to create two dwellings and new garage and studio over at the rear each located on separate allotments, and associated works
<b>Applicant:</b>	Spiro Chahine

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

- Spiro Chahine
- Elke Jacobsen
- Diana Zaknic

*Note: Panel member Vanessa Holtham left the meeting and was not present for the presentations, deliberation or decision for Item 10.*

## **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 FSR standard is unnecessary in the circumstance of the case and that the applicant has demonstrated 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. 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 approval via a Deferred Commencement Consent to Application No. REV/2024/0003 for the Section 8.2 Review of Determination of DA/2023/0217 determined on 19 December 2023, for boundary adjustment associated with two existing lots, alterations and additions to existing dwelling house to create two dwellings and new garage and studio over at the rear each located on separate allotments, and associated works at 30 Albert Street, Leichhardt NSW 2040 subject to the conditions listed in Attachment A in the Council Officer's report, subject to the following additional condition:

### **4A. Air Conditioning**

*This consent does not authorise any air conditioning equipment.*

*Reason: To confirm the terms of Council's approval (which did not include air conditioning).*

## REASONS FOR DECISION

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

Subject to conditions of consent, 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 the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions as recommended.

The design has been amended to reasonably address and resolve previous reasons for refusal.

The neighbour submissions have been considered, and the majority of the Panel agrees with the assessment of issues raised and the conclusions in the assessment report.

The decision of the Panel was by majority of votes (2/1).

Jason Perica and Allan Barnes voted for approval.

Garry Chapman voted against the proposal on the following grounds:

I do not support the recommendation for approval of the application in its current form and in accordance with matters raised by 32 Albert Street, Leichhardt. I would be in a position to support the application subject to the following design amendments:

- i. The dwelling entry and bathroom room of 30B Albert Street should be redesigned and setback from the site boundary by 900mm to provide separation between properties and mitigate the visual scale of the entry and bathroom element of the development when viewed from the side facing windows and side passage of 32 Albert Street.
- ii. In addition to the reduction in height and redesign required by deferred commencement conditions 1(b) and 1(c) the upper level of the garage/studio should be designed in a mansard roof form with the roof pitch on each side of the upper level to mitigate the visual scale of the upper level as viewed from Easter Lane and the rear courtyard of 32 Albert Street. The upper level designed in a roof form would ensure consistency with the controls at Part C1.18 – Laneways of the DCP.

Please note:

As per Item 5 Jason Perica queried the Council's approach regarding counting all garaged car parking for dwellings as Gross Floor Area ("GFA") in the former Leichhardt LGA, covered by Leichhardt DCP 2013 ("the DCP"). See Item 5 for full description.

<b>IWLPP1238/24 Agenda Item 11</b>	DA/2024/0004
<b>Address:</b>	45 Bradford Street BALMAIN
<b>Description:</b>	Alterations and additions to dwelling including new attic bedroom
<b>Applicant:</b>	Mr Christopher Brookes

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

- *There were no speakers for this item*

## **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 the applicant has demonstrated 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. 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/2024/0004 for alterations and additions to dwelling including new attic bedroom at 45 Bradford Street BALMAIN subject to the conditions listed in Attachment A in the Council 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 significance of the Heritage Conservation Area (subject to conditions including change to the finish of the rear dormer) nor upon the amenity of the adjoining premises/properties, and is considered to be in the public interest.

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

The Panel noted one submission in support of the proposal was made.

The decision of the Panel was unanimous.

**The public meeting of the Inner West Planning Panel finished at 3:32pm.  
The closed meeting of the Inner West Planning Panel commenced at 3:40pm and  
finished at 5:17pm.**

**CONFIRMED:**



**Jason Perica  
Chairperson  
16 May 2024**