



INNER WEST COUNCIL

ELECTRONIC DETERMINATION – INNER WEST LOCAL PLANNING PANEL

Site Address:	46 Tillock Street, Haberfield
Application No.	DA.2018.2016
Type of Determination	Electronic
Date of Determination	14 April 2019
Panel Members	David Lloyd- Chairman Mary-Lynne Taylor Annelise Tuor Kath Roach
Declarations of Interest	Nil

BACKGROUND

The Inner West Local Planning Panel deferred its decision for the following reason:

- *An adequate Clause 4.6 request (in accordance with recent decisions of the NSW Land and Environment Court) to contravene the development standard for basement area under Clause 6.5(3)(a)(i) of the Ashfield Local Environmental Plan 2013 has not been provided with the application.*

The applicant is to submit an amended Clause 4.6 request by 10 April 2019 which satisfies Clause 4.6(3)(a) and (b) of the Ashfield Local Environmental Plan 2013, otherwise the Panel will determine the application based on the information before it.

Following receipt of this information, the Panel (as constituted at 27 March 2019) will determine the application under Clause 26 of Schedule 2 of the Environmental Planning and Assessment Act (electronically) unless the Chair determines that a further public meeting is required.

As per Agenda Item 5 of the March 27 IWLPP meeting, attached is the Clause 4.6 request for DA.2018.206 – 46 Tillock Street, Haberfield.

OFFICER'S COMMENTS:-

I have assessed the applicant's revised Clause 4.6 request and I am satisfied that it now satisfactorily addresses the requirements of Clause 4.6(3)(a) and (b) of the Ashfield Local Environmental Plan 2013. The Panel has requested that the Clause



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4.6 be issued electronically to panellists of the meeting to be determined electronically.

PANEL DECISION

REASONS FOR THE DECISION

1. The applicant's submitted Clause 4.6 request adequately demonstrates that compliance with the development standard for basement area is unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.
2. The development is permissible in the R2 Low Density Residential Zone and is consistent with the objectives of the zone.
3. The proposal is consistent with the objectives of the development standard for basement area.
4. The development will be compatible with the emerging and planned future character of the area.
5. The Panel supports the findings contained in the assessment report and endorses the reasons for approval contained in the report."

The decision of the panel was unanimous.



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Item No:	
Application No.	DA.2018.2016
Site Address:	46 Tillock Street Haberfield
Proposal	Alterations and additions to a dwelling house
Applicant	Filmer Architects
Reason for Referral to IHAP	Clause 4.6 variation exceeds officer delegation
Material considered by the Panel	Amended 4.6 Clause Report
Meeting & Site Inspection by the Panel	27 March 2019
Recommendation	Approval