

INNER WEST LOCAL PLANNING PANEL
MEETING

TUESDAY, 30 JUNE 2020

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on Tuesday, 30 June 2020.

Present: The Honourable Angus Talbot in the chair; Ms Jan Murrell; Mrs Mary-Lynne Taylor; Mr Kenneth Hawke;

Staff Present: Development Assessment Manager; Team Leader Development Assessment. and Administration Officer.

Meeting commenced: 2:07 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.

IWLPP871/20 Agenda Item 1	DA201900342
Address:	7-9 Pemell Lane, Newtown
Description:	To demolish part of the premises and construct an additional storey above the existing townhouses.
Applicant:	Peter O'Shea Projects

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

- Veneet Sood
- Jim Hyman
- Michal Frydman
- Peter O'Shea

The Panel deferred the decision of the matter to a closed meeting after the conclusion of the public meeting and informed the speakers that the resolution would be published afterward.

DECISION OF THE PANEL

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the Approval contained in that Report, subject to the changes below:

A. Having considered the reports prepared by Council officers, as well as written and oral submissions, 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. 201900342 to demolish part of the premises and construct an additional storey above the existing townhouses at 7-9 Pemell Lane, Newtown subject to the conditions listed in Attachment A to the officer's report and subject to the addition of condition 4A as follows:

4A The external shutters in the western elevation shall be installed to allow outward viewing only in an upward angle and shall have a minimum blade of 90mm.

Reason for the decision:

The development is considered suitable for approval as an Existing Use which does not result in any unreasonable adverse impacts given the R4 zoning.

The decision of the panel was unanimous

IWLPP872/20 Agenda Item 2	M/2020/3
Address:	184 Nelson Street, Annandale
Description:	Modification of Development Consent D/2015/592 seeking to delete Condition 2(f) to allow retention of the shower in the en-suite bathroom within the studio
Applicant:	Mr J Davis

This application was withdrawn prior to the meeting.

IWLPP873/20 Agenda Item 3	D/2019/371
Address:	3 Hosking Street, Balmain East
Description:	Alterations and additions including 3 storey side extension, lift, ground works and tree removal.
Applicant:	Apwdesign

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

- Matthew Benson
- Andrew Wilson

The Panel deferred the decision of the matter to a closed meeting after the conclusion of the public meeting and informed the speakers that the resolution would be published afterward.

DECISION OF THE PANEL

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

- A. The applicant's written request pursuant to Clause 4.6 to vary Clause 4.4 FSR does not satisfy the Panel that compliance with the standard is unnecessary or unreasonable in the circumstances of the case or that there are sufficient environmental grounds to support the variation. The proposed development will not 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. Having considered the Council Officer's report, as well as oral and written submissions made, 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. D/2019/371 for alterations and additions including 3 storey side extension, lift, ground works and tree removal at 3 Hosking Street, Balmain East NSW 2041 for the following reasons.
1. The application has not been accompanied by a Clause 4.6 request to vary the Development Standards for Landscaped Area *and* Site Coverage under the Leichhardt Local Environmental Plan 2013.
 2. The proposal has not demonstrated compliance with the following Clauses of the Leichhardt Local Environmental Plan 2013 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - i. Clause 1.2 – Aims of plan
 - ii. Clause 2.3 – Zone objectives and Land Use Table
 - iii. Clause 4.3A (3)(a) – Landscaped Area for residential development in Zone R1
 - iv. Clause 4.3A (3)(b) – Site Coverage for residential development in Zone R1
 - v. Clause 4.4 – Floor Space Ratio
 - vi. Clause 4.6 – Variations to development standards
 - vii. Clause 5.10 – Heritage Conservation
 - viii. Clause 6.4 - Stormwater management

3. The proposal has not demonstrated compliance with the following Parts of the Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979: Part C – Section 1 – C1.0 – General Provisions
 - i. Part C – Section 1 – C1.1 – Site and Context Analysis
 - ii. Part C – Section 1 – C1.12 – Landscaping
 - iii. Part C – Section 1 – C2.2.3.2 – Piperston Distinctive Neighbourhood
 - iv. Part C – Section 3 – C3.1 – Residential General Provisions
 - v. Part C – Section 3 – C3.2 – Site Layout and Building Design
 - vi. Part C – Section 3 – C3.8 – Private Open Space
 - vii. Part C – Section 3 – C3.9 – Solar Access
 - viii. Part E – Section 3 – C3.11 – Visual Privacy
4. The proposal is considered to result in adverse environmental impacts on the built environment pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
5. The proposal is not considered suitable for the site in its current form pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
6. 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.
7. The application is not in the form required by Clause 50 of the Environmental Planning and Assessment Regulation.

The decision of the panel was unanimous.

IWLPP874/20 Agenda Item 4	DA201900132.01
Address:	27 Kintore Street, Dulwich Hill
Description:	Section 4.55 modification of Determination No. 201900132 to modify/delete conditions relating to stormwater and drainage and change in materials to the northern and southern elevations
Applicant:	Miss Emily Joseph

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

- Shaun Carter
- Jeff Mead
- Clare Collet

The Panel deferred the decision of the matter to a closed meeting after the conclusion of the public meeting and informed the speakers that the resolution would be published afterward.

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*, grants *partial approval* to modify Determination No. 201900132 dated 29 October 2019 under Section 4.55(1a) of the Environmental Planning and Assessment Act so as to modify/delete a number of conditions at 27 Kintore Street DULWICH HILL. The Panel adopts Attachment A to the officer's report modified in the following manner, with the other modifications sought being otherwise refused.

Modification in case of condition 3 – refused

Modification in case of condition 28 – refused except for the deletion of 'c'.

Modification in case of condition 30 – refused.

Modification in case of condition 31 – allowed except for the deletion of 'a' and 'b'.

Modification in case of condition 38 – refused.

Modification in case of condition 46 – refused.

Modification in case of condition 48 – refused.

Modification in case of condition 50 – refused other than to delete 'd'.

Modification in case of condition 51 - refused.

Modification in case of condition 52 – approved - to be deleted.

Reason for the decision:

The approved modifications are in the public interest.

The decision of the panel was unanimous.

IWLPP875/20 Agenda Item 5	D/2019/424
Address:	101 Hubert Street, Lilyfield
Description:	Demolition of existing structures, construction of attached dual occupancy and one garage space with Torrens Title subdivision.
Applicant:	Contrive Developments Pty Ltd

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

- Chris Carr
- Joseph Panetta

The Panel deferred the decision of the matter to a closed meeting after the conclusion of the public meeting and informed the speakers that the resolution would be published afterward.

DECISION OF THE PANEL

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

- A. After considering the written request by the applicant pursuant to Clause 4.6 to vary Clauses 4.1 (Minimum Subdivision Lot Size) and 4.4 (Floor Space Ratio) of the *Leichhardt Local Environmental Plan 2013* and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard 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 variations are 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. D/2019/424 for demolition of all existing structures, construction of an attached dual occupancy with Torrens title subdivision including one garage space and new fencing at 101 Hubert Street, Lilyfield subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous.

IWLPP876/20 Agenda Item 6	D/2019/354
Address:	104 Foucart Street, Rozelle
Description:	Alterations and additions to existing dwelling.
Applicant:	Steven Martin C/- Ahron Best Architects

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

- Genevieve Slattery
- Ahron Best

The Panel deferred the decision of the matter to a closed meeting after the conclusion of the public meeting and informed the speakers that the resolution would be published afterward.

DECISION OF THE PANEL

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:

That the Design Change conditions A. and B. listed under General Conditions be deleted.

- A. After considering the applicant's requests to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* to vary Clauses 4.3A(3)(a)(i) (soft landscaping); 4.3A(3)(b) (site coverage) and 4.4 (floor space ratio) of the *Leichhardt Local Environmental Plan 2013*, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental planning 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 consent to Development Application No. D/2019/354 for alterations and additions to an existing dwelling including rear ground and upper level additions and slight encroachment over the boundary with No.102 at 104 Foucart Street Rozelle subject to the conditions listed in Attachment A to the officer's report and subject to the deletion of the conditions listed above.

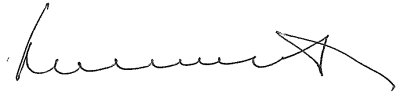
The decision of the panel was unanimous.

The Inner West Planning Panel Public Meeting finished at 3:22pm.

The Inner West Planning Panel Closed Meeting commenced at 3:24pm

The Inner West Planning Panel Closed Meeting finished at 4:29pm.

CONFIRMED:

A handwritten signature in black ink, appearing to read 'Angus Talbot', with a stylized flourish at the end.

**The Honourable Angus Talbot
Chairperson
30 June 2020**