

INNER WEST LOCAL PLANNING PANEL  
MEETING

**12 OCTOBER 2021**

MINUTES

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held via teleconference on Tuesday, 12 October 2021

Present: Dr Gary Shiels in the chair; Mrs Mary-Lynne Taylor; Mr Kenneth Hawke; Ms Kim Crestani

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

Meeting commenced: 2.04 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:

Mrs Mary-Lynne Taylor declared a non-pecuniary interest in relation to Item 7.

<b>IWLPP929/21</b> <b>Agenda Item 1</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 Chair and the following were noted:

- DA/2021/0110 – 194 Marion Street, Leichhardt
- DA/2021/0228 - 40 Milton Street, Ashfield
- DA/2021/0175 - 27 Percy, Street Rozelle
- DA/2021/0255 - 1 Trevor Street, Lilyfield

<b>IWLPP930/21 Agenda Item 2</b>	DA/2021/0530
<b>Address:</b>	32 Albert Parade Ashfield
<b>Description:</b>	Demolition of existing structures, Torrens title subdivision and construction of two double storey dwellings
<b>Applicant:</b>	Urban Link Pty Ltd

Item 7 was brought forward to consider first  
Mary-Lynne Taylor returned to the public meeting and closed session.

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

- *Barabara Velupillai*
- *Charbel Ishac*
- *Ziad Boumelhem*

## **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; except for conditions 2a,2b,2c,2d and 2h.

- 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/2021/0530 for the demolition of existing structures, Torrens Title subdivision and construction of two double storey dwellings at 32 Albert Parade ASHFIELD subject to the conditions listed in Attachment A to the officer's report subject to the following changes:

Delete conditions 2 (a), (b) and (c), (d), (h)

Amend 2 (e) and (f) to read as follows:

- 2(a) *'The first-floor eastern elevation window relating to bedroom 1 of the proposed lot 1 dwelling must be amended to be fixed and obscure glazing to a minimum height of 1.6m measured from finished floor level of the bedroom.'*
- 2(b) *'The first-floor southern elevation windows relating of the proposed lot 1 dwelling must all be amended to be fixed and obscure glazing to a minimum height of 1.6m measured from finished floor level of the first floor.'*

The decision of the panel was unanimous

<b>IWLPP931/21 Agenda Item 3</b>	DA/2021/0267
<b>Address:</b>	2 Clissold Street Ashfield
<b>Description:</b>	Demolition of existing dwelling/associated structures and construction of a new two (2) storey six (6) room boarding house with associated on-grade parking.
<b>Applicant:</b>	Kink Architects

## 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; with the amendment to condition 43.

- 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. 2021/0267 for demolition of existing dwelling/associated structures and construction of a new two (2) storey six (6) room boarding house with associated on-grade parking at 2 Clissold Street ASHFIELD NSW 2131 subject to the conditions listed in Attachment A to the officer's report subject to the following changes:

Amend condition 43 to read:

Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that:

- a. A revised Plan of Management has been submitted and endorsed by Council that adopts the measures listed in the relevant conditions of this consent.
- b. A public complaints resolution procedure is included into the Plan of Management to include but not be limited to the following –
  - i. The Owner/Agent is to maintain a complaint register of public (external) complaints
  - ii. This register is to comprise forms to be completed by Owner/Agent, occupants and or complainants. The form is to record the name, addresses, phone number details and date of any person making a complaint including anonymous persons. Only complaints where all the above information is given are to be recorded in the register
  - iii. The Owner/Agent is to respond by telephone to a complaint whether written or oral within 24hrs by telephone (provided that the complainant has provided a phone number)
  - iv. The Owner/Agent is to respond within 7 days to a complaint in writing
  - v. Where required, the Owner/Agent is to use best endeavours to arrange a meeting with complainants. The Owner is to be present at such meetings if practical. The Owner/Agent is to keep minutes of such meetings and keep these minutes in a public Complaints Resolution Procedure Register. This Register is to be made available to the Council for inspection on 7 days' notice.
  - vi. If a matter of complaint cannot be resolved and the complainant wishes to escalate the complaint, the matter may be referred to the Council or Community Justice Centre for resolution by the complainant.

- d. A sign is to be displayed at the entrance to the Boarding House advising occupants to be mindful of the amenity of neighbours when entering and leaving the premises
- e. A contact telephone number and email address for the Owner/Agent is to be displayed at the entrance to the Boarding House

The panel notes that the proposal will provide for a discrete and compact development that will have limited impact on amenity on adjoining properties and will be acceptable in the streetscape.

The decision of the panel was unanimous

<b>IWLPP932/21 Agenda Item 4</b>	DA/2021/0499
<b>Address:</b>	26 Mackenzie Street Leichhardt
<b>Description:</b>	Alterations and additions for use of a warehouse building as a dwelling, and remediation of site
<b>Applicant:</b>	Ms Elaine Roff

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

- *Alaine Roff*
- *Chris Major*
- *Karen Arthur*

## **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; except for conditions 2a, 2b, and 2c and the insertion of 13a.

- A. The applicant has made written requests pursuant to Clauses 4.3A(3)(b) and 4.4 of the Leichhardt Local Environmental Plan 2013. After considering the request, and assuming the concurrence of the Secretary has been given, 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 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/2021/0499 for Alterations and additions to convert warehouse building for use as a single dwelling house, and remediation of the site at 26 Mackenzie Street, Leichhardt subject to the conditions listed in Attachment A to the officer's report subject to the following changes:

Delete conditions 2 (a), (b) and (c)

Insert condition 13A to read:

*'That during construction all due care is taken to retain the existing mural on the northern wall or should it be decommissioned; a replacement mural be permitted.'*

The panel considered the deletion of the above three conditions was appropriate to maintain the architectural integrity of the design. And the additional condition. Would retain Or reinstate the mural. Which is a feature in the area.

The decision of the panel was unanimous

<b>IWLPP934/21 Agenda Item 5</b>	DA/2021/0305
<b>Address:</b>	70 Trafalgar Street Annandale
<b>Description:</b>	Proposed new studio above existing garage.
<b>Applicant:</b>	Mr Jonathan G Edmondson-Jones

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

- John Pagan

## **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. The applicant has made a written request pursuant to Clause 4.6 to vary Clauses 4.3A and 4.4 of the Leichhardt Local Environmental Plan 2013. After considering the request, and assuming the concurrence of the Secretary has been given, 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 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/2021/0305 for a proposed new studio above the existing garage at 70 Trafalgar Street ANNANDALE subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous



<b>IWLPP935/21 Agenda Item 6</b>	DA/2021/0433
<b>Address:</b>	27 Junction Road Summer Hill
<b>Description:</b>	Alterations and additions to an existing dual occupancy including attic addition, rear extension, new pools and strata subdivision
<b>Applicant:</b>	Mr Saxon Grujovic

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

- Saxon Grujovic

## 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; with the amendment to condition 2a and the deletion of conditions 2b and 2c.

- A. The applicant has made a written request pursuant to Clauses 4.3 and 4.4 of the Ashfield Local Environmental Plan 2013. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the 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/2021/0433 for alterations and additions to an existing dual occupancy including attic addition, rear extension and strata subdivision at 27 Junction Road SUMMER HILL subject to the conditions listed in Attachment A to the officer's report subject to the following changes:

Amend 2 (a) to read as follows:

*'The proposed change of the existing tile roof to a colourbond roof is not approved, all notations of a colourbond roof are to be deleted. The roof must remain a terracotta tile roof. Replacement of any damaged existing tiles permitted.'*

Delete condition 2 (b) and (c).

The decision of the panel was unanimous

<b>IWLPP936/21 Agenda Item 7</b>	DA/2021/0257
<b>Address:</b>	42 Mullens Street Balmain
<b>Description:</b>	Ground, first and attic level alterations and additions to an existing two storey dwelling-house, new garage and terrace over and pool at rear and associated works
<b>Applicant:</b>	Ballast Point Pty Ltd

Mary-Lynne Taylor excluded herself from the meeting due to a conflict of interest and was not involved in the discussion or voting.

Item 7 was brought forward to consider

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

- *Steven Griffiths*

## **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. The applicant has made a written request, pursuant to Clause 4.6 of the Leichhardt Local Environmental Plan 2013, to vary the Landscape Area and Site Coverage development standards in Clause 4.3(a)(ii) and 4.3(b) of the Leichhardt Local Environmental Plan 2013. After considering the request, and assuming the concurrence of the Secretary has been given, 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 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/2021/0257 for ground, first and attic level alterations and additions to an existing two storey dwelling-house, new garage and terrace over and pool at rear, and associated works at 42 Mullens Street BALMAIN NSW 2041, subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous

<b>IWLPP937/21 Agenda Item 8</b>	DA/2021/0392
<b>Address:</b>	7/169 Darling Street Balmain
<b>Description:</b>	Addition to ground floor of townhouse, and alterations to internal layout of kitchen and first floor bathroom
<b>Applicant:</b>	Ms Pamela G Coghlan

## 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. The applicant has made a written request pursuant to Clause 4.6 to vary Clause 4.4 of the Leichhardt Local Environmental Plan 2013. After considering the request, 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 planning grounds to support the variation. The proposed development will be in the public interest because the variation is not inconsistent with the objectives of the standards 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. D/2021/0392 for alterations and additions to dwelling at 7/169 Darling Street Balmain subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous

<b>IWLPP938/21 Agenda Item 9</b>	DA/2021/0482
<b>Address:</b>	69 Albermarle Street Newtown
<b>Description:</b>	To demolish part of the premises and construct a double garage
<b>Applicant:</b>	Mr Matthew O'Donnell

## 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. 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/2021/0482 to demolish part of the premises and construct a double garage at 69 Albermarle Street NEWTOWN for the reasons in outlined below.
1. The proposed development is inconsistent with Clause 5.10 - Heritage Conservation of the Marrickville Local Environmental Plan 2011, in that the design and scale of the garage would result in adverse impacts to the heritage significance of a heritage item and heritage conservation area.
  2. The proposed development does not comply with the following parts of the Marrickville Development Control Plan 2011:
    - a. Part 4.1.7 - Car Parking, in that the proposed garage is excessive in height and does not compliment or enhance the locality or streetscape.
    - b. Part 8 - Heritage, in that the proposed garage will result in adverse impacts to the heritage item and heritage conservation area.
    - c. Part 9.4 - Newtown North and Camperdown Precinct (Precinct 4), in that the proposed garage results in heritage and streetscape impacts and is therefore inconsistent with the desired future character of the precinct.
  3. The application as submitted has not provided adequate information order to undertake a full and proper assessment of the application in accordance Section 4.15 of the *Environmental Planning and Assessment Act 1979* in that the following has not been provided with the application:
    - a. Suitable details demonstrating that the continued use is permissible in the R2 Low Density Residential zone under Marrickville Local Environment Plan 2011 or that the site benefits from existing use rights under the *Environmental Planning and Assessment Act 1979*.
    - b. The plans submitted contradict the use applied for being as an ancillary garage.
    - c. Floor plans of the existing buildings on site in order to assess the proposed floor space ratio under Clause 4.4 of Marrickville Local Environment Plan 2011.
    - d. Plans or details in order to determine the car parking rate applicable to the site under Marrickville Development Control Plan 2011 and whether any

car parking in excess of the required rate would result in additional floor space.

The Panel notes the state of the existing heritage building and encourages the applicant to consider refurbishing the building in the near future.

The decision of the panel was unanimous

<b>IWLPP939/21 Agenda Item 10</b>	REV/2021/0009
<b>Address:</b>	7 Westbourne Street Stanmore
<b>Description:</b>	S8.2 Review Application of DA/2020/0827 for demolition of existing building, Torrens Title Subdivision of existing lot into 2 lots, construction of a semi-detached dwelling with a secondary dwelling and garage to each lot. Landscaping and associated works
<b>Applicant:</b>	Urban Future Organisation

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

- Craig Schulman

## DECISION OF THE PANEL

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be approved for the following reasons:

- The development is a good infill terrace design, appropriate in the existing and desired future context.
- The development provides appropriately sited and scaled dwellings and garaging from the rear lane.
- The development is considered to be generally consistent with the relevant planning considerations, particularly the Clauses held in *Marrickville Local Environmental Plan 2011* and parts of Marrickville Development Control Plan 2011.

It is therefore resolved that the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.4 of the *Environmental Planning and Assessment Act 1979*, change the original decision of DA/2020/0827 and approve the demolition of existing building. Torrens Title Subdivision of existing lot into 2 lots, construction of a semi-detached dwelling with a garage to each lot, landscaping and associated works subject to the conditions listed in Attachment C to the officer's report.

The Panel notes the proposed terrace-style dwellings will replace a red texture brick circa 1970s building which is currently out of character with the streetscape and the proposal proportionally relates to the adjoining Victorian terraces and will enhance the existing streetscape.

The decision of the panel was unanimous

<b>IWLPP940/21 Agenda Item 11</b>	REV/2020/0035
<b>Address:</b>	40 Milton Street Ashfield
<b>Description:</b>	Section 8.2 review of residential flat building
<b>Applicant:</b>	Mr Andrew Martin

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

- Catherine Sturge
- Andrew Martin
- Joseph Panetta

## 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. The applicant has made a written request pursuant to Clause 4.3 of Ashfield Local Environmental Plan 2013. After considering the request, and assuming the concurrence of the Secretary has been given, 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 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 applicant has made a written request pursuant to Clause 4.4 of Ashfield Local Environmental Plan 2013. After considering the request, and assuming the concurrence of the Secretary has been given, 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 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.
- C. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.4 of the *Environmental Planning and Assessment Act 1979*, change the original decision of DA/2020/00139 and grant consent to Application No. REV/2020/0035 for Section 8.2 review of residential flat building at 40 Milton Street ASHFIELD NSW 2131 subject to the conditions listed in Attachment A to the officer's report.


The decision of the panel was unanimous

**The Inner West Planning Panel Meeting finished at 3.25pm.**

**The Closed session commenced at 3.36pm**

**The closed session finished at 4.32pm**

**CONFIRMED:**

A handwritten signature in black ink, appearing to read "Gary Shiels". The signature is written in a cursive style with a large, looping initial 'G'.

**Dr Gary Shiels  
Chairperson  
12 October 2021**