



INNER WEST LOCAL PLANNING PANEL
MEETING

09 August 2022

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 9 August 2022

Present: Ms Heather Warton in the chair; Mr John McInerney; Ms Lisa Trueman and Ms Lea Richards

Staff Present: Acting Development Assessment Manager – Ruba Osman; Team Leader Corporate Support and Administration Officers.

Meeting commenced: 2:03pm

**** 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:

Item 2 - Heather Warton - Declared a non-pecuniary conflict of interest as Ms Warton lives locally and personally knows two of the objectors. Ms Warton did not participate in the briefing, public meeting or other Panel discussions on this matter.

There were no other conflicts declared by Panel members.

IWLPP1035//22 Agenda Item 1	Standing Item
Address:	
Description:	Report in Accordance with Ministerial Direction: Pending Local Planning Panel Matters
Applicant:	

Matters pending were presented to the Panel Chairman and noted.

IWLPP1036/22 Agenda Item 2	REV/2021/0024
Address:	55 Smith Street, Summer Hill
Description:	S8.2 Review of Development Application DA/2020/1022 which sought consent for demolition of existing structures and construction of a boarding house containing 93 boarding rooms (incl on site managers) over 1 basement level of parking
Applicant:	Appwam Pty Ltd

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

- David Rollinson
- Pamela Taylor
- Councillor Mark Drury
- Richard Lie
- Helen Hughes
- Stephen J Corbett
- Justin Simon
- Andrew Martin

DECISION OF THE PANEL

Reason:

The Majority Panel agrees with the findings contained in the Assessment Report and resolves that the application be **approved** subject to the inclusion of additional conditions to improve the streetscape with regard to the driveway and to ensure all areas of the development are accessible.

Decision:

- A. The applicant has made a written request pursuant to Clause 4.6 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 Height 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. 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 a deferred commencement consent to Development Application No. REV/2021/0024 under S8.2 Review of Development Application DA/2020/1022 which seeks consent for the demolition of existing structures and construction of a boarding house containing 93 boarding rooms (incl on site managers) over 1 basement level of parking at 55 Smith Street, Summer Hill subject to the conditions listed in Attachment A of the officer's report, subject to the following changes:
- The following Deferred Commencement conditions are to be added under B. Design Changes:

- i. The public crossover is to be reduced to a single vehicle crossing crossover and that a further design be provided to indicate how that single crossover merges into a double width driveway closer to the car park with the inclusion of landscaping where possible.
 - j. The plans are to be amended such that the room numbers are consistent in plan, section and elevation.
 - k. A revised BASIX certificate to be submitted.
- The following condition 46A be added:

46A. Prior to the issue of a Construction Certificate amended plans are to be submitted to the satisfaction of the Certifier illustrating that all access to communal areas/facilities and accessible rooms complies with the Disability (Access to Premises) Standard 2010.

John McInerney chaired the Panel for this item

The decision of the Panel was by majority vote 2/1

Lea Richards did not support the Deferred Commencement Approval for the following reasons:

The built form of the amended proposal would still have an unreasonable impact on adjoining and surrounding Heritage Items and is incompatible with the adjacent Fleet Street and Quarantine Ground Heritage Conservation Areas. The site design, while thoughtfully landscaped, does not compensate for the lack of internal amenity for residents, given the proposed density of accommodation and the restricted form, location and size of common spaces.

IWLPP1037/22 Agenda Item 3	DA/2022/0218
Address:	16/143 Trafalgar Street, Annandale
Description:	Alterations and additions to existing townhouse
Applicant:	Mr Christopher Lamour

No person addressed the Panel in the meeting on this item.

DECISION OF THE PANEL

Reasons:

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

Decision:

- A. The applicant has made a written request pursuant to Clause 4.6 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 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. 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/2022/0218 for alterations and additions to existing townhouse at 16/143 Trafalgar Street, Annandale subject to the conditions listed in Attachment A of the officer's report.

The decision of the Panel was unanimous.

IWLPP1038/22 Agenda Item 4	DA/2022/0174
Address:	60 Station Street, Newtown
Description:	To demolish part of the premises and construct a new projecting window with day bed to the first floor rear elevation of the dwelling house
Applicant:	Archology

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

- Terry Bail (Applicant)

DECISION OF THE PANEL

Reasons:

The Panel supports the findings contained in the Assessment Report. The Panel considers the application to be acceptable on heritage grounds, subject to a change in the materials of the proposal to painted timber.

Decision:

- 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 consent to Development Application No. DA/2022/0174 to demolish part of the premises and construct a new projecting window with day bed to the first floor rear elevation of the dwelling house at 60 Station Street Newtown, subject to the conditions listed in Attachment A of the officer's report, subject to the following change:

- Condition 13A is to be added:

13A Prior to the issue of a Construction Certificate, amended plans are to be submitted to the satisfaction of the certifier illustrating that the new rear facing first floor windows and screen shall be of natural timber with paint finish in a neutral colour.

The decision of the Panel was unanimous.

IWLPP1039/22 Agenda Item 5	DA/2022/0034
Address:	9 Westbourne Street, Stanmore
Description:	Demolition of existing building. Torrens Title Subdivision of existing lot into 2 lots. Construction of a semi-detached dwelling with a garage and studio above at rear to each lot. Landscaping and associated works
Applicant:	Monument Plan Pty Ltd

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

- Rosemary Donald (objector)
- Adrian Griffin (objector)
- Margaret Roberts (planner for applicant)
- George Mourad (architect/applicant)

DECISION OF THE PANEL

Reasons:

The Panel agrees with the concerns articulated in the assessment report regarding the proposed visual bulk of the building at the rear, the protrusion beyond the line of the adjoining dwellings, and the bulk of the rear studio building as seen from the laneway. Further, the architectural detailing, materials and colours are not compatible with the streetscapes and local character. The Panel notes that although not within a heritage conservation area, the proposal does not complement the prevailing local character which is a relevant consideration, and is a concern raised by the objectors.

The Panel considered the recommendation for approval, and supports the amendments listed in the draft Deferred Commencement conditions but considers that the changes required by the conditions are so substantive, that the final outcome including the resultant floor plans is uncertain. The Panel suggests that amended plans, consistent with the draft deferred commencement conditions and the requirements of the Marrickville Development Control Plan (DCP) should be re-lodged via a section 8.2 Review Application.

Decision:

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/2022/0034 for demolition of existing building. Torrens Title Subdivision of existing lot into 2 lots and construction of a semi-detached dwelling with a garage and studio above at rear to each lot. Landscaping and associated works for the following reasons:

1. The bulk and extent of the rear of the building is excessive, compared to the alignment of adjoining dwellings and will result in adverse visual impacts for neighboring properties. The proposal is contrary to cl 4.1.6 of Marrickville DCP 2011.

2. The proposed garage/loft is of an excessive height and scale contrary the provisions of Part 4.1 of Marrickville DCP 2011.
3. The materials and finishes are unsympathetic to the character of the street, contrary to cl 4.1.9 of Marrickville DCP 2011.
4. The building massing and setbacks of the dwelling and garages/loft are unsatisfactory having regard to adjoining development, contrary to cl 4.1.6 and of Marrickville DCP 2011.

The decision of the Panel was unanimous.

IWLPP1040/22 Agenda Item 6	DA/2022/0045
Address:	39 Westbourne Street, Stanmore
Description:	Subdivision of the site into two (2) lots and construction of a semi-detached dwelling on each lot, with carport with first floor above at rear. Landscaping and associated works.
Applicant:	Piensa Architects P/L

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

- Simone Leslie (objector)
- Heidi Carfax-Foster (objector)
- Margaret Roberts (town planner for applicant)
- Joseph Khoury (architect for applicant)

DECISION OF THE PANEL

Reasons:

The Panel supports the findings contained in the Assessment Report. However, the proposed colour scheme is not supported and is not considered to be consistent with the local character of the area, as required by Marrickville DCP 2011. The Panel notes that several residents were concerned with the change to the local character as a result of this and other similar developments, however the street is not a conservation area and the main controls governing local character regarding bulk, massing and architectural style have been addressed in the assessment report.

The Panel resolves that the application be approved as per the recommendation in the assessment report, subject to amendment to the proposed colours and finishes.

Decision:

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 consent to Development Application No. DA/2022/0045 for the subdivision of the site into two (2) lots and construction of a semi-detached dwelling on each lot, with carport with first floor above at rear and landscaping and associated works at 39 Westbourne Street, Stanmore subject to the conditions listed in Attachment A of the officer's report and subject to the following changes:

- That the table in Condition 1 be amended to reflect the correct architect's name – *Monument + Piensa Architects*.
- An additional Condition 2e. is to be added:

2e. A more neutral colour scheme to be adopted to both street elevations, with no use of black or white finishes.

The decision of the Panel was unanimous.

IWLPP1041/22 Agenda Item 7	DA/2021/1222
Address:	8 Douglas Street, Stanmore
Description:	Demolition of the existing rear outbuilding. Construction of a new detached two storey outbuilding fronting Salisbury Road, to contain a studio and garage at ground level and a secondary dwelling at first floor level.
Applicant:	McGregor Westlake Architecture

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

- Peter McGregor (architect for applicant)

DECISION OF THE PANEL

Reason:

The Panel is supportive in-principle to the construction of a compliant secondary dwelling on the site and supports the variation to the minimum lot size, but is of the view that the design and form of the new building fails to address the heritage conservation area (HCA) status of land particularly given the prominent location on Salisbury Road. The proposal is refused as it does not have a form and character that responds to the HCA.

The submitted heritage statement is inadequate as it fails to address the many controls applicable to infill development in a conservation area, including consistency with typical hipped or gable roof forms.

The application also understates the area of the potential secondary dwelling, there being free access between both the ground floor 'studio' and first floor dwelling, with no separation between the two. It would be expected that the ground floor, part of the principal dwelling, would be accessed internally, and the first floor secondary dwelling would be accessed from Salisbury Road, which is not the case.

Decision:

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/2021/1222 for demolition of the existing rear outbuilding and construction of a new detached two storey outbuilding fronting Salisbury Road, to contain a studio and garage at ground level and a secondary dwelling at first floor for the following reasons:

1. The built form and character of the proposed building is unsympathetic to the character and significance of the Annadale Farm Heritage Conversation Area and will have a detrimental impact on the character of the Salisbury Road streetscape. This is contrary to the Marrickville DCP 2011 clauses 4.14, 4.1.75, 8.28 and 8.3.
2. The proposed roof form, fenestration and openings, materials and extent of glazing to Salisbury Road are considered to be unsympathetic to the historic character of the Conservation Area.

3. The layout of the development indicates that in total the secondary dwelling may be greater in floor area than 60sqm maximum allowable under Housing SEPP 2021 and Marrickville Local Environmental Plan 2011. No variation to the maximum FSR development standard has been provided.

The decision of the Panel was unanimous.

IWLPP1042/22 Agenda Item 8	DA/2022/0075
Address:	38 Belmore Street, Rozelle
Description:	Alterations and additions to an existing dwelling
Applicant:	Janiffer Thompson c/o Myriad

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

- Craig Schulman (planner for applicant)

DECISION OF THE PANEL

Reason:

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

Decision:

- A. The applicant has made a written request pursuant to Clause 4.6 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 FSR 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. 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/2022/0075 for alterations and additions to an existing dwelling at 38 Belmore Street Rozelle subject to the conditions listed in Attachment A of the officer's report.

The decision of the Panel was unanimous.

IWLPP1043/22 Agenda Item 9	DA/2021/1336
Address:	37 Liverpool Road, Ashfield
Description:	Alterations and additions to an existing building to create a 7 room co-living housing development.
Applicant:	Dean Applegate

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

- *Dean Applegate (applicant)*

DECISION OF THE PANEL

Reasons:

Although the Panel can see the merits of the conversion of this dwelling into co-living housing, the application is problematic on two significant grounds.

The site is affected by road widening (hence the part SP2 Infrastructure zoning), which runs through half the front rooms of the building on the ground and first floor. To overcome the issue this creates with permissibility (the use would otherwise be permissible in the R3 Medium Density Residential zone), incongruously, reliance is placed on the heritage incentive clause provision of Ashfield LEP.

Secondly, the concurrence of the RMS is required, however the condition provided by the RMS requiring any "... improvements integral to the future use of the site to be clear of the land reserved for road widening unlimited in height or depth" is illogical given that the proposal involves work to the subject rooms affected by road widening, and in order to meet the heritage incentive clause, upgrading of the façade would be also required.

Consultation with the RMS regarding the future of the road widening and/or acquisition of the site is needed prior to any intensification of the site.

Decision:

The applicant has made a written request pursuant to Clause 4.6 of Ashfield Local Environmental Plan 2013. After considering the request, the Panel is not satisfied that compliance with the FSR 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 not be in the public interest because the exceedance is inconsistent with the objectives of the standard and of the zones in which the development is to be carried out.

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/2021/1336 for alterations and additions to an existing building to create a 7 room co-living housing development. at 37 Liverpool Road Ashfield for the following reasons.

1. It is unclear how the TfNSW (RMS) condition of consent to allow development in the SP2 Infrastructure zone but subject to the proposed improvements being clear of the land reserved for road widening in height and depth, can be implemented.
2. The Conservation Management Plan does not adequately detail conservation works required and proposed to facilitate the use of the heritage item.
3. The Heritage Impact Statement is inadequate as it does not address the impact of the development on the heritage significance of the item.
4. The proposal fails to adequately satisfy the provisions of heritage conservation provisions Clause 5.10(10)(a), (b), and (c) of Ashfield Local Environmental Plan 2013.
5. In the absence of advice from the RMS that the road widening zoning on part of the site including the affectation on the building itself is no longer required, the use of the conservation incentive clause 5.10(10) in Ashfield LEP 2013 is inappropriate given that the road widening affectation is at odds with the possible enhancement to the heritage significance of the building. Further, in these circumstances, it is not possible as required by cl 5.10(a) for the Panel to be satisfied that the conservation of the heritage item will be facilitated by the granting of consent.
6. Irrespective of reason 5, consent cannot be granted as the Panel cannot be satisfied that the development is in accordance with an approved heritage management document (cl 5.10 (b)), as there is insufficient information provided with the application in this regard, and the Panel cannot therefore also ensure that all of the necessary conservation work identified in any approved heritage management document will be carried out (cl 5.10 (c)). The information required to satisfy cl 5.10 (b) and (c) cannot be deferred to be provided post-consent.

The decision of the Panel was unanimous.

IWLPP1044/22 Agenda Item 10	DA/2022/0030
Address:	35B Glassop Street, Balmain
Description:	The addition of a new pitched roof providing an upper level attic space and a new internal lift within the existing stair well
Applicant:	Mr Dimitri Janchek

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

- *Robyn Pearson (objector)*
- *Dimitri Janchek (applicant) was registered to speak, and lodged a written submission for this purpose prior to the meeting that was considered by the Panel. However, due to what appeared to be technical difficulties, Mr Janchek was not able to address the Panel during the meeting.*

DECISION OF THE PANEL

Reasons:

The clause 4.6 submission to vary the maximum FSR development standard is not adequate and is not in a form that clearly identifies the environmental planning grounds on which the FSR development standard variation could be supported.

The impacts of the additional floor space above the existing rooftop on views from adjoining residences and the impact of the additions when viewed from the street needs to be demonstrated as part of this submission.

As the Majority Panel is supportive of the proposal and generally agrees with the conclusions in the assessment report, the application is deferred for the provision of a cl 4.6 submission that addresses these aspects.

Decision:

The Panel defers DA/2022/0030 in order for the applicant to submit a revised written clause 4.6 submission to vary the FSR development standard under Leichhardt LEP 2013. The submission must address all of the sub-clauses in clause 4.6 of Leichhardt LEP 2013.

The additional information is to be provided within 2 weeks. The Panel will consider the new information and determine the application electronically.

The decision of the Panel was 3/1

Lisa Trueman did not support deferral and was of the view that the application should be refused as the roof form and scale was unacceptable.

IWLPP1045/22 Agenda Item 11	DA/2021/0866
Address:	11 Phoebe Street, Balmain
Description:	Alterations and additions to dwelling including extension of upper level.
Applicant:	Perfect Square Design P/L

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

- Kristine Gibson (objector)
- Patrick Wilson (heritage consultant for the applicant)
- Craig Barnett (applicant)
- Steven Griffiths, from Bartier Perry Lawyers registered to address the Panel as a 'supporter' of the application. The Panel was provided with a five page submission from Mr Griffiths prior to the meeting, which was considered by the Panel. Under the Inner West Local Planning Panel Guidelines, consistent with clause 4.15, a person is not entitled to be represented by a legal practitioner unless the Chair grants permission. This application involves primarily issues of heritage impacts and does not involve any particular complexity or question of law. Given this and that the relevant points were covered in his written submission, it was not deemed necessary by the Chair for Mr Griffiths to address the Panel.

DECISION OF THE PANEL

Reasons:

The Panel does not agree with the findings contained in the Assessment Report that the proposal will have an adverse heritage impact. The Panel notes that the building is not a heritage item, nor will the proposed additions be significantly visible from the public domain.

The building is already significantly modified, and a contemporary garage structure has been erected on the street, which largely obstructs the view of the dwelling. The Panel considers that the property has been considerably altered such that the extent of original built fabric discernible in the public domain is limited to the two extant chimneys, which are proposed to be retained, and that the proposal will have limited impacts to the character and significance of the conservation area.

The issue of view loss was raised by an objector. The Panel concurs with the conclusion in the Assessment Report that the view loss is reasonable based on assessment under the *Tenacity* Planning Principle.

Decision:

- A. The applicant has made a written request pursuant to Clause 4.6 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 FSR 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. 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/2021/0866 for Alterations and additions to dwelling including extension of upper level subject to the conditions listed in **Attachment B** of the officer's report, with the following amendments:

Under Condition 2. Design Change:

- The first dot point be deleted.
- The second dot point be amended to read – “The existing original 2 chimneys on the north-east elevation must be retained.”
- The addition of the following dot point:

The cladding identified in the finishes schedule must be laid horizontally.

The decision of the Panel was unanimous.

The Inner West Planning Panel Meeting finished at 4.41pm.

The Inner West Planning Panel Closed Meeting commenced at 4.50pm.

The Inner West Planning Panel Closed Meeting finished at 7.09pm.

CONFIRMED:



**Ms Heather Warton
Chairperson
15 August 2022**