



**INNER WEST LOCAL PLANNING PANEL
MEETING**

06 December 2022

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 06 December 2022

Present: Adjunct Professor David Lloyd KC in the chair; Ms Jan Murrell; Mrs Mary-Lynne Taylor; Mr Kenneth Hawke.

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

Meeting commenced: 2.00 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:

- Item 3: Ken Hawke declared a non-pecuniary interest as he personally knows one of the objectors to the proposed development and did not participate in the briefing, public meeting or other Panel discussions on this matter.
- Item 11: David Lloyd declared a conflict of interest with Item 11 as he was Chair of the Panel that determined the Modification application under review and did not participate in the briefing, public meeting or other Panel discussions on this matter.

IWLPP1065/22 <i>Agenda Item 1</i>	Standing Item
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Matters pending were presented to the Panel Chairman and noted.

IWLPP1066/22 Agenda Item 2	DA/2021/1261
Address:	206-212 Australia Street, Newtown
Description:	To demolish part of the premises and carry out ground and first floor alterations and additions and to fit out and use the ground floor tenancies and first floor of Lot 3 as food and drink premises' operating 7:00am to midnight daily with a single residence above each shop on lots 1, 2 and 4
Applicant:	Urbanism Pty Ltd

No person addressed the Panel in the meeting on this item

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grants consent to Development Application No. DA/2021/1261 to demolish part of the premises and carry out ground and first floor alterations and additions and to fit out and use the ground floor tenancies and first floor of Lot 3 as food and drink premises' operating 7:00am to midnight daily with a single residence above each shop on lots 1, 2 and 4 at 206-212 Australia Street, NEWTOWN subject to the conditions listed.

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved** as per recommendations contained in that report.

Reasons for Decision:

1. The Development is permissible in the B2 local centre zone and generally satisfies aims objectives and design parameters in the LEP and DCP.
2. The proposal as amended during the assessment will allow for alterations and additions of the existing mixed use development which respects the character of the contributory building on the site and will allow for contemporary facilities for the commercial tenancies.
3. Subject to the recommended conditions the development will not result in any significant impacts on the amenity of the adjoining premises/properties and streetscape.
4. The proposal is compatible with the character of the local area.
5. The proposal has no external impact.
6. Approval of the development is in the public interest.

The decision of the panel was unanimous.

IWLPP1067/22 Agenda Item 3	DA/2022/0642
Address:	9 Wellesley Street SUMMER HILL NSW 2130
Description:	Alterations and a first floor addition to an existing dwelling house
Applicant:	The Drawing Space Pty Ltd

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

- Mi Qin Shi

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 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/2022/0642 for alterations and a first floor addition to the dwelling at 9 Wellesley Street, SUMMER HILL subject to the conditions listed.

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved** as per the recommendations contained in that report.

Reasons for Decision:

1. The proposal generally complies with the aims, objectives and design parameters of the R2 general residential zone and generally satisfies the requirements of the applicable planning controls.
2. The proposed development subject to amendments in the recommendation will not result in any significant impacts on the amenity of adjoining properties and the streetscape and is consistent with the character of the area.
3. For the reasons given above the proposal is in the public interest.

The decision of the panel was unanimous.

IWLPP1068/22 Agenda Item 4	DA/2022/0292
Address:	82 Marlborough Street LEICHHARDT NSW 2040
Description:	New double garage and studio at rear of site and associated works
Applicant:	Mr Peter D Salt

No person addressed the Panel in the meeting on this item

DECISION OF THE PANEL

- 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*, grant consent to Development Application No. DA/2022/0292 for a new double garage and studio above at the rear of site and associated works at 82 Marlborough Street, LEICHHARDT subject to the conditions listed.

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved** as per recommendations contained in the report.

Reasons for Decision:

1. The Development is permissible in the R1 zone and generally satisfies the requirements of the applicable planning controls.
2. Subject to the conditions of consent the proposal will not result in any significant impacts on the amenity of the adjoining properties and the streetscape.
3. The proposal has no external impact.
4. For the reasons given above the proposal is in the public interest.

The decision of the panel was unanimous.

IWLPP1069/22 Agenda Item 5	DA/2022/0266
Address:	36 Lonsdale Street and 64-66 Brenan Street Lilyfield
Description:	The development proposed includes demolition of all existing buildings, remediation, excavation, construction of a new five storey plus attic mixed use building with lower ground floor neighbourhood shops, live-work units and 34 residential apartments.
Applicant:	HDC Planning

No person addressed the Panel in the meeting on this item

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*, refuses Development Application No. DA/2022/0266 for the development proposed includes demolition of all existing buildings, remediation, excavation, construction of a new five-storey plus attic mixed use building with lower ground floor neighbourhood shops, live-work units and 34 residential apartments. at 36 Lonsdale Street and 64-66 Brenan Street, LILYFIELD.

Reasons for Decision:

The Panel supports the findings contained in the Assessment Report and resolves that the application be **refused** in accordance with recommendations contained in that report as set out on Pages 249 and 250 as follows:

1. The proposed development is inconsistent with and has not demonstrated compliance with Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, including
 - a. Clause 1.2(2)(b)(d)(e)(f)(l) - Aims of Plan.
 - b. Clause 2.1- Zone objectives and Land use table
 - c. Clause. 4.3A - Landscaped areas for residential accommodation in Zone R1
 - d. Clause. 4.4 - Floor Space Ratio
 - e. Clause 6.24 - 24 Development of land and 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield
2. The applicant has failed to provide a request under Clause 4.6 of Leichhardt Local Environmental Plan 2013 to demonstrate sufficient environmental planning grounds to justify contravening the Floor Space Ratio and Landscape Area development standards and the development is considered contrary to the objectives of the standards in its proposed form and is an overdevelopment of the site. In the absence of a valid and well-founded Clause 4.6 objection, the consent authority cannot consider the proposed variation and is without power to approve such a development.
3. Insufficient information has been provided with respect to the requirements of Transport and Infrastructure SEPP 2021.

4. The proposed development is inconsistent with and has not demonstrated compliance with Draft Inner West Local Environmental Plan 2020, pursuant to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, including:
 - a. Draft Clause 1.2(2)(h) - Aims of Plan
 - b. Draft Clause 2.3 - Zone objectives and Land Use Table
 - c. Clause. 4.4 - Floor Space Ratio
 - d. Clause 6.9- Design Excellence
 - e. Clause 6.30 - 24 Development of land and 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield

5. 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)(iii) of the Environmental Planning and Assessment Act 1979, including:
 - a. Part C1.0 Site Context and Analysis
 - b. Part C1.5 Corner Sites
 - c. Part C1.7 Site Facilities
 - d. Part C1.11 Parking
 - e. Part C2.2.4.1 Catherine Street Distinctive Neighbourhood
 - f. Part C2.2.4.1(b) The Peripheral Sub Area
 - g. Part C3.1 Residential General Provisions
 - h. Part C3.2 Site Layout and Building Design
 - i. Part C3.3 Elevation and Materials
 - j. Part C3.5 Front Gardens and Dwelling Entries
 - k. Part C3.6 Fences
 - l. Part C3.9 Solar Access
 - m. Part C3.11 Visual Privacy
 - n. Part D2.3 Residential Development
 - o. Part D2.4 Non-Residential Development

6. The proposed development will result in adverse impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

7. The proposed development is inconsistent with and has not demonstrated compliance with the design quality principles of State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development.

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 isolates the adjoining lots at 68-70 Brenan Street compromising their ability to redevelop in the future.

10. 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.

The decision of the panel was unanimous.

IWLPP1070/22 Agenda Item 6	DA/2022/0192
Address:	14C Jane Street BALMAIN NSW 2041
Description:	Alterations and additions to convert existing building into dual occupancy, new swimming pool, external works, new garage off Fawcett Street.
Applicant:	Mr Stephen J James

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

- Stephen James
- Sharon Cook
- Annette Udall
- Kate O'Connell

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*, refuses Development Application No. DA/2022/0192 for Alterations and additions to convert existing building into dual occupancy, new swimming pool, external works, new garage off Fawcett Street. at 14C Jane Street, BALMAIN.

The majority Panel supports the findings contained in the Assessment Report and resolves that the application be **refused** in accordance with recommendations contained in that report.

The Panel also recommend the following additional reason for refusal which shall become reason 1;

1. It has not been satisfactorily demonstrated that the proposed internal and external alterations to the existing main building to facilitate the dual occupancy proposed respect and conserve the existing heritage item including but not limited to the internal spaces, materials, finishes and building form.

Reasons for the majority decision:

1. The proposed development has an adverse impact on the heritage item;
2. The proposed development will have an adverse impact on the parking demand within Fawcett Street;
3. It has not been demonstrated that adequate areas of private open space and solar access are provided.
4. The proposed development would result in adverse visual privacy to each respective residence and adjoining properties.

The decision of the panel was a split decision with Mary Lynne Taylor dissenting from the recommendation for refusal. Vote 3-1.

IWLPP1071/22 Agenda Item 7	DA/2022/0428
Address:	80 Short Street BIRCHGROVE NSW 2041
Description:	Alterations and additions to existing dwelling including new first floor addition
Applicant:	Mr Raymond Panetta

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

- Andrew Beaumont
- Ella Dreyfus
- Janu Chan
- Raymond Panetta

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 consent to Development Application No. DA/2022/0428 for alterations and additions to existing dwelling including new first floor addition at 80 Short Street, BIRCHGROVE.

The Panel supports the findings contained in the Assessment Report and resolves that the application be **approved** as per recommendations contained in the report subject to the following changes:

1. That condition 2 relating to design change be deleted.

Reasons for Decision:

1. The development is permissible in the R1 zone and generally satisfies the requirements of the applicable planning controls.
2. The premises will not result in any significant impacts on the amenity of adjoining premises.
3. In particular in the assessment of view loss the proposal is compliant with the requirements of both the LEP and DCP and the concept of view sharing is achieved as it will result in a reasonable retention of significant views of the affected properties.
4. The application is suitable for approval subject to the imposition of the recommended conditions with the exception of condition 2.
5. The Panel otherwise supports the findings contained in the assessment report and endorses the findings in that report.

The decision of the panel was unanimous

IWLPP1072/22 Agenda Item 8	DA/2022/0405
Address:	48 Tillock Street HABERFIELD NSW 2045
Description:	Alterations and additions to existing dwelling including lower ground level and additions
Applicant:	Bayside Built

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

- Kristian & Marilena Morris

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/2022/0405 for alterations and additions to existing dwelling including lower ground level and additions at 48 Tillock Street, HABERFIELD 2045.

The Panel supports the findings contained in the Assessment Report and resolves that the application be **refused** as per recommendations contained in the report.

Reasons for Decision:

- 1 The proposed development is inconsistent with the following Clauses of *Ashfield Local Environmental Plan 2013*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
 1. Clause 1.2 - Aims of the Plan, in that the proposal will have an adverse impact on environmental heritage and local character of Ashfield.
 2. Clause 5.10 – Heritage Conservation, in that the proposal does not comply with the 50% landscaped area development standard.
 3. Clause 6.5 – Haberfield Heritage Conservation Area, in that the proposal will result in unacceptable impacts to the Haberfield Heritage Conservation Area.
 4. Clause 4.6 - Exceptions to Development Standards, in that there are insufficient planning grounds to justify the departure from Landscaped Area development standard.
- 2 Having regard to submissions received and the adverse environmental impacts of the proposal, the application as proposed is not in the public interest, pursuant to Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*.
3. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.
4. The proposed development does not comply with the following Parts of the Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill, pursuant to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*:

1. Chapter A, Part 2 – Good Design, in that the proposal has not been appropriately designed with regard to context, scale, built form, amenity and streetscape.
2. Chapter E2, Part 2 – Haberfield Heritage Conservation Area, in that the development results in adverse heritage impacts and minimises the garden setting characteristic of Haberfield HCA.
3. Chapter F, Part 1 – Dwelling Houses, in that the proposal is inconsistent with the scale, building setbacks and pattern of development.

The decision of the panel was unanimous.

IWLPP1073/22 Agenda Item 9	DA/2022/0322
Address:	4 Caroline Street BALMAIN NSW 2041
Description:	Alterations and additions to dwelling including ground and first floor, plus car stacker and landscaping
Applicant:	Landmark Investments Australia Pty Ltd

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

- Andrew Merriel
- Gary Parisi
- Shaun Carter
- Hassan Kharroubi

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 consent to Development Application No. DA/2022/0322 for Alterations and additions to dwelling including ground and first floor, plus car stacker and landscaping at 4 Caroline Street, BALMAIN.

The Panel supports the findings contained in the Assessment Report and resolves that the application be granted a deferred commencement **approval** as per recommendations contained in the report.

Reasons for Decision:

1. The proposal complies with the development standards of the R1 General Residential zone and it generally complies with the aims objectives and design parameters contained in the planning controls.
2. The Development will not result in any significant impacts on adjoining properties and the streetscape.
3. The application is suitable for the issue of a deferred commencement consent subject to the imposition of the recommended conditions.
4. The panel otherwise supports the findings in the assessment report and endorses the reasons found in that report.
5. The retention and restoration of the contributory building is commendable.

The decision of the panel was unanimous.

IWLPP1074/22 Agenda Item 10	REV/2022/0026
Address:	5 Farleigh Street ASHFIELD NSW 2131
Description:	S8.2 Review application of DA/2022/0244 that approved tree pruning. The review seeks tree removal and pruning
Applicant:	Mrs Joanne M Herron

No person addressed the Panel in the meeting on this item

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 consent in part to Review Application No. REV/2022/0026 for S8.2 Review application of DA/2022/0244 that approved tree pruning. The review seeks tree removal and pruning at 5 Farleigh Street, ASHFIELD.

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

Reasons for Decision:

1. The Panel supports the findings in the arborist report prepared by Malcolm Bruce dated 19 January 2022 which includes the removal of Tree No 1 and remedial pruning of Tree 2. Removal of Tree 1 is dependent upon replacement planting as specified in condition 6.
2. Approval is given for the remedial pruning to Tree No 2 (Sydney Blue Gum) in accordance with the manner specified by the arborist report of Malcom Bruce dated 19 January 2022.
3. The Panel supports the conditions of consent in the assessment report subject to condition 1 being amended to read as follows;
 1. Canopy pruning to Tree 2 (Sydney Blue Gum) shall be carried out in accordance with the arborist report prepared by Malcom Bruce dated 19 January 2022.

The decision of the panel was unanimous.

IWLPP1075/22 Agenda Item 11	REV/2022/0025
Address:	17 Wharf Road BIRCHGROVE NSW 2041
Description:	S8.2 Review of MOD/2021/0451 seeking to review Condition No. 2(c) relating to the glazed balustrades and Condition No. 2(j) relating to the proposed dimensions of the upper ground level rear terraces for both Nos. 17 and 17A Wharf Road
Applicant:	ESNH Design Pty Ltd

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

- Lisa Bella Esposito
- Paul Lunsmann
- Alex Pantazis
- Joanne McGuinnes

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 consent to REV/2022/0025 for a S8.2 Review of MOD/2021/0451 dated 14 June 2022 seeking to review Condition No. 2(c) relating to the glazed balustrades relating to the proposed dimensions of the upper ground level rear terraces for both Nos. 17 and 17A Wharf Road at 17 Wharf Road, BIRCHGROVE.

Reasons for Decision:

- 1 The Panel supports the findings contained in the Assessment Report in relation to condition 2c and endorses the reasons for the approval contained in that Report.
- 2 The Panel does not support the deletion of Condition 2j relating to the balcony dimension and this condition is to be retained to mitigate adverse impacts.
- 3 Whilst the applicant belatedly suggested plans for a change to the terrace area, this was unfortunately not received at a time when the Panel could consider this change. This may be pursued through a separate modification application.

The decision of the panel was unanimous.

The Inner West Planning Panel Meeting finished at 4.00pm.

CONFIRMED:

A handwritten signature in blue ink, appearing to read 'D. A. Lloyd', is positioned below the 'CONFIRMED:' heading.

**Adjunct Professor David Lloyd KC
Chairperson
06 December 2022**