



INNER WEST LOCAL PLANNING PANEL
MEETING

14 MARCH 2023

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 14 March 2022

Present: Dr Gary Shiels in the chair, Ms Jan Murrell; Mr John McInerney; Ms Andrea Connell.

Staff Present: Development Assessment Manager – Ruba Osman; Team Leader Development Assessment – Andrew Newman; Team Leader Corporate Support – Clare Fitzpatrick-Clark and Corporate Support and Administration Officers – Selena Topich, Stav Ristevski, Adriana Ferriera, Iris Rojas and Mary Apostoleris.

Meeting commenced: 2.04pm

**** 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: Jan Murrell declared a non-significant and non-pecuniary interest as she 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.

IWLPP1093/23 Agenda Item 1	Standing Item – Report in Accordance with Ministerial Direction: Pending Local Planning Panel Matters
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Matters pending were presented to the Panel Chair and noted.

IWLPP1094/23 Agenda Item 2	DA/2022/0717
Address:	6 Brett Avenue, Balmain East
Description:	Alterations and additions to existing dwelling
Applicant:	Mr Ray Stevens

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 that seeks a variation to Clause 4.4 Floor Space Ratio in 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 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/2022/0106 for alterations and additions to an existing dwelling at 6 Brett Avenue Balmain East subject to the conditions listed in Attachment A of the officer's report.

Reasons for Decision:

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

The decision of the panel was unanimous.

IWLPP1095/23 Agenda Item 3	DA/2021/1075
Address:	2-4 Lookes Avenue, Balmain East
Description:	Alterations and additions to an existing heritage listed residence, including bulk excavation to create a basement level comprising garage and manoeuvring area, workshop and store, accessed via a new driveway entry with panel lift door on Lookes Avenue
Applicant:	Mrs Sharon J Gallant

As Jan Murrell declared a non-significant and non-pecuniary interest, she did not participate in the briefing, public meeting, or other Panel discussions on this matter.

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

- *John Gallo*
- *Kenneth Glover*
- *Rochelle Porteous*
- *Sharon Gallant*
- *Graham Brooks*

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 approval to Development Application No. DA/2021/1075 for alterations and additions to existing heritage listed residence, including bulk excavation to create a basement level comprising garage and manoeuvring area, workshop and store, accessed via a new driveway entry with panel lift door on Lookes Avenue at 2-4 Lookes Avenue BALMAIN EAST, subject to the conditions listed in Attachment A of the officer's report and the following changes:

That condition 15 be amended as follows;

Construction Traffic Management Plan

Prior to any demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, and management of dust etc, related to demolition/construction activities to ensure the safety of school traffic in the local area. A work zone approval must be obtained.

That the additional condition 24A be imposed as follows:

Construction Hours

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays

(inclusive) with no excavation or rock cutting works permitted on Saturdays; and no works permitted on Sundays or Public Holidays.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

8:00am to 12:00pm, Monday to Friday; and
2:00pm to 5:00pm Monday to Friday.

Reasons for Decision:

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the **approval**, however, the Panel noted the submissions from the local residents and wanted to ensure that impacts during construction were minimized. Accordingly, conditions were modified, and an additional condition of consent is included to restrict the hours and types of construction being carried out.

The Panel agreed with the council officer's assessment that the on street car parking space could be removed as it had potential safety issues.

The Panel agreed with the council officer's assessment that the pergola could be retained as proposed and would not have an unreasonable impact on neighbours.

The Panel agrees with the Council's Heritage Officer that the rock face could be removed and that the garage opening could be provided while still maintaining an appropriate stone presentation to the street.

The decision of the panel of three was unanimous, noting that Jan Murrell had excused herself from this Item.

IWLPP1096/23 Agenda Item 4	REV/2022/0037
Address:	170 Denison Street, Newtown
Description:	S8.2 Review of DA/2022/0161, refused on 15 September 2022, for ground and first floor alterations and additions to a dwelling house
Applicant:	Mr Ashley J Sheiles

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

- Ashley Sheiles

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 Application No. REV/2022/0037 for a S8.2 Review of DA/2022/0161, refused on 15 September 2022, for ground and first floor alterations and additions to a dwelling house at 170 Denison Street NEWTOWN for the reasons contained in the officer's report.

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

Reasons for Decision:

- The development is inconsistent with the following provisions of the *Marrickville Local Environmental Plan 2011*:
 - Clause 1.2 - Aims of Plan, in that the proposal does not protect the heritage of the area and does not provide a high standard of design as a result of impacts to the locality and amenity.
 - Clause 5.10 - Heritage Conservation, in that the proposal adversely impacts a contributory building within the North Kingston Estate Heritage Conservation Area and does not conserve the heritage significance of the area.
- The development is inconsistent with the following provisions of the draft Inner West Local Environmental Plan 2020, a draft Environmental Planning Instrument at the time of lodgement of the application:
 - Clause 1.2 - Aims of Plan, the proposal does not protect the heritage of the area, has not demonstrated that amenity impacts of the development are acceptable to adjoining properties and does not create high quality urban place.
 - Clause 2.3 - Zone objectives, the proposal does not maintain the built character of the surrounding area.
 - Clause 5.10 - Heritage conservation, the proposal adversely impacts the contributory dwelling within the heritage conservation area and fails to conserve the heritage significance of the area.
- The development is inconsistent with the following Parts of the Marrickville Development Control Plan 2011:

- a. Part 2.1 - Urban Design, the proposal does not enhance or conserve the existing character or the locality and results in adverse impacts to the contributory dwelling.
 - b. Part 2.7 - Solar Access and Overshadowing, the proposal has not demonstrated compliance with the Part in that the shadow diagram provided are not in accordance with Control C1 and do not allow an assessment of impacts to windows at neighbouring properties.
 - c. Part 4.1.5 - Streetscape and Design, the development does not complement the character of the area.
 - d. Part 4.1.6 - Built Form and Character, the proposal results in adverse amenity and visual bulk impacts to neighbouring properties and the side setbacks have not been designed to follow that of the existing contributory dwelling and at adjoining sites.
 - e. Part 8 - Heritage, the proposal results in non compliance with several controls for development within heritage conservation areas and would result in loss of contributory features and fabric of the dwelling which contribute to the heritage significance of the North Kingston Heritage Conservation Area.
 - f. Part 9.4 - Newtown North and Camperdown (Precinct 4) - the proposal is inconsistent with the desired future character of the precinct as a result of the heritage impacts.
4. 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*.
 5. Pursuant to the provisions of Part 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 and in view of the likely additional amenity impacts for neighbouring properties, the proposal is not in the public interest.

The decision of the panel was unanimous.

Note: By way of comment, the Panel feels that there may be another way of achieving the additional space that the applicant is seeking with a different design.

IWLPP1097/23 Agenda Item 5	DA/2022/0794
Address:	12 McKell Street, Birchgrove
Description:	Alterations and additions to existing three storey attached dwelling
Applicant:	Sam Tadros

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, site coverage and landscaped area development 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 exceedances 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. DA/2022/0794 for alterations and additions to existing three storey attached dwelling at 12 McKell Street BIRCHGROVE subject to the conditions listed in Attachment A of the officer's report.

Reasons for Decision:

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

The decision of the panel was unanimous.

IWLPP1098/23 Agenda Item 6	DA/2022/0774
Address:	45A Railway Street, Petersham
Description:	Demolition of existing outbuilding at the rear of the site and construction of a 2 storey building comprising a garage and secondary dwelling
Applicant:	Mr Brad Swartz

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

- Jodi Locke
- Jyoti Somerville

DECISION OF THE PANEL

The Panel generally endorses the Council officer's report with the deletion of the deferred commencement condition. In this regard the Panel was persuaded by the applicant's heritage expert that the pitch of the roof would be acceptable at 45 degrees in the context of the Heritage Conservation Area.

- A. The applicant has made a written requests pursuant to Clause 4.6 of the *Inner West Local Environmental Plan 2022* to vary clause 53(2) in the *State Environmental Planning Policy (Housing) 2021*, for the minimum lot size for detached secondary dwellings and Clause 4.4 of the *Inner West Local Environmental Plan 2022*. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel accepts the written requests demonstrate that compliance with the minimum site area and floor space ratio development standards are 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 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 approval to Development Application No. DA/2022/0774 for demolition of the existing outbuilding at the rear of the site and construction of a 2 storey building comprising a garage and secondary dwelling at 45A Railway Street Petersham, subject to the conditions listed in Attachment A of the officer's report.

Reasons for Decision:

The Panel has determined the application is **APPROVED** subject to the operational conditions contained in the officer's report. As commented above, the application is considered to be satisfactory in the context of the heritage area.

The decision of the panel was unanimous.

IWLPP1099/23 Agenda Item 7	DA/2022/0301
Address:	12 Foucart Street, Rozelle
Description:	Demolition of existing structures and construction of dual occupancy with strata subdivision
Applicant:	Monument Plan Pty Ltd

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

- Alan Jansen
- Mark James
- Paul Rappoport
- James Corry
- George Mourad

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/2022/0301 for the demolition of existing structures and construction of a dual occupancy with strata subdivision at 12 Foucart Street Rozelle for reasons outlined in Attachment A of the officer's report.

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

Reasons for Decision:

1. The proposed development is inconsistent with and has not demonstrated compliance with the *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)(c)(d)(e)(i)(l)(m)(n)(o)(s)(v) - 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 5.10 – Heritage Conservation
2. The applicant has not submitted a request under Clause 4.6 of *Leichhardt Local Environmental Plan 2013* to demonstrate sufficient environmental planning grounds to justify contravening the Site Coverage and Landscaped Area development standards and the development is considered contrary to the objectives of the standards in its proposed form. 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. The proposed variation to the FSR development standard under Clause 4.6 of *Leichhardt Local Environmental Plan 2013* fails to demonstrate sufficient environmental planning grounds to justify contravening the standard and is

considered contrary to the objectives of the standards in its proposed form with the proposal constituting an overdevelopment of the site.

4. The proposal is contrary to and is a prohibited form of development under the provisions of 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) Clause 1.2(2)(h) - Aims of Plan.
 - b) Clause 2.3 - Zone objectives and Land Use Table.

5. The proposed development is inconsistent 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 General Provisions
 - b) Part C1.2 Demolition
 - c) Part C1.4 Heritage Conservation Areas and Heritage Items
 - d) Part C1.11 Parking
 - e) Part C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls
 - f) Part C2.2.5.2 Easton Park Distinctive Neighbourhood
 - 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

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 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*.

8. 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.

The Inner West Planning Panel Meeting finished at 3.14pm.

The Inner West Planning Panel Closed Meeting commenced at 3.15pm

The Inner West Planning Panel Closed Meeting finished at 4.46pm

CONFIRMED:

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

**Dr Gary Shiels
Chairperson
14 March 2023**