

INNER WEST LOCAL PLANNING PANEL
MEETING

Tuesday, 8 August 2023

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 8 August 2023.

Present: Adjunct Professor David Lloyd KC in the chair; Mrs Mary-Lynne Taylor; Ms Kim Crestani; Ms Andrea Connell.

Staff Present: Kaitlin Zieme, Acting Development Assessment Manager; Clare Fitzpatrick-Clark, Senior Development Support Officer and Iris Rojas, Development Support Officer.

Meeting commenced: 2:02 pm

**** ACKNOWLEDGEMENT OF COUNTRY**

I acknowledge the Gadigal and Wangal people of the Eora nation on whose Country we are meeting today, and their elders past and present.

**** DECLARATION OF PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS**

There were no declarations of interest.

IWLPP1136/23 <i>Agenda Item 1</i>	Standing Item - Report in Accordance with Ministerial Direction: Pending Local Planning Panel Matters
--	--

Matters pending were presented to the Panel Chairman and noted.

IWLPP1137/23 Agenda Item 2	DA/2023/0376
Address:	40 Charles Street, Leichhardt
Description:	Demolition of rear portion of existing dwelling, construction of internal works and rear external extension at ground floor, first floor addition, new rooftop solar panels and external landscaping.
Applicant:	Andrew Seller

There were no speakers for this item.

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 4.3C 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 landscape area 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/2023/0376 for alterations and additions to the existing semi-detached dwelling at No. 40 Charles Street, Leichhardt subject to the conditions listed in the officer's report.

Reasons for Decision:

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013.

The development will not result in any unreasonable impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1138/23 Agenda Item 3	DA/2023/0300
Address:	197-199 Alt Street, Haberfield
Description:	Torrens title subdivision of site into two (2) lots
Applicant:	Inveresk Pty Ltd

There were no speakers for this item.

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 Minimum Lot Size 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. DA/2023/0300 for Torrens title subdivision of site into two (2) lots at 197-199 Alt Street, Haberfield subject to the conditions listed in Attachment A of the officer's report.

Reasons for Decision:

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1139/23 Agenda Item 4	DA/2023/0043
Address:	10 Short Street, Leichhardt
Description:	Ground and first floor alterations and additions to existing dwelling and associated works
Applicant:	The Planshop Pty Ltd

There were no speakers for this item.

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 site coverage and floor space ratio standards 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/2023/0043 for ground and first floor alterations and additions to existing dwelling and associated works at 10 Short Street, Leichhardt subject to the conditions listed in Attachment A of the officer's report.

Reasons for Decision:

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1140/23 Agenda Item 5	DA/2023/0046
Address:	72 Johnston Street, Annandale
Description:	Proposed demolition of existing buildings, construction of two detached dwellings, rear studios, inground swimming pools, associated boundary fencing, new vehicle crossing, tree removal and Torrens Title subdivision into 2 lots.
Applicant:	Metric Interiors & Projects Pty Ltd

There were no speakers for 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*, **refuses** Development Application No. DA/2023/0046 for proposed demolition of existing buildings, construction of two detached dwellings, outbuildings, inground swimming pools and Torrens Title subdivision into 2 lots at 72 Johnston Street, Annandale, for the reasons outlined in Attachment A of the officer's report.

Reasons for Refusal:

1. The proposed development has not demonstrated compliance with the State Environmental Planning Policy (Biodiversity and Conservation) 2021 where Council does not support the removal of the mature *Araucaria heterophylla* (Norfolk Island Pine) located at the rear of the site.
2. The proposed development is inconsistent with and has not demonstrated compliance with the Inner West Local Environmental Plan 2022, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, including:
 - a) Section 1.2(2)(b)(g)(h)(i) - Aims of Plan
 - b) Section 2.1- Zone objectives and Land use table
 - c) Section 4.3C - Landscaped areas for residential accommodation in Zone R1
 - d) Section 4.4 - Floor Space Ratio
 - e) Section 4.6 Exceptions to development standards
 - f) Section 5.10 – Heritage Conservation
3. The applicant has failed to provide a formal request under Section 4.6 of the Inner West Local Environmental Plan 2022 to demonstrate sufficient environmental planning grounds to justify contravening the FSR 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.
4. 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 and objectives O3, O4 and O6
 - b) Part C1.4 Heritage Conservation Areas and Heritage Items
 - c) C1.9 Safety by Design
 - d) Part C1.11 Parking
 - e) C1.12 Landscaping
 - f) C1.14 Tree Management
 - g) Part C2.2.1.2 Johnston Distinctive Neighbourhood
 - h) Part C3.1 Residential General Provisions
 - i) Part C3.2 Site Layout and Building Design
 - j) Part C3.3 Elevation and Materials
 - k) Part C3.5 Front Gardens and Dwelling Entries
 - l) C3.6 Fences
 - m) C3.9 Solar Access
 - n) E1.1.3 Stormwater Drainage Concept Plan
 - o) E1.2.5 Water Disposal
5. 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.
6. 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.
7. 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.

Reasons for the Decision:

The proposal does not comply with the aims, objectives and development standards contained in the *Inner West Local Environmental Plan 2022* and suite of controls provided in the Leichhardt Development Control Plan 2013.

The development will result in significant impacts on the amenity of the adjoining properties, the streetscape and HCA and is not considered to be in the public interest.

The application is considered unsupportable in view of the circumstances.

The decision of the panel was unanimous.

IWLPP1141/23 Agenda Item 6	DA/2022/1044
Address:	113 Evans Street, Rozelle
Description:	Alterations and additions to building, including reconstruction of part of front facade, swimming pool, construction of new garage, addition of third floor over front building, and construction of roof terrace. Conversion to single dwelling.
Applicant:	Simone A Ryan

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

- Lyn Stevenson
- Shaun Carter
- James Phillips
- Simone Ryan

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 and landscape area 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/2022/1044 for alterations and additions to the building, including remediation and repair works to front facade, swimming pool, addition of third floor over front building, and construction of roof terrace, plus conversion to single dwelling at 113 Evans Street, Rozelle subject to the conditions listed in Attachment A of the officer's report with the following changes:

Deletion of Deferred Commencement Condition A in its entirety.

Insert the following conditions:

18A - Design change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating the following:

- a. Amended roof/ground floor plans are to be submitted showing consistent site coverage as shown on approved calculations drawing A-70-01-C dated 19/7/2023.
- b. Amended plans demonstrating the erection of a privacy screen on the north-eastern boundary and returning for a minimum of 1 metre along the north-western boundary of the first floor terrace, having a minimum block out density of 75% and a height of

1.6 metres above the finished floor level of the terrace. The purpose of the screen is to ameliorate privacy impacts to the rear garden area of 111 Evans St.

22A. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. The garage slab or driveway must rise within the property to be 170 mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
- b. A minimum of 2200 mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
- d. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 3000 mm (length x width) and a vehicle crossing width of 2800 mm at the boundary and 4000 mm at the kerb line (500 mm wing of layback on both sides). The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004.
- e. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces.
- f. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004.
- g. The existing NO STOPPING and 2P signpost must be relocated to the satisfaction of Council's Engineering Services Manager by applicant's suitable contractor, at no cost to Council.
- h. The external form and height of the approved structures must not be altered from the approved plans.

30. Light Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that a light duty concrete vehicle crossing(s), in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-“Roadworks Specifications” have been constructed at the vehicular access locations.

31. Parking Signoff – Minor Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

32. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the Roads Act 1993 including:

- a. Light duty concrete vehicle crossing(s) at the vehicular access location(s).
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone; and
- c. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

Reason: To accommodate the garage.

Reasons for Decision:

Subject to the imposition of conditions, as discussed in the body of this report, the proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*

Subject to the imposition of conditions, as discussed in the body of this report, the development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for the issue of approval subject to the imposition of appropriate terms and conditions.

The decision of the panel was unanimous.

IWLPP1142/23 Agenda Item 7	DA/2022/0779
Address:	2 Goodsir Street, Rozelle
Description:	Demolition of existing dwelling, construction of a new two storey dwelling, pool, removal of five trees and landscaping.
Applicant:	Mr Mark McFarlane

There were no speakers for 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*, **refuses** Development Application No. DA/2022/0779 for demolition of existing structures and construction of a two storey dwelling, landscaping and pool at 2 Goodsir Street Rozelle for reasons outlined in Attachment A of the officer's report, as amended below.

Amendments to reasons for refusal:

1. The proposed development is inconsistent with and has not demonstrated compliance with the *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Clause 1.2(i)(j) - Aims of Plan
 - b. Clause 2.1- Zone objectives and Land use table

2. 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 C1.11 Parking~~
 - c. Part C3.1 Residential General Provisions
 - d. Part C3.2 Site Layout and Building Design
 - e. Part C3.9 Solar Access

3. 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*.

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. 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*.

Reasons for Decision:

The proposal generally inconsistent with the aims, objectives and design parameters contained in the Inner *West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

The development would result in significant impacts on the amenity of the adjoining properties and is not considered to be in the public interest.

The application is unsupportable in view of the circumstances.

The Panel is of the view that the access driveway may be used for parking.

The decision of the panel was unanimous.

IWLPP1143/23 Agenda Item 8	DA/2022/0725
Address:	85 Wardell Road, Dulwich Hill
Description:	Partial demolition of the existing structures, construction of a 2 storey dwelling house and a 2 storey shop-top housing development comprising a basement, ground floor commercial tenancies and 2 apartments and subdivision of the site into 2 Torrens title allotments
Applicant:	Avium Sydney Properties Pty Ltd

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

- Melissa Rodrigues

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 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/2022/0725 for partial demolition of the existing structures, construction of a 2 storey dwelling house and a 2 storey shop-top housing development comprising a basement, ground floor commercial tenancies and 2 apartments and subdivision of the site into 2 Torrens title allotments at 85 Wardell Road, Dulwich Hill subject to the conditions listed in Attachment A of the officer's report.

Reasons for Decision:

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1144/23 Agenda Item 9	DA/2022/0938
Address:	35 Church Street, Birchgrove
Description:	Alterations and additions to existing multi dwelling housing development, including to provide second floor additions to each of the five dwellings, and associated works
Applicant:	The Owners of Strata Plan No 10138

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

- Paul Connor
- Sibilla Macens
- Warren Long
- John Price

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to 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 and Landscape Area standards 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/2022/0938 for Alterations and additions to existing multi dwelling housing development, including to provide second floor additions to each of the five dwellings, and associated works at 35 Church Street, Birchgrove subject to the conditions listed in Attachment A of the officer's report.

Reasons for Decision:

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1145/23 Agenda Item 10	DA/2023/0251
Address:	41 Salisbury Road, Stanmore
Description:	Alterations and additions to an existing semi-detached dwelling
Applicant:	SKL Planning Pty Ltd

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

- *Souraya Sara*
- *Edward Sara*
- *Philip North*

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/2023/0251 for alterations and additions to an existing semi-detached dwelling at No. 41 Salisbury Road, Stanmore subject to the conditions listed in Attachment A of the officer's report.

Reasons for Decision:

The proposal subject to compliance with the recommended conditions, generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and the Marrickville Development Control Plan 2011.

The development consisting of a first floor addition will not result in any significant impacts on the amenity of the adjoining properties, the heritage conservation area or the streetscape and is considered to be reasonable in the context of the site and is in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1146/23 Agenda Item 11	MOD/2022/0450
Address:	2C Gladstone Street, Newtown
Description:	Section 4.55 Modification to DA/2021/1188, modifications include increase total number of residential units from 12 to 16, changes to basement, unit layouts, commercial floor areas, material finishes and detailing of services to roof.
Applicant:	Samcourt Pty Ltd

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

- *Mitchell Favaloro*
- *Peter Mansfield*

DECISION OF THE PANEL

Item deferred.

Reasons for Decision:

The application was not considered by the Panel. The Panel determined that this item will not be considered until the Panel receives an assessment report based on the amended modification application submitted in accordance with regulation 113 of the Environmental Planning and Assessment Regulation 2021, in accordance with the applicant's legal advice.

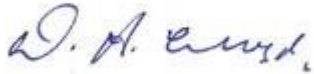
The decision of the panel was unanimous.

The Inner West Planning Panel Public Meeting finished at 3:07pm.

The Inner West Planning Panel Closed Meeting commenced at 3:17pm.

The Inner West Planning Panel Closed Meeting finished at 4:09pm.

CONFIRMED:

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

**Adjunct Professor David Lloyd KC
Chairperson
8 August 2023**