

INNER WEST LOCAL PLANNING PANEL
MEETING

Tuesday 12 September 2023

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on Tuesday 12 September 2023.

Present: Ms Heather Warton in the chair; Ms Jan Murrell; Mr Brian Kirk; Ms Silvia Correia.

Staff Present: Ruba Osman, Development Assessment Manager;
Clare Fitzpatrick Clark and Aneeta Gurung
Senior Development Officers.

Meeting commenced: 2:01 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 2 – Ms Jan Murrell declared a non-pecuniary perceived conflict of 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.

Item 6 – Ms Silvia Correia declared a non-pecuniary perceived conflict of interest, as she personally knows the owner of the property of the proposed development and did not participate in the briefing, public meeting, or other Panel discussions on this matter.

Item 9 - Ms Heather Warton declared a non-pecuniary perceived conflict of 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.

IWLPP1147/23 <i>Agenda Item 1</i>	Standing Item - Report in Accordance with Ministerial Direction: Pending Local Planning Panel Matters
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Matters pending were presented to the Panel Chairman and were noted.

IWLPP1148/23 Agenda Item 2	DA/2023/0322
Address:	47 Darling Street Balmain East
Description:	Alterations and additions of an existing two storey terrace including the addition of a third level with deck, reconfiguration of external windows and internal renovation of the existing house.
Applicant:	Emily Sunman

Panel member Jan Murrell declared a non-pecuniary perceived conflict of interest and 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:

- Jennie Askin – Town Planner for the applicant.

DECISION OF THE PANEL

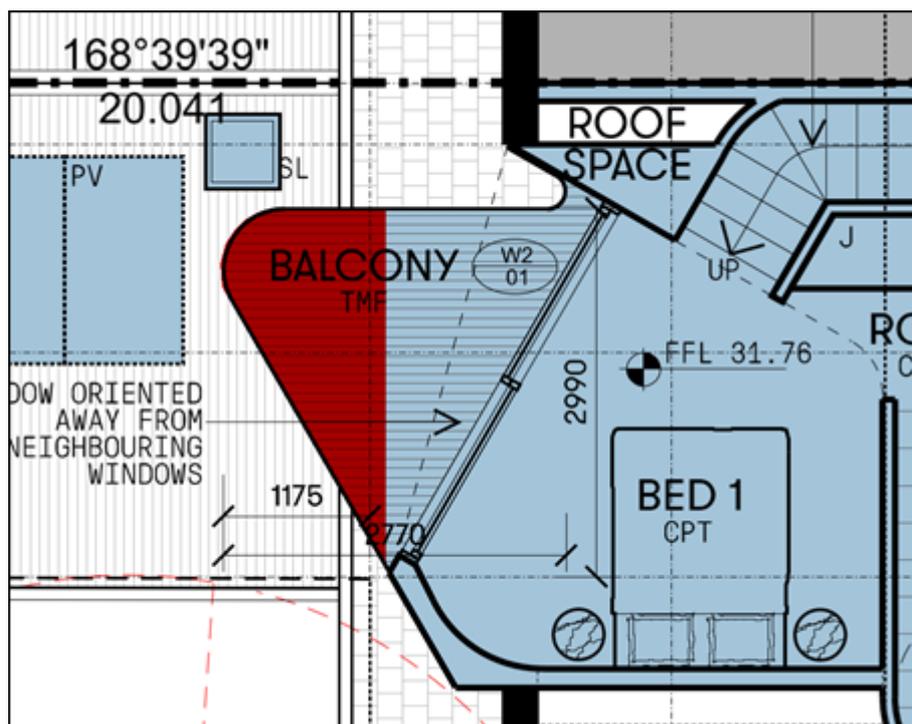
- A. The applicant has made written requests pursuant to clause 4.6 of the Inner West Local Environmental Plan 2022. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Floor space ratio and the Landscape areas for residential accommodation in Zone R1 development standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the contraventions. The proposed development will be in the public interest because the exceedances are consistent 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 section 4.16 of the Environmental Planning and Assessment Act 1979, grants consent to Development Application No. DA/2023/0322 for alterations and additions to an existing two storey terrace including the addition of a third level with deck, reconfiguration of external windows and internal renovation of the existing house at 47 Darling Street Balmain East, subject to the conditions listed in Attachment A of the Assessment Report, with the following amendment:

Condition 2 is to read as follows:

2. Design Change

To minimise adverse amenity impacts to neighbouring properties, prior to the issue of a Construction Certificate, the Certifier must be provided with amended plans demonstrating the following:

- a. That part of the proposed balcony on the second (loft) floor shown shaded red in the diagram below is to be deleted. This will reduce the depth of the balcony on the longest eastern side to approx. 1.8m measured from the glassline.



- b. The floor to ceiling heights within the proposed second floor level are to be reduced to a maximum of 2.4m above the Second Floor FFL (RL 31.76) and as such the overall height of the additions are to be reduced to no greater than RL 34.40.

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 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 alterations and additions are acceptable with regard to the heritage conservation area and subject to the recommended design changes relating to the reduction in depth of the proposed deck and floor to ceiling heights of the second floor, 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 of three was unanimous, noting that Jan Murrell did not participate in the briefing, public meeting, or other Panel discussions on this matter.

IWLPP1149/22 Agenda Item 3	DA/2022/0795
Address:	3 Emily Street Leichhardt
Description:	Demolition of existing structures and construction of two semi-detached dwellings with car parking on separate allotments of land, and associated works, including boundary re-alignment to create two equal lots
Applicant:	Kenny Hollows C/- Development Design Pty Limited.

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

- Mathew Mariani - Objector

DECISION OF THE PANEL

- A. The Applicant has made a written request pursuant to clause 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 subdivision lot size and Floor space ratio development standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the contraventions. The proposed development will be in the public interest because the exceedances are consistent 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 section 4.16 of the Environmental Planning and Assessment Act 1979, grants consent to Development Application No. DA/2022/0795 for demolition of existing structures and construction of two semi-detached dwellings with car parking on separate allotments and associated works, including a boundary alignment to create two equal lots, at 3 Emily Street Leichhardt, subject to the conditions listed in Attachment A of the Assessment Report, with the following amendments:

The following conditions are to be inserted:

1A. Approved Finishes and Materials

All references to the finishes and materials being 'optional' is deleted in the approved Schedule of Materials and Finishes Rev C, prepared by Development Design Pty Limited, dated 5 May 2023 referred to in Condition 1.

1B. Side Setback

Amended plans are to be submitted to the satisfaction of the Certifier demonstrating that the portion of the Ground Floor that is shown on the submitted DA plans to be constructed to the side boundaries with No. 1 and No. 7 Emily Street, is amended such that it is a minimum 500 mm from each of those side boundaries. This is required to be consistent with the stormwater drainage requirements in Condition 18. No other change is permitted to the side setbacks shown on the plans.

Condition 41 is amended to read as follows:

41. Torrens Title Subdivision

Prior to the issue of a Subdivision Certificate, the Certifier must verify that the physical works within this consent, including the construction of both dwellings, have been constructed.

A street numbering application must be lodged and approved by Council's GIS team before any street number is displayed.

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 Panel has carefully considered the written and oral submissions received on this application in its determination. The Panel notes the proposal is consistent with the existing rear building line of adjoining properties. A condition has been imposed to reinforce the drainage requirement that a minimum 500 mm setback be provided for the full extent of both side boundaries. This requires a modification to the plans to provide additional setbacks to side boundaries, noting that the resultant side setbacks will be 500mm towards the rear and 542mm elsewhere on the ground floor.

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

The development, as conditioned, will result in satisfactory on-site amenity outcomes and acceptable amenity impacts on adjoining properties and the development would integrate into the existing streetscape character 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.

IWLPP1150/23 Agenda Item 4	MOD/2023/0128
Address:	198-200 Norton Street Leichhardt
Description:	Modification to original consent (DA396/94), approval for a restaurant and coffee shop, to allow additional late night trading hours
Applicant:	Masrur Ali

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

- Fraser Gardner – Objector
- Masrur Ali - Applicant

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979, refuses Modification Application MOD/2023/0128 at 198 -200 Norton Street Leichhardt for the following reasons:

1. The Panel is not satisfied that that the development to which the consent as modified will relate is substantially the same development, in terms of the characterisation and intensity of the use as the development for which consent was originally granted, as required under section 4.55(2)(a) of the Environmental Planning and Assessment Act 1979.
2. The Application contains numerous inconsistencies with regard to the operational aspects compared to that stated in the submitted Acoustic Report.
3. The submitted Plan of Management is inadequate and inconsistent with the proposed operation of the use.
4. The proposal is not consistent with C4.1 Objectives for non-residential Zones, O5, O8 and O10; C4.5 Interface Amenity; and C4.11 Licensed Premises, O1 of Leichhardt DCP 2013
5. The proposal is not supported by the NSW Police, due to existing on-going complaints.
6. The proposed trading hours will create unreasonable impacts on nearby premises and residences.

REASONS FOR DECISION

The application had been recommended for approval with only an extension of the approved trading hours by generally 30 minutes, and not the longer periods sought by the Applicant, which in the Panel's view is tantamount to refusal. Notwithstanding the recommendation, the Panel is concerned that there are numerous inconsistencies in the application particularly with the submitted Acoustic Report including the extended hours sought; whether alcohol will be served or not; the number of patrons proposed, noting that the existing consent condition (not proposed to be amended in this application) allowed 90 patrons, and the Acoustic Report indicated that there would be 40 patrons.

The proposed car parking was not currently available (and is subject to separate compliance action by Council) and the proposal did not refer to the required approved car parking at 202-204 Norton Street.

The Plan of Management was also inadequate. Concern is raised with the ability to comply with noise restrictions during summer, having regard to the need or desire to open the glass, bifold windows and doors for ventilation and patron comfort. As identified in the Assessment Report, the proposal is outside the designated Leichhardt late night trading precinct.

Although the Applicant in the public meeting advised that the proposed hours would be reduced such that trading to 2am was no longer proposed, there was no formal amendment made to the application.

The Panel is concerned that the application to extend the approved trading hours will result in significant impacts on the amenity of the adjoining premises and residential properties and is considered not to be in the public interest.

The Panel has considered the application under the provisions under section 4.55(2) and as far as can be ascertained by the original consent, the reasons for the grant of consent, under section 4.55(3), of the Environmental Planning and Assessment Act 1979.

The decision of the Panel was unanimous.

IWLPP1151/23 Agenda Item 5	MOD/2023/0137
Address:	4 Caroline Street Balmain
Description:	Modification to approved works under DA/2022/0322 inclusive of the following: deletion of deferred commencement condition relating to car access to lane and carstacker, changes to internal layout, new pool, new basement home theatre and utility room, changes to external works.
Applicant:	Landmark Investments Australia Pty Limited

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

- David Lethem - Objector
- Rory Steinle-Davies - Supporter
- Ben Peake on behalf of Hassan Kharoubi - Applicant
- Shaun Carter – Architect for the Applicant.

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979, approves MOD/2023/0137 to DA/2022/0322 in part being changes to approved works inclusive of the following: changes to internal layout, new basement home theatre and utility room, changes to external works at 4 Caroline Street Balmain, subject to the conditions listed in the Attachment A of the Assessment Report.

The proposed swimming pool is not approved and in addition, as recommended, the proposal to delete or re-word the Deferred Consent condition is not approved. Reflecting that decision, the Deferred Commencement Condition is to be amended to read as follows:

A. Parking and Access

No approval is given to vehicular access from Jaggars. Lane. Amended architectural plans and documentation must be submitted to and approved by Council, demonstrating that the proposed parking space, vehicular access and car stacker are deleted. The area occupied by the car stacker is to be replaced with landscaped area as defined in the Inner West Local Environmental Plan 2022.

Evidence of the above matter(s) must be submitted to and approved by Council within 2 years otherwise the Consent will not operate.

REASONS FOR DECISION

The Panel supports the findings contained in the Assessment Report that the application be approved as per the recommendation contained in that report. The physical modifications to the development, with the exception of the pool, are supported, based on the assessment in the Assessment Report.

The Panel has considered the application under the provisions under section 4.55(2) and the reasons for the grant of consent, under section 4.55(3), of the Environmental Planning and Assessment Act 1979.

The Panel has considered the information provided by the Applicant and presented at the public meeting. The swept path diagrams submitted by the Applicant for the entrance to Jagers Lane were carefully considered and do not demonstrate compliant vehicular access into Jagers Lane without encroachment on private property.

The request to change or delete the Deferred Commencement Condition is therefore not approved, for the reasons explained in the Assessment Report. Part i of the Deferred Commencement Condition has not been satisfied, hence the condition reverts to part ii of the Condition. The inability to satisfy the current terms of the Deferred Commencement Condition (as imposed) means that the space, vehicular access and car stacker is required to be deleted from the plans, as reflected in the revised Condition.

The Panel notes that based on information provided to the Panel by Council Officers, the property at 35 Waterview Street does not have approval for onsite parking, contrary to comments made during the public meeting.

The decision of the Panel was unanimous.

IWLPP1152/23 Agenda Item 6	DA/2022/094
Address:	7 Leicester Street Marrickville
Description:	Demolition of the existing improvements, construction of a two storey semi-attached dwelling over basement on each lot and detached outbuilding and swimming pool at the rear of each lot and subdivision of the existing lot into two Torrens title allotments. .
Applicant:	The Trustee for BLU PRINT FAMILY TRUST

Panel member Silvia Correia declared a non-pecuniary conflict in this matter and 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:

- Margaret Roberts, GAT & Associates – On behalf of neighbour at 9 Leicester Street
- Anthony Charbel – Applicant
- Peter Lonergan - Urban Planner, on behalf of the Owner.

DECISION OF THE PANEL

- A. The Applicant has made a written request pursuant to clause 4.6 of the Inner West Local Environmental Plan 2022. After considering the request, the Panel is not satisfied that compliance with the Floor space ratio development standard is unnecessary in the circumstances of the case and that there are sufficient environmental grounds identified to support the contravention. The proposed development will not be in the public interest because the exceedance is 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 section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979, refuses Development Application No. DA/2022/0946 for demolition of the existing improvements, construction of a two storey semi-attached dwelling over basement on each lot and detached outbuilding and swimming pool at the rear of each lot and subdivision of existing lot into two Torrens title allotments at 7 Leicester Street, Marrickville.

Reasons for refusal

1. Pursuant to the provisions of section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development exceeds the maximum allowable Floor space ratio development standard under clause 4.4 of Inner West Local Environmental Plan 2022. The Applicant's written clause 4.6 request does not adequately establish that compliance with the development standard is unreasonable or unnecessary in these circumstances. Further, the environmental planning grounds that have been provided are insufficient to justify the contravention sought.
2. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with clause 1.2 – Aims of Plan within the Inner West Local Environmental Plan 2022.

3. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives of the R2 – Low Density Residential zone within the Inner West Local Environmental Plan 2022 in that it fails to provide a residential development that maintains the character of built and natural features in the surrounding area.
4. Pursuant to the provisions of section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the following parts of the Marrickville Development Control Plan 2011:
 - a) Part 2.1 – Urban Design: The proposal is inconsistent with the urban design principles in Part 2.1.1 as it does not contain an appropriate form or density.
 - b) Part 2.6 – Acoustic and Visual Privacy: Objective O1 as the proposal contains an excessive amount of glazing/windows on the first floor side elevations.
 - c) Part 2.7 – Solar Access and Overshadowing: Control C8 as the proposal causes additional overshadowing impacts to existing habitable windows at 5 Leicester Street. Control C8 as the proposal does not demonstrate that the required amount of solar access is achieved to habitable rooms and private open space of the proposed dwellings.
 - d) Part 2.9 – Community Safety: The dwelling on lot 7a contains an insufficient amount of windows on the front elevation and fails to satisfy Control C5 within Part 2.9.5.
 - e) Part 2.10 – Parking: Proposed lot 7 does not contain any off street car parking, failing to satisfy the numerical requirements set out in Part 2.10.5.
 - f) Part 3.2.2 – Residential Torrens title subdivision: Control C5 as it is inconsistent with the applicable objectives O3 and O5 in that the prevailing cadastral pattern of the street is not retained, and the lots do not reflect or enforce the predominant subdivision pattern. Control C6 as it would be inconsistent with the applicable objective O4 in that the proposed lots do not support adequate solar access or car parking.
 - g) Part 4.1.5 – Streetscape and design: Objectives 08 and 09 as the proposed development does not present a bulk, scale, height and character that complements or embellishes the character of the area.
 - h) Part 4.1.6.2 – Building setbacks: Objectives 013 and 014 as the proposal fails to demonstrate that the proposed rear setbacks are appropriate in the context and enable sufficient solar access to be achieved.
 - i) Part 4.1.6.3 – Site coverage: Objectives 015 and 016 as the proposed site coverage is excessive, is inconsistent with the existing character of neighbouring dwellings and does not allow for adequate provision of on-site car parking.
 - j) Part 4.1.7 – Car Parking: Control C14(iii) as the proposed on-site car parking would dominate the front façade of the new development and would detract from the streetscape.
 - k) Part 9.15 – Enmore Park: The proposed development would be inconsistent with the desired future character of the Enmore Park precinct in that it would not maintain the single storey streetscape and/or preserve the predominately low density residential character.
5. Given the prevailing cadastral pattern of Leicester Street, the site is not suitable for subdivision and 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.

6. Pursuant to the provisions of section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the application is not in the public interest and would create an undesirable precedent.

REASONS FOR DECISION

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the refusal contained in that Report, subject to Reason 3 being moved to Reason 1, as above.

The proposal does not comply with the aims, objectives and design parameters contained in Inner West Local Environmental Plan 2022 and Marrickville Development Control Plan 2011. In particular, on merit assessment, the proposed subdivision is inconsistent with the prevailing subdivision pattern of the street. The proposed subdivision would result in street frontages less than the prevailing cadastral pattern of the lots fronting the Leicester Street resulting in new dwellings that have an incompatible shape and orientation.

The Panel considered the written submissions made on the application by the adjoining owners and the written and oral submissions made at the public meeting, including those by the Applicant with regards to the recommended reasons for refusal.

Prior to the public meeting, the Owner had requested that consideration of the Application at the September 2023 meeting be deferred, as the owner and town planner would not be available. The Chair advised the Manager Assessments that for reasons including the length of time that that application had been with Council, the nature of the recommended reasons for refusal, and that the Applicant (the Architect) would still be available to attend the public meeting, the Application would remain on the September 2023 Panel agenda. This was conveyed to the Applicant.

At the public meeting, the Applicant and a planner on behalf of the Applicant indicated that they wished to amend the Application to delete the basement floor space, which it was advised, would result in a compliance with the Floor space ratio development standard. It was suggested this could be via a deferral for the submission of amended plans or via a condition, if the Panel was of a mind to approve the Application.

The Panel was unable to consider the amendment 'on the run' as no assessment of this proposed change had been undertaken, and the Panel supported the other reasons for refusal of the Application with regards to the proposed subdivision component.

The decision of the Panel of three was unanimous, noting that Silvia Correia did not participate in the briefing, public meeting, or other Panel discussions on this matter.

IWLPP1153/23 Agenda Item 7	DA/2023/0106
Address:	139A Young Street Annandale
Description:	Proposed alterations and additions to existing building for use as a Medical Centre, and associated works
Applicant:	Mr Nigel White

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

- Simeon Beckett – Objector
- Mark Cadman - Objector
- Lachlan Colquhoun - Objector
- Salvatore Sebastiano Gambacorta - Applicant

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16(1)(b) of the Environmental Planning and Assessment Act 1979, refuses Development Application No. DA/2023/0106 for proposed alterations and additions to existing building for use as a Medical Centre, and associated works at 139A Young Street Annandale

REASONS FOR REFUSAL

1. Given the battle-axe configuration of the lot, the site is not suitable for proposal in terms of access and provision of adequate of car parking, pursuant to section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
2. Only one on-site parking space is proposed as shown on the drawings, being available for staff and no spaces are provided for visitors, which is not consistent with the intensity of the development and is contrary to the requirements of C1.11 of Leichhardt DCP 2013.
3. Vehicles entering the site to drop off/pick up patients will be not able to exit in a forward direction, creating possible conflicts for pedestrians entering the site and at the street frontage.
4. There is an inadequately sized waiting and reception area for the number of consulting rooms proposed.

REASONS FOR DECISION

The Panel is supportive of the re-activation of the former motor repair premises, an item contributory to the Annandale Heritage Conservation Area. However, the Panel is of the view that the intensity of the use, which as explained in the meeting by the Applicant, will be for individual health specialist rooms, is not suitable for the site.

Additional parking, and at least a drop off area, possibly requiring part consolidation with the adjoining property in the same ownership; and/or few consulting rooms with an adequate reception and waiting room is required.

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

The decision of the panel was unanimous.

IWLPP1154/23 Agenda Item 8	DA/2023/0257
Address:	6 Punch Street Balmain
Description:	Ground, first and second floor alterations and additions to existing dwelling
Applicant:	Andrew Ireland

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

- Andrew Ireland – Applicant

DECISION OF THE PANEL

- A. The applicant has made written requests pursuant to clause 4.6 of the Inner West Local Environmental Plan 2022. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Floor space ratio and the Landscape areas for residential accommodation in Zone R1 development standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the contraventions. The proposed development will be in the public interest because the exceedances are consistent 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/2023/0257 for ground, first and second floor alterations and additions to the existing dwelling at No. 6 Punch Street, Balmain subject to subject to the conditions listed in Attachment A of the Assessment Report, with the following amendments:

Condition 2 is to be amended to read as follows:

2 Design Changes

Prior to the issue of a Construction Certificate, Council's Manager Development Assessment must be provided with amended plans demonstrating the following:

- The raised skylight above the ground floor dining/living room and associated void is to be deleted, to minimise adverse amenity impacts to neighbouring properties. Skylights flush with the roof above the ground floor dining/living room may be provided. As such, the maximum height of the ground floor roof is to be RL 40 850.
- The extension to the rear of Bedroom 2 is to be deleted, with the proposed balcony relocated in place of the extension, to reduce adverse impacts to surrounding properties.
- The balcony at the first floor level is to be reduced to a maximum width of 2m, to minimise privacy impacts and to comply with the Visual Privacy requirements of Leichhardt DCP 2013.
- The balcony at the attic level is also to be reduced, to be a Juliet balcony with a maximum width of 2m and maximum depth of 600mm.

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

Amenity impacts from the proposed development have been considered and are capable of being reasonably minimised, subject to the imposition of design change conditions in relation to the rear extensions. The design is in the public interest and represents an acceptable addition to the subject site and streetscape.

The decision of the panel was unanimous.

IWLPP1155/23 Agenda Item 9	DA/2023/0152
Address:	2 Federal Avenue Ashfield
Description:	Alterations and additions to a dwelling house including partial demolition and rear extension, new secondary dwelling, tree removal and landscaping works.
Applicant:	The Site Foreman

The Panel Chair, Heather Warton declared a conflict in this matter and did not participate in the decision.

Jan Murrell acted as Chair for this item.

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

- Kerry Barlow - Objector
- Rajinder Brown - Objector
- Dorothy Crisp – Objector.

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/2023/0152 for alterations and additions to a dwelling house including partial demolition and rebuilding of the rear extension, new secondary dwelling; tree removal and landscaping works at 2 Federal Avenue Ashfield, subject to the conditions listed in Attachment A of the Assessment Report, with the following amendments:

1. Condition 2 is amended with regards to the approval to be by the Council and not a certifier; the wording of g. and the insertion of conditions h. and i. and is to read as follows:

2. Design Change

Prior to the issue of a Construction Certificate, Inner West Council's Development Assessment Manager must be provided with amended plans for endorsement demonstrating the following:

- a The metal roof sheeting to the proposed addition (including the linking element) as well as the metal roof sheeting to the secondary dwelling must have a corrugated profile. The flatter roofs with a pitch of 3 degrees shown over Bed 3 and the verandah may have an alternate profile, if required to suit minimum pitch requirements for metal roof sheeting.
- b All metal roof sheeting and associated rainwater goods must be Colorbond Windspray.
- c. The roof over the verandah, adjacent to the living/dining area, must be reduced in depth to match the depth of the verandah below.
- d. The sliding gates to the driveway must be designed to incorporate treated pine palings to match the adjacent treated pine paling fence to Wallace Street.
- e. The colour selection for the FC cladding must be amended to be China White.
- f. A privacy screen is required to be located to the southern side of the deck, to a height of 1.6m above the finished level of the deck with a minimum block out density of 75%.

- g. The design of the window to the rear of the secondary dwelling living area is to be obscure glass to either the whole window or to the top pane.
- h. No roof or permanent awning is to be provided to the terrace adjoining the kitchen.
- i. The garbage bins are to be relocated to existing side paved areas and those areas are to be landscaped.

2. In Condition 30 under the sub heading “Certification of Tree Planting”, after the sentence beginning “*A minimum of 2 x 75 litre size additional trees....allowing for future tree growth*”, The following sentence is to be inserted:

“One of the two canopy trees is to be planted centrally in the grassed area between the proposed secondary dwelling and the fence and the other canopy tree is to be planted between the living room verandah and the Wallace Street fence.”

REASONS FOR DECISION

The Panel endorses the findings contained in the Assessment Report and resolves that the application be approved as per the recommendation contained in that Report, subject to changes to conditions to provide an improved landscape setting and to filter the additional built forms on the site when viewed from the public domain.

The Panel has carefully considered the concerns of the objectors, both written and oral, in making its determination. The Panel notes the plans have been amended to respond to many issues raised by both objectors and Council, in particular the design and materials, finishes and colours in the Heritage Conservation Area.

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.

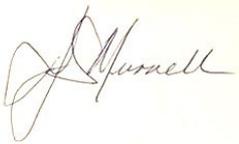
The decision of the Panel of three was unanimous, noting that Heather Warton did not participate in this Item.

**The Inner West Planning Panel Public Meeting finished at 4:56 pm.
The Inner West Planning Panel closed Meeting started at 5:06 pm.
The Inner West Planning Panel closed Meeting finished at 7:35pm.**

CONFIRMED:



**Heather Warton
Chairperson**



**Jan Murrell for Item 9
Chairperson**

18 September 2023