



INNER WEST LOCAL PLANNING PANEL
MEETING

10 October 2023

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on Tuesday, 10th October 2023.

Present: Adjunct Professor David Lloyd KC in the chair; Ms Jan Murrell; Ms Lisa Trueman; Mr Allan Barnes.

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

Meeting commenced: 2:11 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.

IWLPP1156/23 <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 noted.

IWLPP1157/23 Agenda Item 2	DA/2023/0254
Address:	54 Church Street BIRCHGROVE
Description:	Alterations and additions to existing dual occupancy including associated demolition and landscaping and Torrens Title subdivision into 2 lots
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 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 subdivision 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 consent to Development Application No. DA/2023/0254 for alterations and additions to an existing dual occupancy including associated demolition and landscaping and Torrens Title subdivision into 2 lots at 54 Church Street BIRCHGROVE subject to the conditions listed in Attachment A of the officer's report.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report, subject to the following changes:

That Condition 2 be amended to include the following;

Design Change

- 2a. The existing timber picket fence is to be retained or re-instated as per existing materials, height and colour.
- 2c. The bins are to be located so as not to be highly visible from the public domain.

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.

IWLPP1158/23 Agenda Item 3	DA/2023/0200
Address:	20 Fort Street PETERSHAM
Description:	Alterations and additions to an existing dual occupancy and landscaping works
Applicant:	Ms Jianing Liu

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

- Elliott Doumanis - Town Planner for the Applicant

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/2023/0200 for Alterations and additions to an existing dual occupancy and landscaping works at 20 Fort Street PETERSHAM subject to the conditions listed in Attachment A of the officer's report.

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

IWLPP1159/23 Agenda Item 4	DA/2023/0505
Address:	8 Douglas Street STANMORE
Description:	Partial demolition, construction of a two-storey detached structure fronting Salisbury Road, containing a garage and studio on the ground floor and secondary dwelling on the first floor
Applicant:	McGregor Westlake Architecture

No one addressed the meeting in relation to 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 site area standard under the Housing SEPP 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/2023/0505 for partial demolition, construction of a two-storey detached structure fronting Salisbury Road, containing a garage and studio on the ground floor and secondary dwelling on the first floor at 8 Douglas Street, Stanmore subject to the conditions listed in Attachment A of the officer's report.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report, subject to the following changes:

That Condition 2 be amended to include the following;

Design Change

- 2c. The finishes and material schedule shall be amended to ensure the brickwork remains as face brick and the colour shall match the existing brickwork on-site
- 2d. Door D2 fronting Salisbury Road is to be deleted

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 of a garage with secondary dwelling above at the site 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.

IWLPP1160/23 Agenda Item 5	DA/2023/0358
Address:	6 Clifton Street BALMAIN EAST
Description:	Part demolition, and alterations and additions to existing dwelling house to allow for a part second floor addition with roof deck
Applicant:	Raddatz Kueber Pty Ltd

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

- Christopher Raddatz – Applicant
- Ankita Powale - Heritage Consultant for the Applicant
- Robert Chambers – Town Planner for the Applicant

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 not satisfied that compliance with the FSR development standard is unnecessary in the circumstance of the case and that there are insufficient environmental grounds to support the variation. The proposed development will not be in the public interest because the exceedance is not consistent 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*, refuse Development Application No. DA/2023/0358 for part demolition, and alterations and additions to the existing dwelling house to allow for a part second floor addition with roof deck at 6 Clifton Street, Balmain East for the reasons outlined below.

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. Section 1.2(2)(b)(g)(h)(i) - Aims of Plan
 - b. Section 2.1 - Zone objectives and Land use table
 - c. Section 4.4 - Floor Space Ratio
 - d. Section 4.6 - Exceptions to development standards
 - e. Section 5.10 – Heritage Conservation
2. 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 under clause 4.4 of *Inner West Local Environmental Plan 2022*. The clause 4.6 exception provided does not adequately establish that compliance with the FSR development standard is unreasonable or unnecessary. Further, the environmental planning grounds identified are insufficient to justify the contravention as sought.
3. 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 C1.3 Alterations and Additions

- c. Part C1.4 Heritage Conservation Areas and Heritage Items
 - d. Part C2.2.2.2 Balmain East Distinctive Neighbourhood/Balmain East Distinctive Neighbourhood and C2.2.2(a) Eastern Waterfront Sub Area
 - e. Part C3.1 Residential General Provisions
 - f. Part C3.2 Site Layout and Building Design
4. 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*.
 5. 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*.
 6. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment At 1979*.

REASONS FOR DECISION

The proposal does not comply with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013* and *Leichhardt Development Control Plan 2013*.

The proposal will result in significant adverse impacts on streetscape and the heritage conservation area and its context and is not considered to be in the public interest.

The proposal represents an overdevelopment of the site.

The application is considered unsupportable and in view of the circumstances is refused.

The decision of the panel was unanimous.

IWLPP1161/23 Agenda Item 6	DA/2023/0395
Address:	6 William Street BALMAIN EAST
Description:	Alterations and additions to existing dwelling
Applicant:	Jamie L Lovell

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

- Mark Pepping (on behalf of Dominique Cowle) – Objector
- Jennie Askin – Planning Consultant on behalf of the Applicant
- Jaimie Lovell – Applicant

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 landscape area 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/2023/0395 for alterations and additions to the existing dwelling at 6 William Street BALMAIN EAST subject to the conditions listed in Attachment A of the officer's report.

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

IWLPP1162/23 Agenda Item 7	DA/2023/0389
Address:	111 Cecily Street LILYFIELD
Description:	Alterations and additions to residential development
Applicant:	Mr Ming CR Neo

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

- Roberto Bianco – Town Planner for the Applicant

DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the landscape area, site coverage and floor space ratio development 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/2023/0389 for alterations and additions to the dwelling at 111 Cecily Street, Lilyfield subject to the conditions listed in Attachment A of the officer's report.

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

Based on site circumstances and constraints condition 2 is deleted.

REASONS FOR DECISION

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

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.

IWLPP1163/23 Agenda Item 8	DA/2022/0832
Address:	19-23 Hercules Street ASHFIELD
Description:	To demolish part of the premises and construct a shop top housing development with basement car parking, ground floor retail and 14 residential apartments including one affordable housing unit
Applicant:	Mr Daniel McNamara

No one addressed the meeting in relation to 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 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 a *Deferred Commencement* consent to Development Application No. DA/2022/ demolish part of the premises and construct a shop top housing development with basement car parking, ground floor retail and 14 residential apartments including one affordable housing unit at 19-23 Hercules Street, ASHFIELD subject to the conditions listed in Attachment A of the officer's report.

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

That a deferred commencement condition be imposed as follows;

This Consent will not operate, and it may not be acted upon until the Council or its delegate is satisfied as to the following matter(s):

1. A structural and geotechnical report and structural plans prepared by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) shall be provided demonstrating the structural adequacy of the front façade and how the retention of the front facade will be satisfactorily maintained during excavation and construction having particular regard to the location of the basement below and the additions proposed. A clear construction methodology shall be provided to illustrate how this can be achieved.

Evidence of the above matters must be produced to Council or its delegate within two years of the date of the Determination otherwise the Consent will lapse.

That Condition 2 be amended to include the following;

Design Change

2. Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following;

- b) Revised floor plans, elevations and sections clearly depicting/annotating the retention and restoration of the original Hercules Street façade and awning
- c) The retained facade shall remain rendered and painted and the finishes schedule shall be amended accordingly

That condition 46A be added;

Retention of front facade

46A. That a qualified structural engineer is to supervise the excavation for retention of the existing front facade.

REASONS FOR DECISION

The panel has imposed a Deferred Commencement condition to require engineering and structural details prior to the operation of the consent to ensure the retention of the existing front façade. Accordingly, an additional operational condition is imposed to require a suitable engineer to supervise the excavation works to ensure the retention of the existing front façade.

The proposal generally complies with the aims, objectives and design parameters contained in *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment, Inner West Local Environmental Plan 2022* and *Comprehensive Inner West Development Control Plan 2016* for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development as revised, is considered to satisfy the Ashfield Town Centre precinct guidelines in which it is located. The mixed-use development would allow for increased residential dwellings, within a building that is considered to have a high level of design in the public domain and in a highly accessible location. The development will strengthen the precinct for the community through the provision of higher density accommodation and commercial ground floor uses. Overall, 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 a deferred commencement approval subject to the imposition of appropriate conditions.

The decision of the panel was unanimous.

IWLPP1164/23 Agenda Item 9	MOD/2023/0082
Address:	2 McGill Street LEWISHAM
Description:	Section 4.55(2) application to modify Determination DA201700611 dated 7 May 2019, to delete the deferred commencement condition, imposed by the Inner West Local Planning Panel, and extension of the basement lift wall by 400mm.
Applicant:	Jimmy Yan

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

- Genevieve Slattery – Town Planning Consultant 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 s4.55(2) of the *Environmental Planning and Assessment Act 1979*, grants consent to approve Application No MOD/2023/0082 under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify Determination No. DA201700611 dated 7 May 2019, to delete the deferred commencement condition, imposed by the Inner West Local Planning Panel and extension of the basement lift wall by 400mm at 2 McGill Street LEWISHAM, subject to the amendments listed in Attachment A of the officer's report.

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

REASONS FOR DECISION

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

IWLPP1165/23 Agenda Item 10	MOD/2023/0102
Address:	8-14 Nelson Street ANNANDALE
Description:	Modify existing approval for fitness club by amending condition 19 to reduce required parking from 4 spaces to 2 spaces.
Applicant:	OT Fitness Sydney Pty Ltd

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

- David Robinson – Applicant

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 approve Application No. MOD/2023/0102 under Section 4.55(1a) of the *Environmental Planning and Assessment Act 1979* to modify Determination No DA/2020/0942 dated 13 April 2021 so as to reduce required parking from 4 spaces to 2 spaces at 8-14 Nelson Street, ANNANDALE subject to the amended conditions listed in Attachment A of the officer's report.

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

Delete Condition 2C b:

Reason: The panel considers this matter does not arise given the limited extent of the modification application.

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

IWLPP1166/23 Agenda Item 11	DA/2023/0521
Address:	2 Wellington Street, Rozelle
Description:	Torrens Title Subdivision into two lots
Applicant:	Mr Joseph Panetta

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

- Robert Terrone - Applicant

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 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/2023/0521 for Torrens Title Subdivision into two lots at 2 Wellington Street ROZELLE subject to the conditions listed in Attachment A of the officer's report.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that 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 premises/properties and the streetscape and is considered to be in the public interest. The development would not result in significant impacts on the amenity of the adjoining premises/properties and the streetscape as there are no physical changes proposed and is therefore 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

**The Inner West Planning Panel Public Meeting finished at 3:02 pm.
The Inner West Planning Panel closed Meeting started at 3:15 pm.
The Inner West Planning Panel closed Meeting finished at 4:06 pm.**

CONFIRMED:

**Adjunct Professor David Lloyd KC
10 October 2023**