

INNER WEST LOCAL PLANNING PANEL MEETING

Tuesday, 14 November 2023

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via

teleconference on Tuesday, 14 November 2023.

Present: Dr Gary Shiels in the chair; Mr John McInerney; Ms Kim Crestani, Ms

Kath Roach

Staff Present: Ruba Osman, Development Assessment Manager; Team Leader

Corporate Support and Administration 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.

IWLPP1167/23	Standing Item - Report in Accordance with Ministerial Direction:
Agenda Item 1	Pending Local Planning Panel Matters

Matters pending were presented to the Panel Chairman and noted.

IWLPP1168/23 Agenda Item 2	MOD/2023/0019
Address:	246-248 Wardell Road, Marrickville
Description:	Section 4.55(2) application to modify Determination No DA/2021/0855 dated 10 May 2022 to amend the approved shop top housing development with internal and external changes, including but not limited to reduction in the number of parking spaces, increased floor to ceiling heights and overall height of the building and changes to the waste storage areas.
Applicant:	Urban Link Pty Ltd

DECISION OF THE PANEL

A. 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 Modification Application No. MOD/2023/0019 which seeks to modify DA/2021/0855 dated 10 May 2022 to amend the approved shop top housing development with internal and external changes, including but not limited to reduction in the number of parking spaces, increased floor to ceiling heights and overall height of the building and changes to the waste storage areas at 246 Wardell Road Marrickville

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.

IWLPP1169/23	DA/2023/0295
Agenda Item 3	
Address:	30 Catherine Street, Leichhardt
Description:	Ground and first floor alterations and additions to existing dwelling,
	new carport to rear and associated landscaping
Applicant:	Andrew Ireland

• Andrew Ireland – Applicant

DECISION OF THE PANEL

- A. The applicant has made a written requests 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 Floor Space Ratio and Site Coverage 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/2023/0295 for ground and first floor alterations and additions to an existing dwelling, new carport to rear and associated landscaping at 30 Catherine Street LEICHHARDT.

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

That Condition 2 be amended in the following manner:

2 **Design Change**

Prior to the issue of a Construction Certificate amended plans are to be submitted to the satisfaction of Council's Development Assessment Team demonstrating the following:

- a. The skillion roof form over the carport structure must be reoriented 180 degrees so the apex of the skillion roof fronts Redmond Street.
- b. The front fence is to be more transparent in accordance with the sketch plan forwarded to and viewed by the Panel. The height is to be no higher than the existing fence.

REASONS FOR DECISION

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan* 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 application is considered suitable for approval subject to the imposition of appropriate conditions.

IWLPP1170/23	DA/2023/0080
Agenda Item 4	
Address:	5-7 Hosking Street, Balmain East
Description:	Alterations and additions to existing dwelling (dual occupancy),
	including new fourth floor level with sauna and roof top pool.
Applicant:	Development Design Pty Ltd

- Dr Philip Pollard Objector
- Tim Robertson Objector
- Jillian Sneyd 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*, refuses Development Application No. DA/2023/0080 for alterations and additions including new upper level with sauna and roof top pool at Lot 2 SP19435, 5-7 Hosking Street (known as 5 Hosking Street, Balmain East), for the reasons outlined below:

- 1. The proposal is inconsistent with the *Inner West Local Environmental Plan 2022* as follows:
 - i. Section 1.2 Aims of the Plan; Aims (b) and (h), as it does not adequately conserve the built and cultural heritage of the Inner West and (i) and (j), where it does not preserve the amenity of surrounding properties.
 - ii. Section 2.3 Zone Objectives for Zone R1 General Residential, as it does not provide for a residential development that maintains the character of built and natural features in the surrounding area.
 - iii. Section 4.4 Floor Space Ratio; Objectives (1)(a)(b)(c) as it does not provide an appropriate density which reflects the locality and transition between developments and Objective (1)(d) as it does not minimise adverse impacts on local amenity.
- iv. Section 5.10 Heritage Conservation; Objective (1)(a) which seeks to conserve the environmental heritage of the Inner West and Objective (1)(b) which seeks to conserve the heritage significance of the Balmain East Heritage Conservation Area.
- 2. The proposal is inconsistent with the Leichhardt Development Control Plan 2013 as follows:
 - i. Part 1.0 General Provisions; Objective O4, as it does not support reasonable local amenity and Objective O6, as it does not respond the existing and desired future character of the surrounding area.
 - ii. Part C1.1 Site and Context Analysis, Objective O1(f) as it is inconsistent with the desired future character of the distinctive neighbourhood and heritage conservation area.
 - iii. Part C1.2 Demolition, Objective O3 and Control C1 as the proposed infill development is incompatible with the heritage conservation area/ distinctive

- neighbourhood character and is inconsistent with the controls contained in the IWLEP 2022 and Leichhardt DCP 2013.
- iv. Part C1.3 Alterations and additions, Objectives O1 (a)(b)(c)(d) and Controls C2, C5 and C7 as it does not preserve the character of the pair of like dwellings and the new materials and fenestration are not compatible with its setting and the desired future character of the distinctive neighbourhood.
- v. Part C1.4 Heritage Conservation, Objectives O1(a)(d)(e)(f)(i) and Control C8 and C9, as the development does not respect the visual unity of the pair of like dwellings nor the form, scale, fenestration and sitting of the heritage conservation area.
- vi. Part C2.2.2.2 Balmain East Distinctive Neighbourhood; Objective O1, Control C4 and C11, C12(c) as it does not preserve views of neighbouring properties and Controls C6 and C13 as it does not provide appropriate architectural style and materials and finishes which are in keeping with the character of the locality.
- vii. Part C3.1 Residential General Provisions, Objectives O3, O4, O5 and O7, Controls C1(b) and C2 as it provides a development which is incompatible with the established setting and character of the neighbourhood and heritage conservation area, including form, scale and siting and which impacts on the amenity of neighbouring properties.
- viii. Part C3.2 Site Layout and Building Design, Objectives O1, O2, O3 and O4 and Controls C1, C2, C3 and C6, C7 and C8 as the development does not provide a site layout (including building location zone and site setbacks) which retains amenity to neighbouring properties and reinforces the distinctive neighbourhood and streetscape character.
- ix. Part C3.3 Elevation and Materials, Objective 1 and Controls C1, C4, C7 and C9 as the proposed fenestration and materials and finishes are incompatible with the prevailing pattern of development in the distinctive neighbourhood.
- x. Part C3.8 Private Open Space, Objective O1 and Control C1(a) as private open space is provided at the roof top level which results in unreasonable visual and acoustic privacy impacts to neighbouring properties and sets a poor precedent for future development in the locality.
- xi. Part C3.9 Solar Access, Objective O1 and Control C13, as the development does not retain reasonable solar access to the living room glazing of neighbouring properties.
- xii. Part C3.10 Views, Objective O2 and Controls C1 and C3 as the development does not minimise view loss which is a result of numerous departures from the IWLEP 2022 and Leichhardt DCP 2013.
- xiii. Part C3.11 Visual Privacy, Objective O1 and Control C1 as the proposal will result in unacceptable visual privacy impacts to neighbouring properties.
- xiv. Part C3.12 Acoustic Privacy, Objective O1 and Controls C3 and C8 as private open space is provided at the roof top level which results in unreasonable acoustic privacy impacts to neighbouring properties.
- 3. The proposal is considered to result in adverse environmental impacts on the built environment pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
- 4. The proposal is not considered suitable for the site in its current form pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
- 5. The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

REASONS FOR DECISION

The proposal has been considered against the aims, objectives and design parameters contained in the *Inner West Local Environmental Plan 2022* (IWLEP 2022) and the Leichhardt Development Control Plan 2013 (Leichhardt DCP 2013).

The development is inconsistent with a suite of objectives and planning controls contained in the IWLEP 2022 and Leichhardt DCP 2013 and subsequently, will result in unreasonable impacts on the amenity of the adjoining properties, the streetscape and heritage conservation area and is not considered to be in the public interest.

Accordingly, the application cannot be supported and in view of the circumstances, the application is refused.

IWLPP1171/23	MOD/2023/0035
Agenda Item 5	
Address:	8 Cambridge Street ROZELLE NSW 2039 (previously known as
	731-735 Darling Street, ROZELLE)
Description:	Section 4.56 Modification of Development Consent D/2017/491
	seeking to amend the approved stormwater design.
Applicant:	The Trustee for 731 Darling Street Rozelle Unit Trust

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.56 of the *Environmental Planning and Assessment Act 1979*, grants consent to Application No. MOD/2023/0035 which seeks to modify Development Consent D/2017/491 so as to amend the approved stormwater design to redirect stormwater to connect the new stormwater line from the north western corner of the site into the Cambridge Street road reserve and along Cambridge Street into an existing kerb inlet pit located near the corner of Moodie Street at 8 Cambridge 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 resolves that the application be approved as per the recommendation contained in that report, subject to the following changes:

That condition 36b be amended in the following manner

Significant original fabric including the sandstone kerbing on Cambridge Street is to be protected during site preparation and construction works from potential damage. Significant original fabric is not to be removed, and any damaged original fabric is to be replaced with substantially the same fabric.

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

IWLPP1172/23	MOD/2022/0450
Agenda Item 6	
Address:	2C Gladstone Street, Newtown
Description:	Section 4.55 Modification to DA/2021/1188, modifications include changes to basement, unit layouts, commercial floor areas, material finishes and detailing of services to roof.
Applicant:	Samcourt Pty Ltd

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*, refuses Application No. MOD/2022/0450 which seeks modifications including changes to basement, unit layouts, commercial floor areas, material finishes and detailing of services to roof at 2C Gladstone Street, Newtown for the following reasons:

- 1. The proposed development has not satisfied Section 4.55(2)(a) of the *Environmental Planning and Assessment Act 1979*, in that the proposal is not substantially the same development as the development for which consent was originally granted.
- 2. The proposal has not demonstrated compliance with the State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development) 2002 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a) Part 4C Ceiling heights, in that the ceiling heights to the commercial spaces provide insufficient natural ventilation and daylight access and limit the flexibility of building use over the life of the building in accordance with Objective 4C1 and 4C-3.
- 3. The proposed development is inconsistent 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*:
 - a) Section 1.2 Aims of Plan, in that the modified development fails to protect and promote the use and development of land for arts and cultural activity, facilitate economic growth and employment opportunities within Inner West, and prevent adverse social, economic and environmental impacts, including cumulative impacts in accordance with (aa) (e) and (i).
 - b) Section 2.3 Zone E3 Productivity Support, as the modified development fails to demonstrate that it satisfies the objectives of the zone.
 - c) Section 4.4 Floor Space Ratio in that the modified development fails to satisfy the standard as it has not demonstrated consistency with the objectives of the E3 Zone and the objectives (a)(b) and (d) as:
 - i. The development does not provide an appropriate development density anticipated by the Local Environmental Plan.
 - ii. The development density does not reflect anticipated future development density of the locality.

- 4. The proposed development is inconsistent and has not demonstrated compliance with the Marrickville Development Control Plan 2011, pursuant to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*:
 - a) Part 5.1.3 Building Form, in that the proposed density and use is not compatible with the future desired character of the commercial centre and that the proposed depth of the building does not provide adequate amenity to the commercial spaces in accordance with O1, C1, O11, O12, C17.
 - b) Part 5.1.5 Building Use, in that the proposed dwelling mix does not provide a choice of dwelling types to meet a range of housing demographics in accordance with O37, 38, O39, and C55.
 - c) Part 5.1.5 Building Use, in that the proposed ceiling heights to the commercial floors do not promote high quality amenity or flexible uses in accordance with O37, 38, O39, O41, O42, O43, C54 and C55.
 - d) Part 9.8 Enmore North (Precinct 8), in that the proposal will be inconsistent with the desired future character of the Enmore North Precinct.
 - 5. The proposal is considered to result in adverse environmental impacts on the built environment pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
 - 6. The proposal is not considered suitable for the site in its current form pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
 - 7. The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

REASONS FOR DECISION

The proposal as modified is not considered substantially the same development as the development for which consent was originally granted.

The modified 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.

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

IWLPP1173/23	DA/2023/0439
Agenda Item 7	
Address:	1 Excelsior Street, Leichhardt
Description:	Ground and first floor alterations and additions to existing semi-
	detached dwelling
Applicant:	Mr Mark T Van Der Wielen

DECISION OF THE PANEL

- A. The applicant has made a written requests pursuant to Section 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 Site Coverage development standards are unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations. The proposed development will be in the public interest because the exceedances are 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/2023/0439 for ground and first floor alterations and additions to existing semi-detached dwelling at 1 Excelsior Street, Leichhardt 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.

IWLPP1174/23	REV/2023/0018
Agenda Item 8	
Address:	19 Northwood Street, Camperdown
Description:	Section 8.2 application to review consent conditions of Determination DA/2022/1075 dated 15 May 2023 for ground and first floor alterations and additions to a dwelling house
Applicant:	Milestone (AUST) Pty Ltd

- Peter Lonergan on behalf of Applicant
- Michael Dompedro Owner
- Lisa Bella Esposito Applicant
- Henry Goodwin Architect

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.2 of the *Environmental Planning and Assessment Act 1979*, grants consent to Application No. REV/2023/0018 to review consent conditions of Determination DA/2022/1075 dated 15 May 2023 for ground and first floor alterations and additions to a dwelling house at 19 Northwood Street CAMPERDOWN and a new Determination be issued with conditions 1, 2, 3, and 4 of the original Determination being amended and condition 26a added.

The Panel supports the findings contained in the Assessment Report and resolves that the application be approved as per the recommendations with the exception of the proposed front setback and the status of the carport contained in that report, subject to the following changes:

That Condition 2 be amended in the following manner;

- 2a. Deleted
- 2e The existing carport is to be retained unless written owner's consent is obtained from 17 Northwood Street, agreeing to the demolition of any encroachments which have been identified by detailed boundary survey.

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 Panel was persuaded by the submissions by the applicant that the setback of the first floor could be modified from 9m to 6.315m. With this modification and the condition relating to the carport, the Panel considered that the proposal will be in context within the locality and acceptable in the circumstances.

The development, subject to conditions, 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.		

IWLPP1175/23	DA/2023/0578
Agenda Item 9	
Address:	207A Australia Street, Camperdown
Description:	Partial demolition of existing structures and ground, first and second
	floor alterations and additions to a dwelling house
Applicant:	Frank Takos

• Frank Takos - 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/2023/0578 for partial demolition of existing structures and ground, first and second floor alterations and additions to a dwelling house at 207A Australia Street NEWTOWN 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 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.

IWLPP1176/23	MOD/2023/0250
Agenda Item 10	
Address:	265-273 Illawarra Road, Marrickville
Description:	Section 4.56 application to modify Modified Determination DA201700349 dated 22 March 2023 to modify the layout and the basement levels and the ground floor level including modifications to the parking layout and arrangement, storage provisions and minor changes to the ground floor commercial tenancies
Applicant:	Astute Constructions

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.56 of the *Environmental Planning and Assessment Act 1979*, grants consent to application No. MOD/2023/0250 which seeks to modify Modified Determination DA201700349, dated 22 March 2023, to alter the layout and the basement levels and the ground floor level, including modifications to the parking layout and arrangement, storage provisions and minor changes to the ground floor commercial tenancies at 265-273 Illawarra Road, Marrickville subject to the amendments 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.

IWLPP1177/23	MOD/2023/0174
Agenda Item 11	
Address:	21 Hill Street, Leichhardt
Description:	Modification to approved use to allow trading on Saturday and
	Sunday.
Applicant:	Mr Chad Loxsom

- Natalie McNamara on behalf of Jodie Emslie Objector
- Kate Bombell Objector
- Rosemarie Gates Objector
- Joe Prince Applicant
- David Rolle Objector

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55(1a) of the *Environmental Planning and Assessment Act 1979*, **refuses** Application No. MOD/2023/0174 which seeks to modify DA/2012/336 dated 19 February 2013 so as to alter the operating hours of the office component at 21 Hill Street Leichhardt.

REASONS FOR DECISION

The Panel was not persuaded by the proposed amendments and applicant's submission that the proposal could operate in a manner without having an adverse effect on the locality.

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

- 1. The proposal is likely to have an adverse effect on the amenity of the area
- 2. The proposal has been the subject of numerous objections and the applicant has not shown a preparedness to resolve those concerns, as such the application is not in the public interest.
- 3. Insufficient detail has been provided regarding the future use of the rear portion of the site and it is unclear whether a development application will be required for that use.
- 4. The submitted Plan of Management is considered to be inadequate and inconsistent with the proposed operation of the use of the site.

The Inner West Planning Panel Public Meeting finished at 3.29pm. The Inner West Planning Panel Closed Meeting commenced at 3.35pm. The Inner West Planning Panel Closed Meeting finished at 4.52pm.

CONFIRMED:

Dr Gary Shiels Chairperson

14 November 2023

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