



INNER WEST LOCAL PLANNING PANEL  
MEETING

**19 December 2023**

MINUTES

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held via teleconference on 19 December 2023

Present: The Hon. David Lloyd KC in the chair; Ms Jan Murrell; Ms Vanessa Holtham, Ms Silvia Correia.

Staff Present: Ruba Osman, Development Assessment Manager; Senior Development Support Officer and Support Officer.

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:

Ms Vanessa Holtham for the following items:

Item 2 – As the planner and heritage consultant for a DA at 146 Bland Street, which is within very close proximity to the subject site.

Item 3 – Callan Park as a member of the Heritage Council of NSW. The General Terms of Approval appear to have been granted for these works by Heritage NSW staff under delegation.

However, the Chair noted that these were not declarations of conflict.

Item 8 - Ms Silvia Correia declared a non-pecuniary perceived conflict of interest as a family owned home is in the same street as the subject site.

<b>IWLPP1189/23 Agenda Item 1</b>	MOD/2023/0225
<b>Address:</b>	18-28 Faversham Street MARRICKVILLE
<b>Description:</b>	Section 4.55(2) modification to approved light industrial and commercial building
<b>Applicant:</b>	The Trustee for TR Faversham Developments Unit Trust

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

- *Michael Sherman*

## **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 Application No. MOD/2023/0225 to carry out amendments to a light industrial and commercial building at 18-28 Faversham Street, MARRICKVILLE subject to the modified conditions listed in Attachment A of the officer's report.

## **REASONS FOR DECISION**

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

The 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 modified conditions.

The decision of the panel was unanimous.

<b>IWLPP1190/23 Agenda Item 2</b>	DA/2023/0341
<b>Address:</b>	20 Walker Avenue HABERFIELD
<b>Description:</b>	Alterations and additions to dwelling house including garage, pool, rear deck and tree removal
<b>Applicant:</b>	Meelad Yaqo

*There were no registered speakers for this item.*

## **DECISION OF THE PANEL**

- A. The applicant has made a written request pursuant to Section 4.6 of the Inner West Local Environmental Plan 2022. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the 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/2023/0341 for alterations and additions to dwelling house including garage, pool, rear deck and tree removal at 20 Walker Avenue, HABERFIELD subject to the conditions listed in Attachment A of the officer's report.

## **REASONS FOR DECISION**

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

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

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

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

The decision of the panel was unanimous.

<b>IWLPP 1191/23 Agenda Item 3</b>	DA/2022/0449
<b>Address:</b>	Callan Park, Glover Street LILYFIELD
<b>Description:</b>	Upgrade of the Wharf Road carpark, additional public domain works, and associated works, including removal of 52 trees and remediation of the site at Callan Park
<b>Applicant:</b>	Centennial Park and Moore Park Trust

*There were no registered speakers for this item.*

## **DECISION OF THE PANEL**

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grants **consent** to Development Application No. DA/2022/0449 for the upgrade of the Wharf Road carpark, additional public domain works, and associated works, including removal of 52 trees and remediation of the site at Callan Park at Callan Park, Glover Street LILYFIELD subject to the conditions listed in Attachment A in 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.

By way of comment the Panel is of the view that there is a need for the finalisation of a Master Plan for Callan Park to guide future development on the site.

## **REASONS FOR DECISION**

The Development Application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, the Heritage Act 1977 and the Callan Park Act 2002 and all relevant instruments and policies. Subject to the recommended conditions, the proposal satisfies the objectives of the above Acts and instruments and policies and will result in acceptable impacts on the site and the locality for the reasons identified in the assessment report. Accordingly, the application is recommended for approval, subject to the recommended conditions.

The decision of the panel was unanimous.

<b>IWLPP1192/23 Agenda Item 4</b>	MOD/2023/0170
<b>Address:</b>	18 Allen Street LEICHHARDT
<b>Description:</b>	Section 4.55(2) Modification to DA/2022/0737, to include addition of a first floor studio above the approved detached storage area and decrease first floor setback to original dwelling house
<b>Applicant:</b>	Ms Jodie Dang

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

- Michael Williams
- Sophie Ellis
- Jodie Dang

## 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/2023/0170 to modify Determination No DA/2022/0737 dated 1 May 2023, to include the addition of a first floor studio above the approved detached storage area and decrease first floor front setback to original dwelling house at 18 Allen Street LEICHHARDT.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for refusal as listed below:

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 considered to be substantially the same development as the development for which consent was originally granted.
2. The proposed development is inconsistent with and has not demonstrated compliance with the *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
  - a. Section 1.2(2)(g)(h)(i) - Aims of Plan;
  - b. Section 2.3 - Zone Objectives and Land Use Table; and
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 C2.2.3.2 - West Leichhardt Distinctive Neighbourhood;
  - d. Part C3.1 - Residential General Provisions;
  - e. Part C3.2 - Site Layout and Building Design; and
  - f. Part C9 - Solar Access.

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

The development would result in adverse impacts on the amenity of the adjoining properties and the streetscape, and the proposed first floor studio at the rear is not considered to result in a development that is substantially the same as that originally approved, and is not considered to be in the public interest.

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

The decision of the panel was unanimous.

<b>IWLPP1193/23 Agenda Item 5</b>	DA/2023/0446
<b>Address:</b>	35 Henson Street SUMMER HILL
<b>Description:</b>	Alterations and additions to semi-detached dwelling including new attic level and rear dormer, swimming pool, front fence and gate
<b>Applicant:</b>	Mr Arthur Velliss

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

- *Stuart Kingham*
- *Guy Bell*

## **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 Height 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/2023/0446 for alterations and additions to semi-detached dwelling including new attic level and rear dormer, swimming pool, front fence and gate. at 35 Henson Street SUMMER HILL subject to the conditions listed in 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 Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

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

The application is considered suitable for approval subject to the imposition of appropriate conditions including the design changes specified in condition 2.

The decision of the panel was unanimous.



<b>IWLPP1194/23 Agenda Item 6</b>	DA/2023/0484
<b>Address:</b>	72 Short Street BIRCHGROVE
<b>Description:</b>	Alterations and additions to residential development (new third level and roof terrace)
<b>Applicant:</b>	Mr Ante Zizic

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

- Kerry Nash
- Christopher Jordan
- Ante Zizic

## **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 not satisfied that compliance with the standard is unnecessary in the circumstance of the case, nor are there sufficient environmental grounds to accept the variation. 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 s4.16 of the Environmental Planning and Assessment Act 1979, **refuses** Development Application No. DA/2023/0484 for alterations and additions to residential development at 72 Short Street BIRCHGROVE.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the refusal as listed below:

1. The proposed development is inconsistent with and has not demonstrated compliance with the Inner West Local Environmental Plan 2022, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, including:
  - a) Clause 1.2(i)(j) - Aims of Plan
  - b) Clause 2.1- Zone objectives and Land use table
  - c) Clause 5.10 – Heritage conservation
  
2. The proposed development is inconsistent with the Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, including:
  - a) Part C1.0 General Provisions
  - b) Part C1.1 Site Context
  - c) Part C1.2 Demolition
  - d) Part C1.3 Alterations and Additions
  - e) Part C1.4 Heritage Conservation Areas and Heritage Items
  - f) Part C2.2.2.5 Mort Bay Distinctive Neighbourhood
  - g) Part C3.1 Residential General Provisions

- h) Part C3.2 Site Layout and Building Design
- i) Part C3.3 Elevations and Materials
- j) Part C3.11 Views
- k) Part C3.12 Acoustic Privacy

3. The proposed development will result in adverse impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
4. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
5. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

### **REASONS FOR DECISION**

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

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

The application is considered unsupportable due to the adverse impacts on the Heritage Conservation Area and in view of the circumstances the application is refused.

The decision of the panel was unanimous.

<b>IWLPP1195/23 Agenda Item 7</b>	DA/2023/0426
<b>Address:</b>	F 14/1-15 Barr Street BALMAIN
<b>Description:</b>	Change of use from office to residential unit
<b>Applicant:</b>	Andres Suarez Ruiz

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

- *Simon Fielding*
- *Andres Suarez Ruiz*
- *Ruth Daniell*

## **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 not satisfied that compliance with the standard is unnecessary in the circumstance of the case nor are there sufficient environmental grounds to support the variation. 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 s4.16 of the Environmental Planning and Assessment Act 1979, **refuses** Development Application No. DA/2023/0426 for a change of use from an office to residential unit at F 14/1-15 Barr Street BALMAIN.

The Panel supports the findings contained in the Assessment Report and endorses the amended reasons for refusal as outlined below:

1. The proposal does not satisfy Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979* in the following manner:
  - a. The proposal is inconsistent with the *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* as follows:
    - i. Section 30(2) in that the consent authority is not satisfied that the development demonstrates adequate regard to all nine design quality principles and the relevant design criteria specified in the Apartment Design Guide are not adequately satisfied.
  - b. The proposal is inconsistent with the *Inner West Local Environmental Plan 2022* as follows:
    - i. Section 1.2 - *Aims of the Plan*: aims (a), (e), (h) and (i) where the proposal will negatively impact on the site's capacity to provide economic and employment opportunities for the zone, and will result in unsatisfactory

streetscape / heritage, height, bulk and scale and amenity impacts and outcomes.

- ii. Section 2.3 - *Zone Objectives for Zone R1 General Residential*: where 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) the proposal does not provide an appropriate density which reflects the locality and transition between developments and Objectives (1)(d) and (e) where it does not minimise adverse impacts on local amenity.
- iv. Section 4.6 - *Exceptions to Development Standards*: the proposal is inconsistent with the objectives of the R1 General Residential zone in accordance with Section 4.6(4)(a)(ii), and the proposal fails to comply with the objectives of section 4.6(1)(b) and requirements of section 4.6(3)(b) of the LEP with particular respect to streetscape / heritage / response to local character, height, bulk and scale and amenity impacts.
- v. Section 6.12 – *Adaptive Reuse of Existing Buildings for Dwellings in Residential Zones*: proposal is inconsistent with Sections (1)(a)-(d) and 4(a)-(c), in that the existing streetscape and built character will not be maintained, future amenity of the subject site is not satisfied.

2. The proposal is inconsistent with the Leichhardt Development Control Plan 2013 as follows:

- a. Part 1.0 - *General Provisions*: Objective O4 as the proposal does not support reasonable amenity for future occupants and Objective O6, where it does not respond the existing and desired future character of the surrounding area.
- b. Part C1.1 - *Site and Context Analysis*: Objective O1 where the subject site, streetscape character and impacts on the Heritage Conservation Area is adversely impacted and is therefore inconsistent with this part of the DCP.
- c. Part C1.3 - *Alterations and Additions*: Objectives O1(a)-(f) and (i) Control C1(a)-(f) are not met as the proposal does not preserve the original roof form and character of the streetscape and will not be compatible with its setting nor the desired future character of the distinctive neighbourhood.
- d. Part C2.2.2.4 - *The Valley Balmain Distinctive Neighbourhood*: Controls C1 and C23 where it does not maintain the existing roof form and does not facilitate development that is consistent with the Desired Future Character and Controls for the Distinctive Neighbourhood.
- e. Part C3.1 - *Residential General Provisions*: Objectives O4, O5, O6 and O7 as the proposal results in poor amenity outcomes for the proposed residential unit, and does not respond appropriately to the existing and desired future character of the surrounding locality and Heritage Conservation Area.
- f. Part C3.9 - *Solar Access*: Control C4, where the development does not provide compliant solar access to the private open space of the new dwelling.

- g. Part C3.13 – *Conversion of Existing Non-Residential Buildings*: Objective O1 and Controls C1, C2, C3, C4 and C5 where the proposal: results in poor and unsatisfactory amenity outcomes for future residents; is incompatible with the character of the neighbourhood and streetscape including future desired character of the Distinctive Neighbourhood and Heritage Conservation Area, involves the reconstruction of a roof form which does not retain the existing character of the building; and increases the FSR beyond the existing building envelope.
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 has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
5. The proposal 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 does not comply with the aims, objectives and design parameters contained in the *Inner West Local Environmental Plan 2022* and the *Leichhardt Development Control Plan 2013*.

The development will result in unreasonable impacts on the heritage conservation area, desired future character of the locality, amenity for future occupants and therefore cannot be supported. Accordingly, the proposal is not considered to be in the public interest.

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

The decision of the panel was unanimous.

<b>IWLPP1196/23 Agenda Item 8</b>	DA/2023/0217
<b>Address:</b>	30 Albert Street LEICHHARDT
<b>Description:</b>	Boundary adjustment associated with two existing lots, alterations and additions to existing dwelling house to create two dwellings and new garage and studio at the rear each allotment, and associated works
<b>Applicant:</b>	Mr Spiro Chahine

*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:*

- *Diana Zaknic*
- *Shaun Carter*
- *James Phillips*
- *Spiro Chahine*

## **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 not satisfied that compliance with the 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 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*, **refuses** Development Application No. DA/2023/0217 for boundary adjustment associated with two existing lots, alterations and additions to existing dwelling house to create two dwellings and new garage and studio over at the rear each located on separate allotments, and associated works at 30 Albert Street LEICHHARDT.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the refusal as listed below:

1. The proposal does not satisfy Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979* in the following manner:
  - a. The proposal is inconsistent with the *Inner West Local Environmental Plan 2022* as follows:
    - i. Section 1.2 - *Aims of the Plan*: aims (b), (g), (h) and (i), as it will not adequately conserve the natural, built and cultural heritage of the Inner

West, will not create a high quality urban place through the application of design excellence, will result in adverse environmental impacts on the local character of Inner West and will not prevent adverse and cumulative environmental impacts.

- ii. Section 2.3 - *Zone Objectives for Zone R1 General Residential*, as the proposal will 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* and Objectives (1)(a)(b)(c) as the proposal does not provide an appropriate density which reflects the locality and transition between developments, and Objectives (1)(d) and(e) as the proposal does not minimise adverse impacts on local amenity and does not provide for adequate replacement canopy tree planting.
- iv. Section 4.6 - *Exceptions to Development Standards*, as the proposal is inconsistent with the objectives of the R1 General Residential zone in accordance with Section 4.6(4)(a)(ii), and the proposal fails to comply with the objectives of Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of the LEP with particular respect to streetscape and heritage, height, bulk and scale, and on-site amenity outcomes.
- v. Section 5.10 - *Heritage Conservation* and Objective (1)(a) as the proposal does not conserve the environmental heritage of the Inner West, and Objective (1)(b) where the development does not conserve the heritage significance of the Conservation Area.

2. The proposal does not satisfy Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979* in the following manner:

- a. The proposal is inconsistent with the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* as follows:
  - i. The proposed development is inconsistent with the objectives of Chapter 2 Vegetation in Non-Rural Areas.

3. The proposal is inconsistent with the Leichhardt Development Control Plan 2013 as follows:

- a. Part 1.0 - *General Provisions*, and Objectives O4 and O6, as the proposal does not support reasonable amenity for future occupants and does not respond to the existing and desired future character of the surrounding area.
- b. Part C1.1 - *Site and Context Analysis*, Objective O1a and O1f, as the proposed development is not considered to be well designed and does not appropriately consider context, scale, built form, density, streetscape and aesthetics.
- c. Part C1.3 - *Alterations and Additions*, Objectives O1a-f and h, and Control C1a-f, C2, C5, C7, C10, C12b-c, C15a-b, as the proposal results in excessive demolition of the existing contributory building, is of a form, size, height, scale design, appearance and detail that is not compatible with its setting nor the desired future character of the distinctive neighbourhood and results adverse amenity impacts including poor amenity outcomes for future residents on the site.

- d. Part C1.4 - *Heritage Conservation and Heritage items*, and Objectives O1a, b, d, e and i, and Controls C1, C3a-c, C4, C5, C6 and C7, as the proposal results in excessive demolition of the existing contributory building, is of a form, size, height, scale design, appearance and detail that are not compatible with its setting nor the desired future character of the distinctive neighbourhood and will have an adverse impact on the Heritage Conservation Area in which the site forms a part.
  - e. Part C1.12 - *Landscaping*, and Objective O1a), b), f) and g) and Controls C3, C4, C7, C8, and C10, as the proposal provides inadequate replacement canopy planting and results in a net loss of Urban Forest which is considered to be a poor outcome for the surrounding community.
  - f. Part C1.14 - *Tree Management*, and Objective O6 which requires development to ensure private property owners' plant new trees and replace trees in order to meet Council's tree canopy targets.
  - g. Part C2.2.3.2 - *West Leichhardt Distinctive Neighbourhood*, and Controls C1, C2, C3, C5 C6, C9, C10 and C11 and Control C2.2.3.2(d) Hampton Farm Sub-area Controls C1, C2, C3, and C5, as the proposal does not facilitate development that is consistent with the Desired Future Character and Controls for the Distinctive Neighbourhood.
  - h. Part C3.1 - *Residential General Provisions*, and Objectives O3, O4 and O7, as the proposal is not compatible with the established setting and character of the neighbourhood and Heritage Conservation Area in which the site is located, including in terms of form, height, scale and siting, and will adversely impact on the amenity of future occupants of the subject development and at adjoining properties.
  - i. Part C3.2 - *Site Layout and Building Design*, including Controls C6 and C8, as the proposed development does not comply with the building location zone, side setback and building envelope controls which seek to ensure appropriate amenity outcomes and development that reinforces the distinctive neighbourhood and streetscape character.
  - j. Part C3.3 - *Elevation and Materials*, and Objective O1 and Controls C1, C4, and C11, as the proposed roof forms, elevational character and materials and finishes of the additions and the garage and studios are incompatible with the existing dwelling house and the streetscapes of both Albert Street and Easter Street where the proposed fenestration and materials and finishes are incompatible with the prevailing pattern of development in the distinctive neighbourhood.
  - k. Part C3.9 - *Solar Access*, Objective O1a and Control C4 and C9, where the development does not provide adequate or compliant solar access to the proposed residences on the site.
4. 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*.



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 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 generally does not comply with the aims, objectives and design parameters contained in the *Inner West Local Environmental Plan 2022* and the *Leichhardt Development Control Plan 2013*.

The development will result in unacceptable impacts on the streetscape and Heritage Conservation Area, is an unsatisfactory response to the existing pattern of development and desired future character controls applicable to the site, results in poor amenity outcomes for future occupants and canopy tree cover and thereby does not satisfy the parameters of Section 4.6 of the *IWLEP 2022* to justify the departure with the FSR development standard. Accordingly, the proposal is not considered to be in the public interest.

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

By way of comment the applicant tabled amended plans at the meeting which have not been the subject of an assessment. Whilst these amended plans may resolve some of the issues, an assessment of the plans must be undertaken and the best way forward would be through a Section 8.2 review of determination application.

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.

**The Inner West Planning Panel public meeting finished at 3:49pm.**

**The Inner West Planning Panel closed meeting started at 3:58pm.**

**The Inner West Planning Panel closed meeting finished at 4:52pm.**

**CONFIRMED:**

A handwritten signature in blue ink, appearing to read "D. A. Lloyd".

**The Hon. David Lloyd KC  
Chairperson  
19 December 2023**