



INNER WEST LOCAL PLANNING PANEL MEETING

11 February 2025

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via Zoom on 11 February 2025.

Present: Mr John Brunton in the chair; Ms Marjorie Ferguson, Ms Vanessa Holtham; Ms Andrea Connell

Staff Present: Ruba Osman, Development Assessment Manager; Iain Betts, Team Leader, Development Assessment, Clare Fitzpatrick –Clark, Senior Development Support Officer and Gerardine Galley, Development Support Officer.

Meeting commenced: 2.00pm

**** 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.

IWLPP12686 <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.

IWLPP1287/25 Agenda Item 2	DA/2024/0982
Address:	46 Unwins Bridge Road St Peters
Description:	Construction of a single storey secondary dwelling, within the rear yard
Applicant:	Gianta Pty Ltd

No registered speakers for item.

DECISION OF THE PANEL

- A. In relation to the proposal by the development in Development Application No.2024/0982 to contravene the non-discretionary standard in Clause 53(2)(a) of *State Environmental Planning Policy (Housing) 2021* the Panel is satisfied that the applicant has demonstrated that:
- (a) compliance with the development standards is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standards.
- 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/2024/0982 for the construction of a single storey secondary dwelling within the rear yard at 46 Unwins Bridge Road, St Peters subject to the conditions listed in Attachment A of the officer's report.

REASONS FOR DECISION

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

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

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

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

The decision of the panel was unanimous.

IWLPP1288/25 Agenda Item 3	DA/2024/0729
Address:	31 Chalder Street Marrickville
Description:	Alterations and additions to an artisan food and drink industry including internal fit out and extension of hours of operation.
Applicant:	Ester Spirits

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

- Sonya Constantinou – Applicant
- George Mather - Architect

DECISION OF THE PANEL

- A. In relation to the proposal by the development in Development Application No. DA2024/0729 to contravene the development standard in Clause 4.4 - Floor Space Ratio of Inner West Local Environmental Plan 2022 the Panel is satisfied that the applicant has demonstrated that:
- compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - there are sufficient environmental planning grounds to justify the contravention of the development standard.
- 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/2024/0729 for alterations and additions to an artisan food and drink industry including internal fit out and extension of hours of operation at No. 31 Chalder Street, Marrickville subject to the conditions listed in Attachment A of the officer's report as amended by the following;

That the following condition be inserted;

47A. Patron Numbers

The total number of patrons on the site at any one time is restricted to 80 persons.

Reason: To protect the amenity of the neighbourhood.

REASONS FOR DECISION

The Panel notes the applicant's concern regarding Condition 34 which requires installation of a lift to provide access from the ground floor to the first floor. The requirement for a lift is a standard provision in premises of this type and the Panel considers the provision of the lift is not onerous. The Panel also considers that there are a variety of options for the provision of a suitable lift including a device which does not require extensive structural alterations to the building.

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

Subject to compliance with the recommended conditions, the development will not result in any significant impacts on the amenity of the adjoining premises 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 Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that report.

The decision of the panel was unanimous.

IWLPP1289/25 Agenda Item 4	DA/2024/0700
Address:	95 Australia Street Camperdown
Description:	Alterations and additions to an existing dwelling house, including partial demolition of existing structures and construction of ground and first floor additions.
Applicant:	Andrew Ireland

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

- *Linden Thorley – Objector*
- *Simon Barrow – Objector*
- *Alexander Symes – Objector*
- *Andrew Ireland - Applicant*

DECISION OF THE PANEL

- A. In relation to the proposal by the development in Development Application No. DA2024/0729 to contravene the development standard in Clause 4.4- Floor Space Ratio of Inner West Local Environmental Plan 2022 the Panel is not satisfied that:
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.
- 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/2024/0700 for alterations and additions to an existing dwelling house, including partial demolition of existing structures and construction of ground and first floor additions at No. 95 Australia Street, Camperdown. The Panel disagrees with the conclusions and recommendation contained in the Assessment Report and resolves that the application be **refused** for the following reasons:
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* as follows:
 - i. Sections 4.4 (b) and (d) - Floor Space Ratio: The proposal does not provide an appropriate density which reflects the locality, does not provide an appropriate transition between developments of different densities, and fails to minimise adverse impacts on local amenity; and
 - ii. Section 4.6 - Exceptions to Development Standards: Given the departure to Section 4.4 of the IWLEP 2022, the proposal fails to comply with the objectives of Section 4.6(1)(b) and has not demonstrated sufficient environmental planning grounds to justify contravening the development standard, nor has it been sufficiently demonstrated that compliance with the standard is unreasonable or unnecessary in accordance with Section 4.6(3)(b) of the *IWLEP 2022*.

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 Section 1.2 - Aims of Plan and Section 2.3 - Zone objectives, as follows:
 - a. Section 1.2(2): The proposal is not considered to enhance the amenity for Inner West residents, it fails to create a high quality urban place and has adverse environmental impacts on the local character of the Inner West;
 - b. Section 2.3 - Zone objectives and Land Use Table: The proposal is inconsistent with the objectives of the zone as the development does not maintain the character of the existing building and surrounding area
3. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with the following parts of the Marrickville Development Control Plan 2011:
 - a. Part 2.7 - Solar Access and Overshadowing: The proposal does not comply with controls C1, C2, and C8 within Part 2.7, and is inconsistent with the applicable objectives O2 and O3 as the submitted shadow diagrams demonstrate the proposal does not retain adequate solar access enjoyed by neighbours.
 - b. Part 4.1.5 - Streetscape and Design: The proposal is inconsistent with objectives O9 and control C2 of Part 4.1.5, as the scale, proportions, materiality and bulk of the first floor addition is at odds with, and diminishes the character of the existing building resulting in a poor streetscape outcome and undermines the aesthetic quality of the existing dwelling. The proposed additions are not in keeping with the prevailing streetscape character and do not enhance the existing built character of the dwelling.
 - c. Part 4.1.11 - Additional Controls for Residential Period Buildings: The proposal is inconsistent with objectives O22 and O24 and controls C57, C58, C59 and C60 of Part 4.1.11, as the proposal results in the significant demolition of the characteristic elements of the existing building, there is an inadequate transition between the existing building and the proposed first floor addition given that the additions dominate and overwhelm the existing built form, and the proportion and unsympathetic scale of the addition undermines and diminishes its character.
 - d. Part 4.1.12 – Details, Materials and Colour Schemes for Residential Period Buildings: The proposal is inconsistent with objectives O25 and O26 and controls C65, C71, and C85 of Part 4.1.12, as the proposed materials and colours do not enhance visual cohesiveness and are not consistent with original structures evident in the locality. The dark colour of the ribbed steel is particularly inappropriate and will not assist in reducing urban heat.
 - e. Part 9.4 – Newtown North and Camperdown Precinct (Precinct 4): The proposal is inconsistent with the desired future character statement as the proposal fails to protect and preserve the existing period building and results in an unsympathetic addition which diminishes and compromises the character of the building and streetscape.

4. The application lacks sufficient information to conduct a thorough evaluation of the application as follows:
 - a. a description of the impact to the existing building as a result of the extent of demolition works proposed;
 - b. a clear demolition plan accurately depicting items to be retained and the extent of demolition works, including items to be replaced such as windows, doors and floors, sufficient to verify that the proposed development can be described as alterations and additions to a dwelling rather than a new dwelling that incorporates existing fabric;
 - c. details of structural support to be installed to ensure the integrity of the original building, and associated structural engineers report demonstrating the building can withstand the additions;
 - d. sufficient heights and levels illustrated as RLs to assess spatial dimensions
5. The proposal will result in adverse built environmental impacts in the locality, pursuant to Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*.
6. The application has not demonstrated that the site is suitable for the proposed development pursuant to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.
7. In view of the extent of non-compliances with the planning controls and the matters raised within the submissions, the proposal is not considered to be in the public interest, contrary to Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*.

REASONS FOR DECISION

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

The documentation submitted by the applicant with the application and at the Panel meeting was thoroughly examined in order to determine the precise nature and form of the proposal. As a result of this evaluation the Panel concluded that the development will have significant adverse impacts on local amenity, adjoining properties, and the streetscape.

The application is considered unsuitable for approval and not in the public interest, and is refused.

The decision of the Panel was unanimous.

IWLPP1290/25 Agenda Item 5	MOD/2024/0085
Address:	77 Glassop Street Balmain
Description:	Section 4.56 Modification of Development Consent to DA/2022/0684 which approved demolition of existing structures and construction of residential flat building including basement parking and landscaping works, seeking consent for various internal and external modifications at all levels, including roof changes
Applicant:	Chanine Design Pty Ltd

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

- Kristine Gibson – Objector
- Liljana Ermilova – Applicant
- Michael Jammal – Supporter
- Saade Saade - Supporter

DECISION OF THE PANEL

- A. 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 Development Application No. MOD/2024/0085 which seeks to modify DA/2022/0684 dated 10 October 2023 to carry out various internal and external modifications at all levels, including roof changes at 77 Glassop Street, Balmain subject to the conditions listed in Attachment A of the officer's report as amended by the following;

Condition 35A is amended as follows:

35A. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no new underground services required by MOD/2024/0085 are to be installed beneath the canopy of any prescribed tree/s located on the subject site and adjoining sites (including trees located within the public domain):

Tree No.	Botanical/Common Name	Radius in metres
1	<i>Cinnamomum camphora</i> (Camphor Laurel)	Approved TPP
2	<i>Platanus x hybrida</i> (London Plan Tree)	Approved TPP
4	<i>Washingtonia robusta</i> (Mexican Fan Palm)	Approved TPP
10	<i>Ficus benjamina</i> (Weeping Fig)	8.4m
11	<i>Brachychiton acerifolius</i> (Illawarra Flame)	4.56m

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 application is considered suitable for approval subject to the imposition of appropriate conditions. The Panel sought to clarify the intent of Condition 35A by amending the wording in response to submissions raised.

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report. The Panel noted the concerns of the objector in relation to the protection of trees but was satisfied with the conclusions in the Assessment Report.

The decision of the panel was unanimous.

IWLPP1291/25 Agenda Item 6	DA/2024/0909
Address:	99 Kingston Street Haberfield
Description:	Alterations and additions to an existing detached dwelling, including partial demolition of existing structures, construction of a lower ground floor, ground floor addition and detached workshop within rear yard
Applicant:	Bayside Developments Australia Pty Ltd

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

- *Fatemah Mohaghegh - Applicant*

DECISION OF THE PANEL

- A. In relation to the proposal by the development in Development Application No. 2024/0909 to contravene the development standards in Sections 4.3- Height and 6.20(3)(ii)- development below existing ground floor of Inner West Local Environmental Plan 2022 the Panel is satisfied that the applicant has demonstrated that:
 - (a) compliance with the development standards is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standards.

- 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/2024/0909 for alterations and additions to an existing detached dwelling, including partial demolition of existing structures, construction of a lower ground floor, ground floor addition and detached workshop within rear yard at 99 Kingston Street, Haberfield subject to the conditions listed in Attachment A of the officer's report as amended by the following;

The amendment of condition 19 as follows;

19 Design Change

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

- a. The pitch of the rear roof plane is to be adjusted to 30 degrees or less to match the pitch of the front facing roof plane.

- b. The two skylights W08 are to be flush in-plane to not protrude out of the roof plane.

Reason: To ensure that the design changes protect the amenity of the neighbourhood.

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

The decision of the panel was unanimous.

IWLPP1292/25 Agenda Item 7	DA/2024/0706
Address:	140-142 Norton Street Leichhardt
Description:	Fit out and use of a premises as a gymnasium, works include installation of 3 illuminated and 3 non-illuminated signs
Applicant:	A Three Design Management Pty Ltd

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

- *Dean Taylor – Applicant*

DECISION OF THE PANEL

- A. In relation to the proposal by the development in Development Application No. DA2024/0706 to contravene the development standard in 4.4- Floor Space Ratio of Inner West Local Environmental Plan 2022 the Panel is satisfied that the applicant has demonstrated that:
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.
- 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/2024/0706 for fit out and use of a premises as a gymnasium, works include installation of 3 illuminated and 3 non-illuminated signs at 140-142 Norton Street Leichhardt subject to the conditions listed in Attachment A of the officer's report as amended by the following;

That condition 44 be added to the conditions of approval;

44. Access to the premises

Between the hours of 7.00pm – 5.00am, all access to the premises must be via the main entrance off Norton Street. During these hours, the rear access via the lane must be locked to prohibit entering and exiting. Appropriate signage must be erected at each access point advising members and staff of access limitations.

Reason: To protect the amenity of the neighbourhood.

REASONS FOR DECISION

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

The development will not result in any significant impacts on the amenity of the adjoining premises 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 Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report.

The decision of the panel was unanimous.

IWLPP1293/25 Agenda Item 8	DA/2024/0620
Address:	56 Ballast Point Road Birchgrove
Description:	Alterations and additions to an existing semi-detached dwelling, including partial demolition of existing structures. Works include internal reconfiguration, convert the existing first floor verandah into a winter garden, new kitchenette on the second floor roof top terrace, two new air conditioning units on the south western corner of the roof top terrace, altered curved roof structure to roof terrace and new fence fronting Bates Street.
Applicant:	Adam Byrnes

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

- Matthew Powell – Objector
- Chris Katris – Architect
- Adam Byrnes – Applicant

DECISION OF THE PANEL

- A. In relation to the proposal by the development in Development Application No. DA2024/0620 to contravene the development standard in 4.4- Floor Space Ratio of Inner West Local Environmental Plan 2022 the Panel is satisfied that the applicant has demonstrated that:
- compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - there are sufficient environmental planning grounds to justify the contravention of the development standard.
- 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/2024/0620 for alterations and additions to an existing semi-detached dwelling, including partial demolition of existing structures. Works include internal reconfigurations, convert the existing first floor verandah into a winter garden, new kitchenette on the second floor roof top terrace, two new air conditioning units on the south western corner of the roof top terrace, altered curved roof structure to roof terrace and new fence fronting Bates street. at 56 Ballast Point Road, Birchgrove subject to the conditions listed in Attachment A of the officer's report as amended by the following;

That condition 15A be added;

15A Schedule of Conservation Works

A Schedule of Conservation Works with detailed documentation of the conservation works to the heritage listed Terrace, Yeroulbin including interiors - 56 Ballast Point Road, Birchgrove, is to be prepared by a qualified Heritage Architect in accordance with the Australia ICOMOS Burra Charter 2013. This is to be submitted, to the

satisfaction of Council's Heritage Specialist, prior to the commencement of any work and prior to the issue of a Construction Certificate.

The schedule is to detail the conservation of all significant fabric, including but not limited to the following: fireplaces, stonework, brickwork, door and window joinery, glazing, hardware, pavements, tiling, roof plumbing, roofing and painting. The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.

Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

The conservation works are to be progressively inspected by, and be implemented to the satisfaction of Council's Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

Reason: To ensure adequate conservation management of the building

That Condition 21 be amended as follows;

21. Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:
 - a. The proposed garage door must be amended in the following manner:
 - a. Vertically boarded timber doors (framed, sheeted, and braced) opening inwards; or,
 - b. panel lift door with wide horizontal timber stakes painted in the traditional dark trim colour (e.g., Oyster Linen).
 - b. The proposed windows at the first floor on the north west elevation adjacent to the winter garden must be amended with a vertical mullion centred to each of the twelve windows. Proposed windows must be amended as a timber frame and sash.
 - c. The skylights proposed in the south east elevation roof plane must be deleted and the roof retained.
 - d. Colours & Materials Schedule in accordance with the following:
 - a. Antique White USA, or similar, proposed for the architectural detailing to facades must be replaced with Dulux "Oyster Linen", or similar, including window headers and sills, string courses, balustrading and foundations, as approved by the Court in D/2017/587.
 - b. Timber windows and doors must be painted Dulux "White", or similar.
 - c. The amended design to the garage doors must be painted in Dulux "Oyster Linen", or similar.
 - e. The planter box/bed located along the south eastern side boundary of the roof terrace must be increased to a minimum depth of 2m, measured from the inner edge of the south eastern boundary wall.
 - f. The proposed air conditioning units on Level 2, located on the roof terrace, must not exceed the height of the existing solid balustrade (RL 30.76) on the northwest elevation.

- g. The proposed metal batten treatment on the south east elevation must be deleted and replaced with a finish that matches the existing rendered surface and colour of the south east elevation.
- h. All references to air-conditioning units on the existing roof shall be deleted, with no units to be installed in this location.

Reason: To ensure that the design changes protect the amenity of the neighbourhood and Heritage Conservation Area.

REASONS FOR DECISION

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* 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 Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report. The Panel noted the concerns of the objector in relation to overshadowing but was satisfied with the conclusions in the Assessment Report.

The decision of the panel was unanimous.

**The Inner West Planning Panel Public Meeting opened at 2.00pm
The Inner West Planning Panel Public Meeting closed at 3.14pm
The Inner West Planning Panel Meeting finished at 5:16pm.**

CONFIRMED:

A handwritten signature in black ink, appearing to read 'John Brunton', with a long horizontal flourish extending to the right.

**John Brunton
Chairperson
11 February 2025**