



INNER WEST LOCAL PLANNING PANEL
MEETING

8 APRIL 2025

MINUTES

MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING held via teleconference on 8 April 2025.

Present: Mr John Brunton in the chair; Mr Steven Layman; Ms Sharon Veale; Ms Silvia Correia

Staff Present: Ruba Osman, Development Assessment Manager; Annalise Ifield, Senior Planner; Clare Fitzpatrick-Clark, Senior Development Support Officer and Iris Rojas, Development 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 declaration of interest was made: Sharon Veale has a non-pecuniary interest for item 3.

IWLPP1301/25 <i>Agenda Item 1</i>	Standing Item - Report in Accordance with Ministerial Direction: Pending Local Planning Panel Matters
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Matter pending was presented to the Panel Chairman and noted.

IWLPP1302/25 Agenda Item 2	DA/2024/1041
Address:	45 Henson Street Summer Hill
Description:	Alterations and additions to an existing heritage listed dwelling, including partial demolition of existing structures, construction of ground floor addition, pool, pool cabana, and ancillary works.
Applicant:	Katrina Sokias

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

- *Elias (Leo) Sokias (Applicant)*

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, **grants consent** to Development Application No. DA/2024/1041 for alterations and additions to an existing dwelling, including partial demolition of existing structures, construction of ground floor addition, pool, pool cabana, and ancillary works at 45 Henson Street Summer Hill subject to the conditions listed in Attachment A in the officer's report as amended by the provision of an additional condition as follows:

22A. Works to Heritage Item

All works to the original dwelling must be carried out in the following manner to mitigate any impacts to the heritage item;

- a. New openings: The provision of any new door openings should ensure they are detailed to match the existing door opening frames. Where possible, the removed doors should be reused.
- b. Infill openings: Infill of existing door openings should match surrounding fabric and include timber skirting to match existing adjacent to create a seamless finish.
- c. Site protection:
 - (iii) Significant elements, including external walls, surfaces, windows etc. are to be protected from potential damage during site preparation and the works. Protection systems must ensure significant fabric is not damaged or removed.
 - (iii) All contractors and subcontractors involved in the construction works should be briefed on the heritage significance of the site prior to work commencing.
 - (iii) Any accidental damage caused to significant fabric must be reported immediately to the heritage consultant. Damage is to be made good in accordance with specialist heritage advice.

Reason: To mitigate impacts to the heritage item during construction.

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 Panel supports the findings contained in the assessment report and endorses the reasons for the approval contained in that report.

The development will not result in any significant impacts on the heritage significance of the item, 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 conditions to mitigate impacts on the heritage item.

The decision of the panel was unanimous.

IWLPP1303/25 Agenda Item 3	DA/2024/0490
Address:	185 Parramatta Road Haberfield
Description:	Integrated development under Heritage Act 1977, works include demolition of the Waratah/Dobroyd Wing building, decommissioning and removal of inground swimming pool (including ground filling), demolition of basketball court and removal of trees.
Applicant:	Precise Planning

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/2024/0490 for works including demolition of the Waratah/Dobroyd Wing building, decommissioning and removal of an inground swimming pool (including ground filling), demolition of a basketball court and removal of trees at 185 Parramatta Road Haberfield subject to the conditions listed in Attachment A in 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 Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

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

The development will not result in any adverse impacts on the significance of the State Heritage Register listed item, or on 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.

IWLPP1304/25 Agenda Item 4	DA/2024/0822
Address:	12 Forbes Street Croydon Park
Description:	Alterations and additions to an existing detached dwelling, including partial demolition of existing structures, construction of ground floor and first floor addition, construction of a garage with within the rear yard, and construction of an in-ground swimming pool.
Applicant:	Sandbox Studio Pty Ltd

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

- Victor Baralos (Objector)
- Ahmed Moolla (Applicant)

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, **grants consent** to Development Application No. DA/2024/0822 for alterations and additions to an existing detached dwelling, including partial demolition of existing structures, construction of ground floor and first floor addition, construction of a garage within the rear yard, and construction of an in-ground swimming pool at 12 Forbes Street Croydon Park subject to the conditions listed in Attachment A in 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 Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

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

The development will not result in any adverse impacts on the heritage significance of the Goodlet Heritage Conservation Area, 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.

IWLPP1305/25 Agenda Item 5	DA/2024/1029
Address:	204 Liverpool Road Ashfield
Description:	Alterations and additions to heritage listed licensed hotel known as 'Ashfield Hotel'
Applicant:	Mostyn Copper Group Pty Limited

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

- *Mason Stankovic (Applicant)*
- *Tim Fitzgerald (Applicant)*
- *Chris Grinham (Applicant)*
- *John Oultram (Supporter)*

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 deferred commencement consent** to Development Application No. DA/2024/1029 for alterations and additions to heritage listed licensed hotel known as 'Ashfield Hotel' at 204 Liverpool Road Ashfield subject to the conditions listed in Attachment A in the officer's report.

REASONS FOR DECISION

The Panel supports the findings contained in the assessment report and generally endorses the reasons for deferred commencement contained in that report.

With the exception to the removal of original fabric related to the roof and first floor window openings and associated brickwork, 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 (as conditioned) is unlikely to result in any significant impacts on the amenity of adjoining premises and the streetscape and approval is considered to be in the public interest.

It is acknowledged that while there is no objection to the providing an outdoor balcony, its location should not diminish the heritage significance of the item. This is particularly pertinent for this application, as it is considered that alternative locations could be explored which would not impact fabric that contributes to the item's significance. The Panel acknowledges that the location chosen is unlikely to give rise to significant visual or amenity impacts due to its operation. However, the Panel is concerned that insufficient information has been provided in respect of the impact on the original fabric and roof form of the heritage item which would justify insertion of the retractable awning.

Having regard to the above, the application is considered suitable for the issue of a deferred commencement consent, subject to the imposition of appropriate terms and conditions.

The decision of the panel was unanimous.

IWLPP1306/25 Agenda Item 6	DA/2024/0555
Address:	10 Waterview Street BALMAIN
Description:	Partial demolition of existing structures, Torrens title subdivision of the existing lot into two allotments. Alterations and additions to an existing dwelling on lot fronting Waterview Street including construction of a first floor addition and the construction of a new 3 storey detached dwelling house located on the proposed rear lot.
Applicant:	Roberto Bianco

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

- Gerard Turrisi (Applicant)
- John Oultram (Supporter)
- James – Utz Sanby Architects (Applicant)
- Suzanne Fitzgerald (Applicant)

DECISION OF THE PANEL

The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, **refuses** Development Application No. DA/2024/0555 for the partial demolition of existing structures, Torrens title subdivision of the existing lot into two allotments, alterations and additions to an existing dwelling on the lot fronting Waterview Street including construction of a first floor addition and the construction of a new 3 storey detached dwelling house located on the proposed rear lot at 10 Waterview Street Balmain for the following reasons:

Reasons for Refusal

1. The development application is incomplete and is considered invalid because vehicular access for the proposed development relies upon an easement over Lot 14 DP 1124174 which is not incorporated in the development application, and the owner of Lot 14 has not provided consent for submission of the application.
2. The proposed development is inconsistent with, and has not demonstrated compliance with the SEPP (Sustainable Buildings) 2022, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, including:
 - a. Chapter 2 Standards for residential development – BASIX – The application has not provided an amended BASIX Certificate that is consistent with the amended design.
3. 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 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.

- b. Section 2.3 - Zone Objectives and Land Use Table as the proposal will not provide for a residential development that maintains the character of built and natural features in the surrounding area.
 - c. 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.
4. The proposed development is inconsistent with, and has not demonstrated compliance with the Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, including:
- a. C1.0 General Provisions - 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. C1.3 Alterations and additions – O1(a), O1(b), O1(c), O1(d) and O1(e), C1(a), C1(d), C1(f), C2, as the proposed alterations and additions are 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 in adverse amenity impacts including poor amenity outcomes for future residents on the site.
 - c. C1.4 Heritage Conservation Areas and Heritage Item – O1(a) O1(d), O1(e) and O1(i), C1, C3(a), C3(b), and C3(c), as the proposal 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 will have an adverse impact on the heritage conservation area in which the site forms a part.
 - d. C1.11 Car Parking – O12(c) O12(d) and O12(e), C47, and C48(a), as the proposed car parking arrangement relies upon access over land which does not have owner's consent and therefore cannot be part of the application, impacts on the streetscape and heritage conservation area and potentially impacts on the safety of the adjoining property.
 - e. C2.2.2.1 C.2.2.5 Mort Bay Distinctive Neighbourhood – O1, C1, C7, C10, as the proposal 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.
 - f. 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, having particular regard to form, height, bulk, scale and siting, and will adversely impact on the amenity of future occupants of the subject development and adjoining properties.
 - g. Part C3.2 - Site Layout and Building Design, including Objectives O1, O2, O3, O4 (a), (c) and (d) and 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.
 - h. Part C3.9 - Solar Access, Objective O1a, O1c, O1d, O1f and Controls C4, C11, C17, C18 C19 where the development does not provide adequate or compliant solar access to the proposed residences on the site and creates adverse impact on the neighbouring site.

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

The Panel supports the findings contained in the assessment report and endorses the reasons for refusal contained in that report.

The development would result in an adverse impact on the streetscape, Heritage Conservation Area, amenity of future occupants and impacts on the amenity of the adjoining properties, and is not considered to be in the public interest.

The application is considered unsupportable in its present form, and in the absence of all owner's consents, the application is refused.

The decision of the panel was unanimous.

IWLPP1307/25 Agenda Item 7	DA/2024/0526
Address:	10 Victoria Street LEWISHAM
Description:	Alterations and additions to an existing building, including retention of the building façade and construction of a mixed use building containing a single storey commercial premises and four storey residential dwelling with garage and removal of trees.
Applicant:	Susan Yap

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

- Ingo Voss (Objector)
- Mark Jensen (Objector)
- Linda Robuffo (Objector)
- Luigi Rosselli (Applicant)
- Sandra Robinson (Applicant)

DECISION OF THE PANEL

The Panel defers determination of DA/2024/0526 to enable Council officers to obtain a legal opinion regarding the permissibility of the proposed development at 10 Victoria Street Lewisham. The development is described as ‘alterations and additions to an existing building, including retention of the building façade and construction of a mixed use building containing a single storey commercial premises and four storey residential dwelling with garage, and removal of trees.’

The Council officers are requested to engage an experienced environmental lawyer who will:

- a. review the legal opinion submitted by the applicant,
- b. consider the relevant provisions of the Land Use Table, Schedule 1, and clause 6.13 of the Inner West Local Environmental Plan 2022,
- c. consider any case law related to the definition of “dwelling house,”
- d. provide an opinion as to the characterisation of the development, and
- e. provide an opinion as to the permissibility of the proposed development

The Panel requests that the additional information be provided within 2 weeks. The Panel will convene to consider the new information and determine the application electronically.

REASONS FOR DECISION

The Panel received a written submission on behalf of the applicant containing a legal opinion. This opinion contradicted the position presented in the Council officer’s assessment report regarding the characterisation of the proposed development. Central to this issue is the interpretation of the definition of the land use “dwelling house.”

The Panel heard several submissions which raised various issues related to the merits of the proposed development. As there are conflicting opinions about the permissibility of the proposed development, the Panel requires clarification of this issue prior to considering issues of merit.

While the Panel would prefer not to defer determination of the application in this instance it is considered appropriate to ensure it has clarity about how the application can be evaluated. A time frame of 2 weeks for receipt of a response has been set to facilitate determination as quickly as possible.

The Inner West Planning Panel Public Meeting opened at 2:01 pm
The Inner West Planning Panel Public Meeting closed at 3:23 pm
The Inner West Planning Panel Meeting finished at 5:09 pm.

CONFIRMED:

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

Mr John Brunton
Chairperson
8 April 2025