

## DETERMINATION AND STATEMENT OF REASONS WILLOUGHBY LOCAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	28 June 2022
<b>PANEL MEMBERS</b>	Graham Brown (Chair), Trevor Bly, Deborah Laidlaw and Philippa Hayes
<b>DECLARATIONS OF INTEREST</b>	NIL

Public meeting held at Willoughby City Council on 28 June 2022 by teleconference. The meeting opened at 2.01pm. Papers circulated electronically between 22 June and 28 June 2022. Philippa Hayes was nominated to sit for this meeting as a community representative.

This item was heard between 2.01pm and 2.18pm.

### MATTER DETERMINED

DA-2021/5/A at 1A Burra Road, Artarmon NSW 2064. Modify existing consent for alterations to the approved building design, including additional demolition works, reconfiguration of driveway access, internal layout changes and extension of balcony and amendment and deletion of various conditions of consent.

### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at the meeting and briefings and the matters observed at site inspections listed at item 8 in Schedule 1 of this Determination and Statement of Reasons.

The Panel adjourned after the meeting to deliberate on the matter and formulate a resolution.

### Modification application

The Panel determined to **approve** the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

### REASONS FOR THE DECISION

The reasons outlined in the Council S4.55 report and the additional information provided by Council's Heritage Adviser and the Applicant's Heritage adviser from Architectural Projects Jennifer Hill. They agreed that the northern wall (windows and weatherboard cladding) previously approved to be retained can be replaced like for like if required and subject to augmentation by the reinstatement of original material and detail of the west facing gable.

### CONDITIONS

The modification application was approved subject to the conditions in the Council assessment report with the following amendment(s).

#### **Condition 2 to be amended to read as follows:**

#### **2. Submit the Following Information to Willoughby City Council**

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate.

- a) Reinterpret the original glazing to the west and maintain the openness of the proposed pavilion.
- b) Interpret the 1957 original glazing to the bar on the south as a screen;
- c) Retain the original weatherboard façade glazing to the north or reconstruct like for like if the timber condition requires. ~~of the northern section of the façade to the junction of the Community Room and the covered patio/pavilion.~~ Retain all original fabric to the western gable and reconstruct (where missing) based on the 1957 photographs (see Figure 3.3.10 in report by Artefact dated February 2020) in order to retain the legibility of the original building. Drawing DA-0502 Rev 7, plot dated 12.11.2021 prepared by SJB Architects will need to show the reference to "CLD-501" and any reference to weatherboard, to fibre-cement sheeting. Confirmation from a suitably qualified heritage consultant that this condition has been satisfied.
- d) Interpret the footprint of the 1965 Lounge in the paving.
- e) Interpret the footprint of the 1957 bar in the paving and the roof over.
- f) Adjust the detailing of the ramp (i.e. materials and colours) as necessary to accommodate these interpretations.

- g) Retain the honour board in the main hall in situ and delete the proposed honour wall. ~~subject to structural engineering advice that the honour board can remain in situ.~~
- h) Adjust the access to the WCs to retain the original doors; the door can be widened to comply with access standards.
- i) Fix the southern door shut to retain the symmetry.
- j) Amend roof material to concrete tiles, to be of the same or a similar colour to those used for the former clubhouse.  
(Reason: Ensure compliance)
- k) No approval is given or implied for removal and/or rebuilding of any portion or element of the existing building which is shown to be retained. Should a portion of the existing building which indicated on the approved plans to be retained be damaged, all works on-site are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained.
- l) The portion of the draft Heritage item building, marked as existing on the plans, or required to be retained by these conditions, is to be retained without. Prior to the issue of the Construction Certificate a qualified architect with experience in heritage conservation must provide evidence, satisfactory to the Certifying Authority, that the proposed works are in compliance with the development consent.  
A copy of the written evidence shall also be submitted to Council, for record keeping, prior to issue of any Occupation Certificate.  
Note: For the purposes of this condition, replacing 'like with like' or 'like with similar' does not constitute retention. This is to adequately define scope of approved work and to reserve culturally significant fabric.
- m) The reuse of significant elements, such as timber joinery, weatherboards, etc. of the existing buildings is required, where possible, in accordance with the Salvage Strategy, by Artefact Heritage, dated February 2020. The recycling is to occur, preferably on site and/or when suitable for reuse, to be used elsewhere. Demolition and storage of these materials is to be carefully carried out by workers and specific stockpile area is to be designated and protected. An experienced heritage practitioner is to submit details of the above requirements to Council prior to the issue of Construction Certificate.
- n) All external building material shall be in colours and textures, which are compatible with the heritage character of the locality. In this regard, the Schedule of Colours and Finishes submitted must be updated as per Condition 2:
  - a. Replacement of FC cladding is to match the original weatherboard profile;
  - b. Any new roofing materials must match those of the existing tiles to ensure the use of materials consistent with the character of the original building
  - c. Aluminium windows to only be used where the existing window frames cannot be reused. The revised Schedule of Materials and Finishes shall be provided to the Certifying Authority before issue of a Construction Certificate.
- o) The west-facing gable end is to be articulated with battened fibre cement sheet finish and shown on the plans in accordance with the original photos.
- p) The salvage strategy prepared by Artefact should be adopted where possible, as part of the works. An experienced practitioner must provide evidence satisfactory to the Certifying Authority, that the proposed works are in compliance with the development consent.
- q) **The windows to the Kitchen on the north façade, if in-situ, are to be retained.**  
(Reason: Heritage conservation, sustainability, cultural resources, visual amenity and ensure compliance).

## 18. Fitout of Kitchen

The fitout of the kitchen of the community centre must comply with Australian Standard AS4674-2004 Design, Construction and Fitout of Food Premises and with the requirements of the Food Safety Standards. Detailed plans shall be submitted to the Certifier together with certification from a suitably qualified person that the fitout complies with the standards prior to a Construction Certificate being issued.

The plans are specifically required to show compliance with the following:

- (a) A dedicated hand wash basin/s shall be located in the kitchen and must be within 5m from any place where food handlers are handling food. The hand wash basin/s shall be free-standing, fitted with hot and cold water with a water-mixing device to provide water through a single spout, of a suitable size (500mm x 400mm), fixed to the wall at bench height and accessible at all times. The hand basin shall be equipped with liquid soap and paper towel.
- (b) All floors, walls & ceiling finishes to the kitchen area must be of an approved material that is impervious to moisture.
- (c) Floors in the kitchen shall drain to a floor waste and be coved at the intersection of the walls.
- (d) ~~All walls must be solid construction with no voids or gaps.~~
- (e) All fixtures and equipment must be sealed to the wall and a solid plinth. Cupboards must be vermin-proofed and shall not consist of voids. As an alternative, fixtures and equipment can be of an open design on legs with a minimum clearance of 150mm to the floor.
- (f) A double bowl wash-up sink and a dishwasher shall be provided.

- (g) Any cooking equipment (other than a microwave oven) shall be provided with mechanical exhaust ventilation that exhausts discharge air directly to atmosphere in accordance with Australian Standard AS1668.2:2002 - *The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control.*





(Reason: Health and compliance)

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during the public exhibition and heard from all those wishing to address the Panel. The Panel noted that key issues of concern included:

- Heritage impact
- Use of building
- Access

The Panel considered that concerns raised by the community have been adequately addressed in the assessment report and additional information provided. The Panel accepted that the honour board remain in -situ in the main hall (condition 2(g)) and the windows to the kitchen on the north façade, if in-situ, are to be retained (condition 2(q)).

<b>PANEL MEMBERS</b>	
 <b>GRAHAM BROWN (CHAIR)</b>	 <b>TREVOR BLY</b>
 <b>DEBORAH LAIDLAW</b>	 <b>PHILIPPA HAYES</b>

<b>SCHEDULE 1</b>		
1)	<b>DA NO.</b>	DA-2021/5/A
2)	<b>PROPOSED DEVELOPMENT</b>	Modify existing consent for alterations to the approved building design, including additional demolition works, reconfiguration of driveway access, internal layout changes and extension of balcony and amendment and deletion of various conditions of consent.
3)	<b>STREET ADDRESS</b>	1A Burra Road, Artarmon NSW 2064.
4)	<b>APPLICANT/OWNER</b>	Willoughby City Council / Willoughby City Council.
5)	<b>REASON FOR REFERRAL</b>	Conflict of Interest: <ul style="list-style-type: none"> <li>• Council application.</li> </ul>
6)	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ <i>State Environmental and Planning Policy (Infrastructure 2007)</i>.</li> <li>○ <i>SEPP 55 – Remediation of Land (Land Contamination)</i>.</li> <li>○ <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) (Deemed SEPP)</i>.</li> <li>○ <i>Willoughby Local Environmental Plan 2012</i>.</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ <i>Willoughby Development Control Plan</i></li> </ul> </li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>.</li> <li>• Provisions of the <i>Environmental Planning and Assessment Act</i>.</li> <li>• Planning agreements: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul>
7)	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ol style="list-style-type: none"> <li>1) Council assessment report: 17 June 2022.</li> <li>1) Clause 4.6 variation requests: Nil</li> <li>2) Written submissions during public exhibition: 8</li> <li>3) Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Kate Lamb of 23 Chelmsford Ave Willoughby</li> <li>○ Councillor Anna Greco of 21 Gorman St Willoughby</li> <li>○ Michael Dawes – VP of Artarmon Progress Association</li> <li>○ Michael Cashin of Willoughby City Council</li> <li>○ Council assessment officer – Peter Wells and Ritu Shankar</li> </ul> </li> </ol>
8)	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<ul style="list-style-type: none"> <li>• Site inspections were undertaken individually by Panellists at their discretion due to COVID-19 precautions.</li> <li>• Papers circulated electronically 22 June 2022 and 28 June 2022.</li> <li>• Final briefing to discuss Council's recommendation, 28 June 2022 at 3.10pm</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ Graham Brown (Chair), Trevor Bly, Deborah Laidlaw, and Philippa Hayes</li> <li>○ Council staff: Peter Wells and Ritu Shankar</li> </ul> </li> </ul>
9)	<b>COUNCIL RECOMMENDATION</b>	Approval
10)	<b>DRAFT CONDITIONS</b>	Attached to the Council assessment report