

## DETERMINATION AND STATEMENT OF REASONS

### WILLOUGHBY LOCAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	29 MAY 2018
<b>PANEL MEMBERS</b>	Penny Holloway (Chair), Annelise Tuor, Gary Shiels, Robert Freestone
<b>DECLARATIONS OF INTEREST</b>	NIL

Public meeting held at Willoughby City Council Chambers on 29 May 2018 opened at 2.03pm and closed at 3.08pm.

#### **MATTER DETERMINED**

DA-2017/389 at 24 Goodchap Road, CHATSWOOD NSW 2067 (as described in Schedule 1)

The following people addressed the meeting:

- 1) Deb Lacinski of 1 Ivy Street
- 2) Michael Lacinski on behalf of Heydar Magharehabed of 22 Goodchap Road
- 3) Michael Lacinski on behalf of John Owen of 15 Ivy Street
- 4) Nick Juradowitch of Ingham Planning on behalf of the applicant

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to **approve** the development application as described in Schedule 1 pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* and subject to some amendments listed below.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

- A. Approve Development Application 2017/366 for alterations and additions to existing boarding house including additional 10 rooms and 2 car parking spaces and associated works at 24 Goodchap Road, Chatswood subject to the conditions contained in Attachment 1, for the following reasons:
  - 1) The proposed boarding house is consistent with the *AHSEPP 2009* standards, it is in R2 Low density residential zoning, within an accessible area and the density and scale of the development is compliant with the relevant development controls of the *WLEP 2012*.
  - 2) The proposal is consistent with the aim of increasing the supply and diversity of rental and low cost housing in the Chatswood area.
  - 3) The proposed additions to the boarding house building subject to additional conditions will be visually subordinate to the Local Heritage Item as viewed from Goodchap Road and Ivy Street frontages. The architectural design utilises roof forms, massing, roof heights and materials consistent and in keeping with the Local Heritage Item.
  - 4) The proposal is consistent with the objectives of the R2 – Low Density Residential zone under *WLEP 2012* and is compatible with the existing residential development in the locality.
  - 5) The proposal will be compatible with the character of the local area.
  - 6) Amendments to the proposal result in overall amenities in terms of boarding room floor areas, connectivity, landscaping, open spaces, security, parking and traffic design requirements.
  - 7) The proposal will have exclusive vehicle and pedestrian entry from Goodchap Road and minimise traffic impacts in Ivy Street.

#### **CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment report with the following amendments.

Condition 9 is deleted.

New Condition 1A is added to read as follows:

## **PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with before any Construction Certificate Application is made to the Certifying Authority.**

### **1A. Amended Architectural Drawings**

Prior to the lodgement of an application for a Construction Certificate, the architectural plans and elevations, schedules and specifications must be amended to include the following:

#### **A. Privacy Highlight Windows**

Translucent glazing up to 1.6m above finished floor level to the ground floor and attic level windows on the east and west elevations as follows:

- (i). Ground Floor West Elevation: Kitchen, Room 4, Shared Bathroom and Room 5;
- (ii). Attic Floor Level West Elevation: Room 9 plus Room 9 Ensuite;
- (iii). Attic Floor Level East Elevation: Room 10 plus Room 10 Ensuite and any feature wall and/or stair element that has the potential of overlooking.

#### **B. Preservation of South Elevation Heritage Character**

- (i). The east facing wall of the proposed living room be brought back to align with the east facing wall of Room 7 of the existing building. Further the height of the void element and awning to the new living room to be reduced so as to align with the top of the decorative verandah timber archway;
- (i). The original window to Room 16 to remain intact;
- (ii). Realign the proposed internal wall between rooms 5 and 6 so as to preserve the existing window and opening;
- (iii). Submit a 1:50 floor plan to indicate the extent of removal of sandstone balustrade for accessible entry to indicate retention of sandstone nibs for supporting southern verandah columns.

The Architectural plans and elevations amended in accordance with this condition of consent are to be provided to Council for approval prior to the application for a Construction Certificate.

(Reason: Heritage Character, Privacy and Amenity)

Condition 83 to be amended and read as follows:

### **83. Management Operation Plan**

The Operational Plan of Management must be reviewed and updated at least once every year when the boarding house operates. **The Management Operation Plan must be maintained and adhered to at all time.**

The Plan should be updated to include in detail the following:

- (a) Procedures, actions and responsibilities to apply for "On-Site Management", Occupancy agreement / House rules / Termination of use / Information sheets / Registration / Visitor Policy / Safety and Security / Contract Cleaning and maintenance records etc.;
- (b) Manager full Contact details, Duties and Procedural action and Responsibilities etc.;
- (c) Procedures, actions and responsibilities to apply Occupational Health and Safety Requirements, all hazards (broken chairs, loose carpets, missing lights etc.), Storage of Chemicals and machinery;
- (d) Use and hours of all Communal areas including permissible and type of Noise levels. **This must include use of outdoor areas being restricted to no later than 10:00pm;**
- (e) Procedures, actions and penalties to apply in the event of undesired behaviour;
- (f) Procedures, actions and a specified time frame for dealing with complaints filed in the

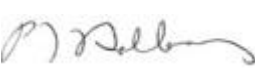



“Complaints and Incident Register”;

- (g) An Evacuation Procedure to follow in case of an emergency event;
- (h) The responsibilities of the owner / caretaker of the building Including the transfer and return of all bins to roadside for collection;
- (i) A statement clearly specifying that sixteen (16) boarding rooms must not be occupied by more than one (1) adult lodger at any time; that five (5) of the rooms must not be occupied by more than 2 adult lodgers at any time; and that the capacity of the boarding houses is a maximum of 26 adult lodgers at any given time; and
- (j) Penalties for not complying with the Plan.

The Management Operation Plan must comply with the *Boarding Houses Act 2012*, *Boarding Houses Regulation 2013* and other relevant legislation. Relevant details of the premises must be recorded in the Register of Boarding Houses as required by the legislation.

Copies of the Management Operation Plan must be provided to the boarding house manager, made available to Council upon request, displayed in a conspicuous position in the boarding house and made available at all times to all residents of the premises.

(Reason: Operation management, Amenity)

PANEL MEMBERS	
 <b>PENNY HOLLOWAY(CHAIR)</b>	 <b>ANNELISE TUOR</b>
 <b>GARY SHIELS</b>	 <b>ROBERT FREESTONE</b>

<b>SCHEDULE 1</b>		
1)	<b>DA NO.</b>	DA-2017/389
2)	<b>PROPOSED DEVELOPMENT</b>	Alterations and additions to existing Boarding House including additional 10 rooms and 2 car parking spaces and associated works.
3)	<b>STREET ADDRESS</b>	24 Goodchap Road, CHATSWOOD NSW 2067.
4)	<b>APPLICANT/OWNER</b>	Ac Homes.
5)	<b>REASON FOR REFERRAL</b>	Contentious Development – More than 10 submissions.
6)	<b>RELEVANT MANDATORY CONDITIONS</b>	<ol style="list-style-type: none"> <li>1) Environmental planning instruments: <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Affordable Rental Housing) 2009.</i></li> <li>• <i>Building Code of Australia Section J Report (class 3 building).</i></li> <li>• <i>Willoughby Local Environmental Plan 2012.</i></li> </ul> </li> <li>2) Development control plans: <ul style="list-style-type: none"> <li>• Section 94A Plan.</li> </ul> </li> <li>3) 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>4) The suitability of the site for the development.</li> <li>5) Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations.</li> <li>6) The public interest, including the principles of ecologically sustainable development.</li> </ol>
7)	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ol style="list-style-type: none"> <li>1) Council assessment report for meeting 29 May 2018.</li> <li>2) Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Object – Deb Lacinski, Michael Lacinski on behalf of Heydar Magharehabed and John Owen.</li> <li>○ On behalf of the applicant – Nick Juradowitch.</li> </ul> </li> </ol>
8)	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	Site inspection and briefing meeting dated 29 May 2018.
9)	<b>COUNCIL RECOMMENDATION</b>	Approval.