

DA NO: DA-2021/5/A

ADDRESS: 1A BURRA ROAD, ARTARMON NSW 2064.

PROPOSAL: 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.

RECOMMENDATION: APPROVAL

ATTACHMENTS:

1. SITE DESCRIPTION AND AERIAL PHOTO
2. CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS
3. ASSESSMENT UNDER WLEP
4. ASSESSMENT UNDER WDCP
5. SECTION 4.55 ASSESSMENT
6. SECTION 4.15 (79C) ASSESSMENT
7. SUBMISSIONS TABLE
8. SCHEDULE OF CONDITIONS
9. NOTIFICATION MAP

RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER

AUTHOR: PETER WELLS – CONSULTANT PLANNER

REPORT DATE 17 JUNE 2022

REPORT FOR: 28 JUNE 2022

1. PURPOSE OF REPORT

The purpose of this report is to seek determination by Willoughby Local Planning Panel (WLPP) of modification application DA-2021/5/A. The application seeks consent to modify the original proposal 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 at 1A Burra Road, ARTARMON.

The application is required to be referred to the WLPP for determination because the landowner is the council.

2. OFFICER'S RECOMMENDATION

THAT the Willoughby Local Planning Panel:

2.1 Approve modification application DA-2021/5/A for partial demolition, adaptive reuse and refurbishment of the former Artarmon Bowling Club clubhouse into a new community facility and associated landscaping works at 1A Burra Road, Artarmon and a modified consent notice issued subject to the conditions in Attachment 8, for the following reasons:

2.1.1 The proposed development will make a positive contribution to the quantum and quality of community resources made available by Council

for the social, cultural and recreational wellbeing of the community of Artarmon and more broadly, the population of Willoughby.

2.1.2 Proposed refurbishment and adaptive reuse of the former bowling club clubhouse is capable of complementing and preserving the history of the site and the heritage of Artarmon and Willoughby.

2.1.3 The proposed development is consistent with the local planning framework, and has minimal and manageable environmental impacts on natural and built environments.

3. BACKGROUND

The background to the subject application is important to note.

24 June 2019

Amongst other matters related to the Artarmon Reserve, at its meeting held on this date, Council resolved, to:

3. *Endorse the demolition of the former Artarmon Bowling Clubhouse and the development of the former Artarmon Bowling Clubhouse site as a community pavilion.*

July 2019

A 700+ signature petition was considered by Council on 22 July 2019, which called for the clubhouse to be retained and renovated. Council noted the petition.

29 October 2019

DA 2019/254 – this application was prepared in accordance with the above resolution, and proposed demolition of the former Artarmon Bowling Club building and landscaping of the (former) building's footprint. The application to demolish the clubhouse and landscape the land following demolition, was notified and 73 submissions were received. A significant majority objected to the application – 71 submissions.

In summary key grounds for objection included:

- The clubhouse is (was) considered in good condition, affordable and superior to other facilities in the area.
- Significant cultural value and heritage significance.
- Loss of functionality, if a pavilion was to replace the clubhouse.
- Demolition is not considered an outcome that supports sustainability.

This application was approved subject to a number of conditions of consent, including two added by the Panel:

2a. Timing of demolition

*Demolition shall not occur until development consent has been obtained for a new community facility onsite.
(Reason: Ensure compliance)*

2b. Heritage interpretation

*A heritage interpretation strategy shall be prepared and submitted to Council prior to any demolition occurring.
(Reason: Heritage protection)*

Comment: The approval of DA-2021/5 (see below) satisfied condition 2a. To comply with condition 2b, Council commissioned Artefact Heritage to prepare a Heritage Interpretation Strategy, which was provided to Council on 10 February 2020.

9 November 2020

At its meeting held on this date, Council resolved:

That Council:

- 1. Endorse the lodging of a Development Application for the Artarmon Parkland Pavilion at 1A Burra Road, Artarmon, based on the current concept design for the adaptive reuse of the former Artarmon Bowling Clubhouse.***
- 2. Grant delegation to the Chief Executive Officer to execute documents associated with the Development Application for the Artarmon Parklands Pavilion at 1 Burra Road, Artarmon.***
- 3. Not commence demolition of the existing building until the current Local heritage nomination has been determined.***

14 December 2020

At its meeting held on this date, Council considered a report by Architectural Projects regarding nomination of the former Artarmon Bowling Club for listing in the Willoughby LEP's Schedule 5 as a local heritage item, and resolved (Item 15.8):

That Council:

- 1. Note the findings of the independent review recommending the Artarmon Bowling Club site be listed as a Local Heritage Item on the basis of its historic, social and representative significance.***
- 2. Note that the independent review notes that the clubhouse building has been modified and lost its integrity and does not demonstrate either aesthetic or rarity significance and that the building has the capacity for further adaptation, extension or modification.***
- 3. Include the Artarmon Bowling Club as an item of Local Heritage Significance in the draft Willoughby Local Environmental Plan for exhibition.***
- 4. Prepare a Heritage Inventory Sheet for the Artarmon Bowling Club and include for exhibition in conjunction with the Willoughby Local Environmental Plan, based on the findings and recommendations of the independent review.***
- 5. Consider the recommendations of the independent review in the refinement of the concept designs for the Artarmon Parklands Pavilion.***

On 25 May 2021 DA-2021/5 was approved for partial demolition, adaptive reuse and refurbishment of the former Artarmon Bowling Clubhouse building, into a new community facility and associated landscaping works. Condition 3 of the consent requires the applicant to surrender DA-2019/254 prior to the issue of the Construction Certificate.

In the consent for DA-2021/5 the approved drawings show part retention, part removal of existing walls. Notably, the northern façade is notated on an approved plan ("Demolition Ground Floor Plan DA – 0207 Revision 3, plot dated 17.12.2020 prepared by SJB) "demolish and remove existing windows, posts, cladding & lining". The approved northern elevation

(DA – 0501 Revision 3, plot dated 17.12.2020 prepared by SJB) shows the external cladding on the northern elevation as “CLD-01” which refers to “Non-combustible external FC Cladding with horizontal grooved joints” (as referenced in External Materials & Finishes Drawing DA – 002 Revision 3, plot dated 17.12.2020 prepared by SJB). Notwithstanding these annotations on the drawings, condition 2 (and notably 2c) was stipulated in the development consent to require the following:

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 if the timber condition requires, of the northern section of the façade to the junction of the Community Room and the covered patio/pavilion.
- 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)

This condition is to be read in conjunction with the approved drawings and requires plans satisfying the above requirements to be submitted to Council for approval prior to the lodging of a Construction Certificate application. A Heritage Report by Edwards Heritage Consultants (dated 10 May 2021), and a Heritage Impact Statement by NBRS dated December 2020 contributed to the understanding of heritage significance of the existing building.

Of relevance to the primary issues with this application (DA-2021/5/A) is that the external wall cladding on the northern façade is proposed to be removed and replaced with non-combustible cladding. Drawing DA – 0501 Revision 7, plot dated 12.11.2021 prepared by SJB shows the northern façade in part replaced with glazing. This northern façade, as condition 2c requires, is to be retained for its contribution to the heritage significance of the building. The Statement of Environmental Effects states with respect to external materials: “The existing external cladding is proposed to be replaced with a material of similar profile to ensure compliance with the Building Code of Australia (BCA), consistent with the recommendations of the Fire Engineering Consulting Advice prepared by ACORD Consultants”. This matter is discussed in details later in this report.

Also of relevance is that the drawings show the west-facing gable as “gable studs reinstated” over weatherboard whereas Council’s heritage advisor seeks the battens to be vertically arranged over FC sheeting. This matter is discussed in details later in this report.

The former Artarmon Bowling Club is identified as a Draft Heritage Item in the Draft Willoughby Local Environmental Plan, which has recently completed its first exhibition period (completed 8 June 2022).

Also of note is that Condition 50 of the consent, which requires a Heritage Conservation Management Plan prior to the occupation of the development:

50. Heritage Conservation Management Plan

A Heritage Conservation Management Plan for the Artarmon Parklands (the former Artarmon Bowling Club), shall be prepared, to provide for:

- a) Maintaining the heritage values of the site, of the former clubhouse and its curtilage including the former bowling greens, in perpetuity.
 - b) Reconciliation, synthesis and consolidation of the findings and recommendations (to be consistent with this consent) of the heritage reports previously prepared, namely:
 - i) Former Artarmon Bowling Club, Review of Heritage Nomination, Architectural Projects, 2020,
 - ii) Former Artarmon Bowling Club, Moveable Heritage Survey and Salvage Schedule, Artefact Heritage, 2020,
 - iii) Former Artarmon Bowling Club, Heritage Interpretation Strategy, Artefact Heritage, 2020,
 - iv) Former Artarmon Bowling Club, Addendum – Comparative Analysis, Artefact Heritage, 2020,
 - v) Former Artarmon Bowling Club, Heritage Impact Statement, Artefact Heritage, 2020,
 - vi) Artarmon Parklands Pavilion, Heritage Impact Statement, NBR Architecture, 2020
 - vii) Heritage Advisor Referral, DA 2021/5, 1A Burra Road Artarmon, Edwards Heritage Consultants, 2021, and
 - viii) Former Artarmon Bowling Club, 1 Burra Rd Artarmon, DA Review, Architectural Projects, May 2021.
 - c) Recognition and celebration of Aboriginal cultural heritage on the site, taking into consideration advice from the Aboriginal Heritage Office of NSW.
 - d) To complement the Artarmon Bowling Club Honour Board, consideration be given to installing in the Pavilion a permanent and/or dynamic display of memorabilia and photographs of Lawn Bowls and related activity during the life of the Artarmon Bowling Club.
 - e) A physical commemoration of the Jubilee Lounge, to recognise celebrate the club's role and that of the women members, in nurturing women's involvement in sport.
 - f) Reuse of fixtures to support the heritage interpretation of the building, such as the 'boomerang' shaped handles used on extant kitchen cupboards and drawers.
 - g) An implementation program or action plan, for the foregoing items and any other measures necessary to conserve and manage the heritage significance of the former clubhouse and its curtilage including the former bowling greens.
- (Reason: Heritage conservation and Ensure compliance)

Notwithstanding it is a pre-Occupation condition, a Conservation Management Plan has been prepared by Architectural Projects, dated October 2021, and includes a "Grading of Significance' Diagram" for the ground floor, lower ground floor and the roof. These are provided below:

1934 | FORMER ARTARMON BOWLING CLUB, 1A BURRA RD, ARTARMON

Figure 5.15.2 | 2021 | Grading of Significance Diagram - Clubhouse | Architectural Projects PL



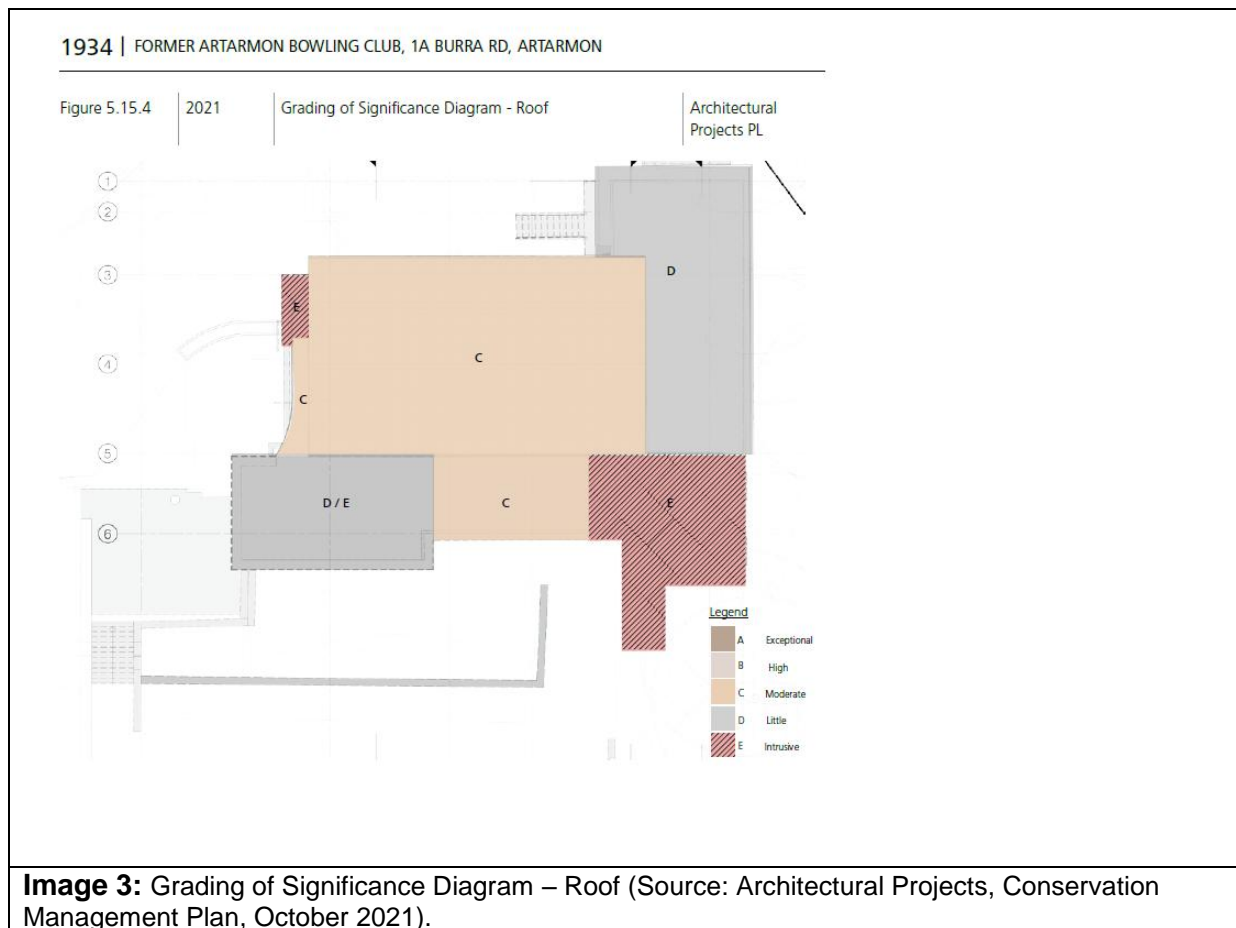
Image 1: Grading of Significance Diagram – Ground Floor Clubhouse (Source: Architectural Projects, Conservation Management Plan, October 2021).

1934 | FORMER ARTARMON BOWLING CLUB, 1A BURRA RD, ARTARMON

Figure 5.15.3 | 2021 | Grading of Significance Diagram - Lower Ground | Architectural Projects PL



Image 2: Grading of Significance Diagram – Lower Ground (Source: Architectural Projects, Conservation Management Plan, October 2021).



On 22 February 2022 the subject Modification Application was received. It was notified from 17 to 31 March 2022 where 8 submissions were received. On 19 May 2022 Council issued a letter seeking certain matters to be addressed, including heritage, stormwater, access, and public submissions. On 25 May 2022 the applicant provided a response to the public submissions. On 27 May 2022 a draft HIS was issued by Architectural Projects. On 14 June 2022 the applicant submitted updated engineering details for the OSD tank and the vehicular access.

The site is located at the end of Burra Road. A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 1**.

4. DISCUSSION

The proposed modifications are described in the 'Statement of Support' dated December 2021 prepared by SJB Planning. It breaks down the proposed modifications into demolition, lower ground, ground, roof, external materials and conditions sought for modification, as follows:

Demolition

- Demolition of the southern and western walls and western door to lower ground storage room;
- Demolition of underpass roller shutter door and stud wall at lower ground level;
- Replacement of existing flammable cladding on the eastern, western and northern elevations;

Lower ground floor

- Reconfiguration of room uses;

- Addition of mesh to divide non-habitable areas;
- Reconfiguration of southern entry;
- Relocation of OSD tank.

Ground level

- Relocation of bubblers;
- The existing honour board and wall on which it is located, are to be retained in the current location.
- Reconfiguration of back stage area and public amenities;
- New aluminium windows to northern and eastern facades of kitchen;
- Extension of northern kitchen balcony/deck;

Roof level

- Relocation of PV panels to the east of roof;
- Relation of awning gutter to the south;
- West façade gable studs reinstated.

External materials

- The existing external cladding is proposed to be replaced with a material of similar profile but non-combustible to satisfy the deemed-to-satisfy provisions of the Code of Australia (BCA).

Condition 1 Approved plans

Change to condition 1 to reflect updated plans.

Condition 6 – Bushfire protection

Deletion of this condition on the basis that there is no NCC (BCA) bushfire requirement that relates to this type of use.

Condition 9 – Damage Deposit

Deletion of this condition on the basis of Council being the applicant.

Condition 12 – Construction Management Plan

Modification of condition 12 to require the submission of a CMP prior to commencement of works rather than prior to the issue of the Construction Certificate.

Condition 13b – Design of Works in Public Road (Roads Act Approval)

Modification of width of the driveway from 4.5 to 4.0 metres wide.

Condition 18 – Kitchen Fitout

Deletion of condition 18 on the basis that the kitchen is not a commercial kitchen.

Condition 19 – Traffic Management Plan

Modification of condition 19 to require the submission of a TMP prior to commencement of works rather than prior to the issue of the construction Certificate.

Condition 20 – Traffic work

Modification of condition 20 to require any changes to the existing public carriageways involving altered traffic arrangements prior to commencement of works rather than prior to the issue of the Construction Certificate.

Condition 72 – Food Premises

Deletion of condition 72 (on the basis of deletion of condition 18).

The controls and development statistics that apply to the subject land are provided in **Attachment 2**.

An assessment in accordance with the relevant controls in the Willoughby Local Environmental Plan 2012 (WLEP) and Draft LEP is provided in **Attachment 3**.

An assessment in accordance with the relevant controls in the Willoughby Development Control Plan (WDCP) is provided in **Attachment 4**.

An assessment in accordance with S4.55 of the *Environmental Planning and Assessment Act* (EP&A Act) is provided in **Attachment 5**.

An assessment in accordance with S4.15 (79C) of the EP&A Act is provided in **Attachment 6**.

Public Consultation – summary of issues

The application was publicly notified and submissions invited between 17 and 31 March 2022. Eight (8) submissions were received, including from Artarmon Progress Association. Concerns can be generally summarised as:

- The proposal does not sufficiently retain the heritage significance of the building, particularly with regards to condition 2c.
- Drawings do not sufficiently detail the specificity of works, particularly with regards to condition 2c.
- Clarification sought as to whether the proposed lower ground floor is able to be utilised by the community gardeners.

The issues within the submissions objecting to the proposal and the assessing officer's response are contained in **Attachment 7**.

The **WLPP plans** used for this assessment can be found under the DA tracking functionality for this application on Council's website:

<https://eplanning.willoughby.nsw.gov.au/pages/xc.track/SearchApplication.aspx?id=517216>

5. CONCLUSION

The modification application DA-2021/5/A has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, WLEP 2012, WDCP, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in **Attachment 8**, and provided that the northern façade of the building is retained in accordance with condition 2 of the consent.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO



Image 4: The subject site at 1A Burra Road, Artarmon.

The site is located adjacent to Artarmon Reserve, with access from the eastern side of Burra Road. A children's playground and a community garden have occupied the two former bowling greens, built and used by the Artarmon Bowling Club's members since the 1950s, until the club's closure in 2015. The old clubhouse is presently disused and appears unsightly. Boards have been placed over the sides of the building to protect the windows, which remain in situ with the exception of an east-facing kitchen window. The site area is 7,639m². Artarmon Reserve accommodates a sports field and two parking areas.

ATTACHMENT 2: CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS

WLEP 2012 Zoning:	RE2 Private Recreation
Existing Use Rights	NO
Additional Permitted Use	NO
Conservation area	YES, ARTARMON, AREA C1
Aboriginal Heritage	NO
Heritage Item	YES (DRAFT ITEM)
Vicinity of Heritage Item	NO
Natural Heritage Register	NO
Bushfire Prone Area	YES
Flood related planning control	YES
Foreshore Building Line	NO
Adjacent to classified road	NO
Road/lane widening	NO
BASIX SEPP	NO
Infrastructure SEPP - Rail	NO
Infrastructure SEPP - Road	NO
Coastal Management SEPP	NO
Development near Lane Cove Tunnel	NO
Contaminated Land	NO
Adjacent / above Metro	NO
Other relevant SEPPS	SEPP 19 Bushland in Urban Areas, SEPP 55 Remediation of Land, SREP (Sydney Harbour Catchment) 2005

Development Statistics	
Site Area (m ²)	7,639m ²

SEPP 55 Remediation of land

A hazardous material survey was prepared by E.I. Australia for the original development application, which surveyed the building for the presence of:

- Asbestos containing materials
- Lead-based paint
- Synthetic mineral fibres (insulation)
- Fluorescent light fittings contain polychlorinated biphenyls (PCBs)

Condition 42 of the development consent stipulates as follows and is considered to sufficiently address remediation of the site in the circumstances of the case.

42. Hazardous Materials – Clearance Certificate

Following completion of the removal of any identified hazardous material associated with demolition works, a clearance certificate shall be issued by an appropriately qualified

occupational hygienist and submitted to the Certifier. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.
(Reason: Health and safety)

Referrals

<p>Building services (Council's Certification Team Leader)</p>	<p>The proposal is within a bushfire prone area and is not required to be referred to RFS.</p> <p>It should be noted that this Type/Class of building is not required to meet the requirements for minimal Bushfire Construction, but as noted by the Bush Fire consultant, satisfactory measures are in place for fire fighting and evacuation of occupants. Therefore conditions B3.006 and B 7.031 should be removed from any Consent issued.</p> <p>The building has been assessed as to whether an upgrade pursuant to Section 94 of the Regulations is warranted, but due to the reduced size of the building and therefore reduced fire load an upgrade of the entire building is deemed not to be warranted.</p> <p>At CC stage, matters relating to compliance with the National Construction Code – Volume One will be undertaken to ensure access into the building is available for people with disabilities, the fire resistance of new building work and the fire safety of occupants exiting the building will be undertaken. For the CC assessment there will be an opportunity for the applicant to seek approval for compliance with the 'deemed-to-satisfy' provisions or meet the 'Performance Requirements' of the NCC.</p> <p><u>Planning Assessment Officer Response</u></p> <p>The reference to B3.006 relates to the following condition, which is condition 6 of the development consent:</p> <p>6. Bushfire Protection</p> <p>The design and construction of the proposal shall comply with the requirements of the <i>Planning for Bushfire Protection</i> and Australian Standards 3959-2009. Details of compliance are to be included in plans/specifications prior to the release of the Construction Certificate. (Reason: Safety and protection of property)</p> <p>The reference to B7.031 relates to the following condition, which is condition 49 of the development consent:</p> <p>49. Bushfire Construction</p> <p>No Occupation Certificate is to be issued until the building works have been constructed in accordance with the appropriate Bushfire Attack level (BAL) determined by the Bushfire Assessment Report and/or Consent Conditions. (Reason: Bushfire safety)</p> <p>On the basis of the above advice, conditions 6 and 49 are</p>
--	--

	<p>recommended for deletion (noting that condition 49 is not formally sought for deletion by the applicant but acts to ensure condition 6 has been satisfied prior to issue of the Occupation Certificate). Deletion of condition 6 should also mean deletion of condition 49.</p> <p>Section 94 of the Environmental Planning & Assessment Regulations 2000 (which is Section 64 in the updated Regulations 2021) applies to an application for development involving the rebuilding, alteration, enlargement or extension of an existing building where—</p> <p>(a) the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or</p> <p>(b) the measures contained in the building are inadequate—</p> <p>(i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or</p> <p>(ii) to restrict the spread of fire from the building to other buildings nearby.</p> <p>Section 94 (2) of the Regulations requires that, in determining an application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.</p> <p>Council is required to consider the regulations in accordance with s4.15(1)(a)(iv) of the Environmental Planning & Assessment Act 1979.</p> <p>Council's Certification Team Leader considers it unnecessary in the circumstances of the case to upgrade the building on the basis of reduced fire load, and advises that at Construction Certificate stage the applicant may either seek approval for compliance with the 'deemed-to-satisfy' provisions or meet the 'Performance Requirements' of the NCC.</p> <p>The deemed-to-satisfy provisions of the NCC, at Section C1.9 Non-combustible building elements, requires for Type B construction (this building is identified as Type B by the applicant's BCA Consultant) that external walls including façade covering, be non-combustible. This applies to all the walls, not just the walls facing the side boundary. According to the BCA it is only with a Performance Solution that any walls can be retained as weatherboard in accordance with condition 2 (which requires the northern façade of the building to be retained for its contribution to the heritage significance of the building).</p> <p>Council's Certification Team Leader considers fire upgrading the building is not warranted under the Regulations, which would mean any existing combustible walls (including the northern façade sought for retention for heritage reasons) could remain without fire protection. It is the planning assessment officer's view that the proposed non-combustible cladding is a welcome replacement to the existing cladding with the exception of the</p>
--	--

	<p>existing northern façade due to the contribution this façade makes to the heritage significance of the building. For clarity, reference to 'northern façade' means the existing north-facing wall between the kitchen and the north-western corner of the proposed Community Hall room.</p> <p>The matter of fire is further discussed in this report under the sub-heading 'C.1.2 Demolition of Heritage Items and buildings within Heritage Conservation Areas'.</p>
Engineering (Council's Development Control Team Leader)	<p>Engineering has reviewed the revised plans, including the revised stormwater plans, with regards elements relevant to this section.</p> <p>The revised stormwater plan is generally acceptable. The grate over the OSD tank outlet needs to be at deck level, so that it can be easily accessed, for inspection and maintenance purposes. The rainwater tank is located adjacent to the tank, and the position is acceptable.</p> <p>The revised site plan shows passing bays for vehicles. Given the low traffic volumes, the two passing bays will allow vehicles to pass if required.</p> <p>The application is acceptable, subject to the modifications to conditions below.</p> <p>Delete condition 9 – Damage Deposit, provided Condition 65 is modified.</p> <p>Amend Condition 65 - Public Infrastructure Restoration.</p> <p><u>Planning Assessment Officer Response</u></p> <p>Drawing DA-0210 received on 15 June 2022, plot dated 12.11.21 prepared by SJB Architects, shows 2 passing bays that increase the width of the driveway from 4m to 6.5m. One of these bays is within 4m of the entry to the site and the other is 16m into the site. This updated detail is considered satisfactory by Council's Development Control Team Leader, and is considered satisfactory on planning grounds.</p> <p>Drawing C501 Rev B, plot dated 5.11.21 prepared by Van Der Meer Consulting, shows works including footpath pavement and crossover detail, which is also considered satisfactory on the basis that it improves the aesthetics of the vehicular and pedestrian entry and improves the visual delineation of the separation of vehicular and pedestrian entry.</p>
Environmental Health	<p>After reviewing the new submission (WCC use of kitchen advice letter, dated 24th November 2021), the assessing officer is of the opinion that the original DA health conditions (Conditions 18 & 72 on the Notice of Determination) should remain.</p> <p>This is to ensure the kitchen / premises complies with the requirements of the Australian Standard AS4674-2004 Design, Construction and Fit out of Food Premises, and with the</p>

	<p>requirements of the Food Safety Standards.</p> <p>This also ensures that in the future should the premises be used for larger non-commercial, commercial or charity food preparation, that it meets the minimum requirements of the aforementioned legislation.</p> <p><u>Planning Assessment Officer Response</u></p> <p>Council's Environmental Health Officer declines the applicant's request to delete conditions 18 and 72, which read as follows:</p> <p>18. Fitout of Kitchen</p> <p>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.</p> <p>The plans are specifically required to show compliance with the following:</p> <ul style="list-style-type: none"> (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. <p>(Reason: Health and compliance)</p> <p>72. Food Premises</p> <p>A compliance certificate for the fitout of the kitchen shall be</p>
--	---

	<p>provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate, stating that the fitout complies with the food safety requirements found in the <i>Prior To Construction Certificate</i> section of this consent. (Reason: Public health, safety and compliance)</p> <p><u>Planning Assessment Officer Response</u></p> <p>The applicant (via SJB's Statement of Support) requested deletion of these conditions on the basis that the kitchen is not a commercial kitchen. SJB says "the kitchen will be used for the catering of community meetings and function only and not be used for commercial use". Council's Environmental Health Officer considers it appropriate that the kitchen comply with the requirements of Australian Standard AS4674-2004 Design. The deletion of conditions 18 and 72 is declined. Council's Environmental Health Officer's position is reasonable on the basis that the kitchen has the potential to be used for a range of community uses that involve consumption of food and drink by unrelated persons who are gathered for a variety of purposes.</p>
Heritage	<p>(Extract from memo) The following areas are therefore required to be clarified or added to as conditions of consent:</p> <ul style="list-style-type: none"> • The treatment of the northern façade glazing and cladding, including the strip windows and the Kitchen window. The existing strip windows and windows to the Kitchen are to be retained and shown correctly on the plans. The existing weatherboards and timber windows to be inspected and retained, repaired and reused where possible. The existing weatherboard profile should be used where replacement boards are required. • The west facing gable end is to be articulated with battened fibre cement sheet finish and shown on the plans. • The salvage strategy prepared by Artefact should be adopted 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. <p>Recommended Additional Heritage Conditions of Consent (to appear as Conditions 2(k) – (p):</p> <ul style="list-style-type: none"> 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

	<p>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.</p> <p>A copy of the written evidence shall also be submitted to Council, for record keeping, prior to issue of any Occupation Certificate.</p> <p>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.</p> <p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>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> <p>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.</p> <p>(Reason: Heritage conservation, sustainability, cultural resources, visual amenity and ensure compliance).</p> <p><u>Planning Assessment Officer Response</u></p>
--	---

	<p>The above additional heritage conditions of consent are considered to successfully capture heritage concerns, and are included in the recommended conditions of consent. It is noted that any walls proposed to be retained (represented as a heavy black line), if combustible, will require a Performance solution under the BCA.</p>
Traffic Engineering	<p>No objection to the modification of conditions 12, 19 and 20 on the condition the following wording is added (added wording underlined, strikeouts for deletions):</p> <p>12. Construction Management Plan (CMP)</p> <p><u>Prior to the commencement of works, including any preliminary works such as investigative works, crane installations, demolition or installations, entry to and from the site of trucks for any purpose, or any activity associated with construction of demolition of structures, the applicant shall</u> Prior to the issue of the Construction Certificate, submit, for approval by the Certifier, detailed Construction Management Plan (CMP). The CMP shall address:</p> <ul style="list-style-type: none"> (a) Construction vehicles access to and egress from the site (b) Parking for construction vehicles (c) Locations of site office, accommodation and the storage of major materials related to the project (d) Protection of adjoining properties, pedestrians, vehicles and public assets (e) Location and extent of proposed builder's hoarding and Work Zones (f) Tree protection management measures for all protected and retained trees. <p>(Reason: Compliance)</p> <p>19. Traffic Management Plan</p> <p><u>Prior to the commencement of works, including any preliminary works such as investigative works, crane installations, demolition or installations, entry to and from the site of trucks for any purpose, or any activity associated with construction of demolition of structures, the applicant shall submit</u> Prior to issue of the Construction Certificate, a detailed Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -</p> <ul style="list-style-type: none"> (a) Be prepared by a Transport for NSW (TfNSW) accredited consultant. (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the RMS's Traffic Control at work site manual. (c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee. (d) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by

	<p>Council's Traffic Engineer or the Police.</p> <p>(e) Confine temporary road closures to weekends and off-peak hour times and shall be the subject of approval from Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.</p> <p>(Reason: Public safety and amenity)</p> <p>20. Traffic Work</p> <p><u>Prior to the commencement of works, including any preliminary works such as investigative works, crane installations, demolition or installations, entry to and from the site of trucks for any purpose, or any activity associated with construction of demolition of structures, the applicant shall submit</u> Prior to issue of the Construction Certificate, any proposals for changes to the carriageway of a public road including shared paths, involving traffic arrangements shall be referred to the Local Traffic Committee for approval. All work shall be designed in accordance with RMS Technical Directives and Guidelines.</p> <p>(Reason: Public safety and amenity)</p> <p><u>Planning Assessment Officer Response</u></p> <p>The above modifications defer the requirements to pre-commencement of works (in lieu of pre-Construction Certificate) as the applicant requests, but with added wording (as underlined) to ensure that no trucks or other traffic has reason to access the site prior to the necessary considerations and approvals as required.</p>
--	---

ATTACHMENT 3: ASSESSMENT UNDER WLEP AND DRAFT LEP

Willoughby LEP 2012 and Draft LEP (first-round exhibition closed 8 June 2022)

Permissibility

The site is currently zoned RE2 Private Recreation, in which community facilities are permitted with consent. The Draft LEP (Section E10) seeks to change the zoning from RE2 Private Recreation to RE1 Public Recreation “to reflect Council’s ownership”. The Draft LEP adds that “. In addition the site at Artarmon Bowling Club is included as a proposed heritage item on the basis of its historic, social and representative significance” and adds the site to the Heritage Map as an item of local significance. Community facilities are also permissible in RE1 Public Recreation zoned land.



Image 5: The Draft LEP proposes to rezone the site from RE2 Private Recreation to RE1 Public Recreation.

Proposed use

The applicant does not seek as part of this modification application to change the approved use. In its capacity as a community facility it could be used for (by way of example) exercise classes, public meetings, workshops, farmer’s markets, small-scale musical or theatrical productions and rehearsals, in addition to users of the park’s playground, gardens and other spaces. These potential uses were referenced in the staff report that informed the original approval of DA-2021/5, and are typical of assembly buildings.

Regarding these activities, approval and compliance with this definition would cover most uses, except those of a larger-scale or one-off nature, such as a fete, carnival, concert or play.

Certain uses (events) and requisite temporary structures may be exempt development, provided conditions specified by Schedule 2 of the LEP and the SEPP (Exempt and Complying Development Codes) 2008 are satisfied.

Zone objectives (current LEP, RE2 Private Recreation)

The development proposed is generally consistent with the zone’s objectives, as follows:

- *To enable land to be used for private open space or recreational purposes.*

Comment: The proposed development (as modified) will improve facilities for the cultural, recreational and leisure activities of the community.

- *To provide a range of recreational settings and activities and compatible land uses.*

Comment: Refurbishment of the building for multi-purpose use will complement other facilities – community gardens and playground - developed since the bowling club closed and the land was transferred to Council, for continued use by the community.

- *To protect and enhance the natural environment for recreational purposes.*

Comment: A key strategic outcome Council seeks from the proposal is to accommodate the recreational needs of the increasing population of Artarmon in particular, with recent demographic trends showing more families living in the suburb's apartments. The proposal satisfies this need whilst retaining an adequate level of heritage significance in the building.

- *To minimise the potential for adverse effects from new development on the amenity of the locality.*

Comment: Use of the pavilion will not differ significantly when compared with activities associated with its former use as the bowling club's clubhouse. Retention of external fabric in accordance with heritage requirements will also ensure the visual amenity of the building, and its contribution to local surrounds, will be appropriately retained.

It should be noted that the above objectives are also objectives under RE1 Public Recreation. The additional zone objectives that appear under RE1 Public Recreation are considered below.

Zone objectives (Draft LEP, RE1 Public Recreation)

- *To protect and enhance areas of ecological, scientific, cultural or aesthetic value.*

Comment: The proposal is considered to satisfactorily protect and enhance the cultural and aesthetic value of the former Artarmon Bowling Club site. It does this by following the heritage advice authored by Architectural Projects, which are also captured in the conditions of consent.

- *To maintain and provide visual open space links to a diversity of public and private spaces and facilities as an integral part of the open space system.*

Comment: N/A

- *To provide adequate open space areas to meet the existing and future needs of the residents of Willoughby.*

Comment: The proposal contributes to the existing and future needs of the residents of Willoughby via a retained and reinterpreted 1950s assembly building, and contiguous open space.

Principal Development Standards

None of the current LEP's standards apply to the site.

Other provisions of the LEP

Except clause 5.10 – Heritage conservation, no other LEP controls apply to the site or the proposed development.

Heritage conservation

Of relevance to this proposal, the LEP's heritage conservation objectives are:

- To conserve the environmental heritage of Willoughby, and
- To conserve the significance of heritage items and conservation areas

Nomination as a local heritage item

The building and site are not included on the National Heritage List, the Commonwealth Heritage List nor on the list of items nominated for evaluation. The building and site are not covered by the NSW Heritage Act 1977 or the National Trust.

The former Artarmon Bowling Club is a Draft Heritage Item as identified in the Draft WLEP. Its nomination included substantial detail, particularly with regard to the social history associated with the clubhouse, and an independent review of the nomination by Architectural Projects, which found:

This report has found the former Artarmon Bowling Club comprising the bowling greens, clubhouse and landscape, to have historic, social and representative significance at a local level."

It is recommended that the former Artarmon Bowling Club site including the bowling greens, clubhouse and surrounding landscaping is included on the LEP as a Local Heritage Item.

This report went on to state/recommend:

"...the former (bowling club) use can be best interpreted by the built components of the site."

"...any proposal for redevelopment should provide continued community use and provide a suitable interpretation of the former Artarmon Bowling Club."

"The building has capacity for adaptation, extension and modification. Ideally the 1957 appearance of the building, with distinctive canted windows overlooking the green could be reinstated. "

"The former bowling greens have been modified, the upper green to a lesser extent than the lower green. Future reuse of the upper green should aim to maximise the legibility of its former use."

"The landscape setting of the former Artarmon Bowling Club should be retained and enhanced in future reuse of the site."

"The Heritage Interpretation Strategy (Artefact Heritage) should be revised to address the aspects of significance identified in this report."

"The Movable Heritage Strategy should be revised...and only memorabilia relating to the formation and operation of the club...should be preserved and displayed in situ."

"An archival recording is prepared prior to the commencement of works."

"A structural assessment of the existing building should be undertaken."

As mentioned earlier in this report, a Heritage Conservation Management Plan (dated October 2021 by Architectural Projects) has been prepared which provides a framework for

the assessment of heritage impacts. A Heritage Impact Statement (dated May 2022 by Architectural Projects) has also been prepared for the site.

Conservation Management Plan (CMP)

A summary of the CMP is provided in the Heritage Impact Statement (HIS) as follows:

Statement of Significance

“The former Artarmon Bowling Club (greens, clubhouse, landscaping), which developed on the Burra Road site from 1952, has historical significance at a local level for its ability to reflect the post war growth and aspirations of the Artarmon Community. The former Artarmon Bowling Club has historical significance for its ability to illustrate the rapid growth of lawn bowls as a sport for the masses and the increased popularity of leisure, sporting, and community facilities in the postwar era.

The former Artarmon Bowling Club has historical significance for its ability to evidence the growing movement for the inclusion of women in the sport of Lawn Bowls and the inclusion of women members from 1957, and the provision for women in the clubhouse facilities from construction. The former Artarmon Bowling Club site has social significance at a local level for the Artarmon Community. The community’s high regard for the place is demonstrated in Community Consultation in response to the DA for demolition, and specifically in the submissions received, which provide evidence of the active presence of an informed and concerned community.

The former Artarmon Bowling Club including the greens, clubhouse and landscaping have limited representative significance at a local level as a suburban bowling club of the post war period and as a recreational facility central to postwar leisure, sport, and social activities. The original layout of the former clubhouse and the 1965 additions have the ability to illustrate the inclusion of women bowlers in the Club. This is significant in the context of the gradual acceptance of women into club activities in the game of Lawn Bowls in the post war period”.

Planner Assessment Officer response

The HIS assessed the proposed modifications against the policies of the CMP and concludes that “the proposed glazing to the northern façade does not adequately retain or interpret the original façade comprising timber weatherboards and strip windows”. It also concludes that “if 1957 fabric is required to be replaced due to condition or BCA compliance, it must be replaced to match the existing. New windows to the Kitchen should match the original”. The current drawings seek to replace the fabric, not due to condition of the fabric but reasons of BCA compliance. The primary issue, given the significance of the fabric to the heritage significance of the building, is whether this fabric needs to be replaced or whether it can be retained and addressed via a Performance Solution. In other words, whether the application has had sufficient rigour to the heritage needs rather than dispensing of them on the basis of non-compliance with the deemed-to-satisfy provisions of the BCA.

It has not been demonstrated that the fabric cannot be retained. It is considered appropriate that the fabric at the northern façade be required to be retained (as original condition 2c of the consent requires).

ATTACHMENT 4: ASSESSMENT UNDER WDCP

Willoughby Development Control Plan

Consideration of provisions applicable to the subject application follows.

Part C – General Development Guidelines.

C.1.2 Demolition of Heritage Items and buildings within Heritage Conservation Areas

The objective of C.1.2 of WDCP is to “... conserve both individually listed heritage items and the general building stock which contributes to the significance and character of the heritage conservation areas and to ensure that replacement development enhances the significance of any heritage conservation areas”.

When considering applications for partial demolition of buildings which are either listed Heritage Items or within heritage Conservation Areas, Council needs to assess:

- a) the heritage significance of the building or work, including its contribution to the streetscape in heritage Conservation Areas, and whether its permanent retention is considered necessary; and
- b) the opportunities for adaptation and whether the building or work would be incapable of reasonable or economic use; and
- c) whether the building or work constitutes a danger to its users or occupiers or to the public; and
- d) whether, in the case of an application for total demolition, redevelopment is a reasonable alternative to retention.

With respect to item a), the CMP and the Heritage Impact Statement (HIS) requires the retention of the northern facade of the building, consistent with Condition 2c of the consent. There is no documentary evidence within this or the previous application that this façade cannot be retained due to its condition. A structural certificate by Van der Meer (Ref: SY200-290) dated 14 December 2020 that accompanies the original development application did not deal with the retention of existing facades and external walls, but rather bracing, structural beams and notations that “capacity of brickwork under new columns to be determined”. It is noted that this certificate refers to a metal roof which has since be changed to retention of existing concrete roof tiles. In the absence of documentary evidence that the walls must be removed on the basis of poor condition, and given the strong desire to retain the fabric on heritage grounds, it is recommended the northern façade be retained as condition 2c already requires.

The HIS says:

“The strip fenestration to the hall is noted to be removed, however Condition 2c requires retention of the original weatherboard glazing to the north or reconstruct if the timber condition requires. The removal of windows because of lead paint is not acceptable. The original timber windows to the northern façade should be retained where possible and if their condition is beyond repair, they should be reconstructed in timber, like for like.

The replacement of windows to the kitchen in response to hazardous materials assessment is acceptable to the eastern elevation. Replacement of windows to the northern elevation should be avoided. Where necessary windows should be replaced to match existing, like for like”.

The HIS goes on to say about external finishes:

“The weatherboard finishes are replaced with a material of a similar profile to ensure compliance with the BCA. The updated Bushfire Assessment prepared by Peterson Bushfire, notes that BAL compliance is not mandatory and is considered unwarranted as an additional measure due to the low bushfire risk, low vulnerability of the development and occupants, and compliance with NCC requirements for fire protection. If the weatherboards must be replaced the new cladding should match the existing profile and finish”.

The bushfire report (Peterson Bushfire, dated 22 November 2021) says that:

“Planning for Bush Fire Protection 2019 and the National Construction Code (NCC) do not provide for any specific performance requirements for the type of use proposed. As such, compliance with a Bushfire Attack Level (BAL) under AS 3959-2018 *Construction of buildings in bushfire-prone areas* (AS 3959) does not apply as deemed-to-satisfy provisions for bushfire protection. The structural fire safety requirements of the NCC are deemed acceptable for bushfire protection. Each development is to be assessed on its own individual merits and may or may not include BAL as a protection measure.

In the case of the proposed development, BAL compliance is not mandatory and is considered unwarranted as an additional measure due to the low bushfire risk, low vulnerability of the proposal and occupants (e.g. not a public assembly building and would not be expected to act as a refuge), and compliance with NCC requirements for fire protection. A BAL is therefore not recommended in this instance”.

The findings of the Peterson Bushfire Report confirm deletion of condition 6 - Bushfire protection is satisfactory on the basis that there is no NCC (BCA) bushfire requirement that relates to this type of use. It also steers fire protection requirements to the NCC and BCA.

The BCA Report (Ref: GDL 200350, dated 22.11.2021) prepared by Group DLA identifies the building as Type B Construction, which carries with it certain fire requirements.

Part C1.9 NCC requires that for Type B buildings external walls including all components incorporated in them including (inter alia) the façade covering, framing and insulation, and flooring, is to be non-combustible.

The BCA states with respect to combustible external walls that “a Performance Solution currently being undertaken by the Fire Engineer”. However, the Fire Engineering report (Ref: NSW212010_FSE_CA1, dated 29.11.2021 prepared by Acord Consultants does not deliver a Performance Solution but rather recommends the replacement of existing external walls with BCA compliant wall systems.

The Fire Engineering Report states as follows:

“The existing combustible external walls can potentially contribute to the fire intensity, spread fire, cause of roof collapse, and endanger the building occupants and the attending firefighters in a fire. It is understood that the subject building has specific heritage values. However, when life and fire safety is deemed more critical, the BCA fire safety requirements can override heritage concerns.

As a design consultant, we recommend replacing the existing external walls with BCA compliant wall systems, which is subject to the acceptance of the stakeholders and the authorities”.

On 3 June 2022 the Fire Engineer advised during a phone call with Council’s assessment officer that any Performance Solution would be subject to consideration by the NSW Fire Brigades which can take considerable time, and that every deemed-to-satisfy provision

within the BCA is open for a Performance based approach. Performance solutions are typically submitted as part of the Construction Certificate application.

On the basis of there being scope for consideration of the existing external cladding being retained as a Performance Solution, in the absence of evidence that the external cladding is unable to be retained in situ, and the need for the external cladding to be retained for heritage reasons, the northern facade of the building (the north-facing wall located between the kitchen and the north-western corner of the "Community Hall") is required to be retained.

With respect to item b), there are reasonable opportunities for adaptation and the building would not be incapable of reasonable or economic use.

With respect to item c), a Performance Solution would ensure that there is adequate protection of life (if combustible elements are retained), or otherwise the deemed-to-satisfy provisions prevail.

With respect to item d), the application is not for total demolition.

It is noted that Condition 8 of the development consent requires as follows:

8. Heritage - Photographic Survey

Prior to the issue of the Construction Certificate, a photographic survey is to be lodged with Willoughby City Council for its historical archives. The photographic survey is to be submitted in a report format, and shall include:

- (a) A front cover marked with:
 - (i) the name/location of the property;
 - (ii) the date of the survey;
 - (iii) the name of the company or persons responsible for the survey.
- (b) A layout plan of the existing building and site; identifying rooms and features shown in the photographs.
- (c) Photographs of the interior, exterior, grounds and a streetscape view of the building, labelled to indicate their location in relation to the layout plan. Photographic records of each elevation and each room and any architectural/ decorative features or finishes are to be included. Where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs are to be included in the photographic survey report.

Documentary evidence from the applicant confirming lodgement is to be provided to the Registered Certifier.

(Reason: Heritage conservation)

Part H – Heritage Items and Conservation Areas

H.1.2 Aims

The aims of this Part seek to

1. to guide future development within a framework of conservation;
2. to ensure that the significance of Heritage Items is identified and retained;

3. to ensure that the heritage significance, special streetscape and landscape character of Heritage Conservation Areas is maintained;
4. to ensure that alterations and extensions to existing buildings respect those buildings and do not compromise the significance and character of the individual heritage items or of the Heritage Conservation Areas;
5. to ensure that new sustainable development respects the context and is sympathetic in terms of form, scale, character, bulk, orientation and setback, fabric, colours and textures and does not mimic or adversely affect the significance of Heritage Items and Heritage Conservation Areas and their settings;
6. to encourage a sustainable high quality of design for any new development in achieving compatibility with the heritage significance of individual Heritage Items and Heritage Conservation Areas;
7. to provide controls for the development of land within the vicinity of Heritage Items and Heritage Conservation Areas.

The HIS sets out the heritage parameters of the place and assesses how any impacts arising from the changes will be mitigated, in accordance with NSW Heritage Guidelines. The HIS identifies what detail is to be retained, removed, or replaced. The HIS identifies as relevant condition 2 of the development consent and highlights that condition 50 of the development consent has been addressed with the preparation of a Conservation Management Plan.

The Conservation Management Plan (dated October 2021) prepared by Architectural Projects (CMP) states (at Section 5.14, page 38) that a justification for the following grades of significance as follows:

<u>Exceptional</u>	Rare or outstanding element directly contributing to an items local and State significance.
<u>High</u>	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.
<u>Moderate</u>	Elements of typical representative quality. Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.
<u>Little</u>	Alterations detract from significance. Difficult to interpret.
<u>Intrusive</u>	Damaging to the item's heritage significance.

The CMP confirms there is no exceptional or high level of significance upon the site but identifies as moderate level of significance the following items:

The former bowling greens

The mature trees providing the landscape setting

The visual relationships between the former bowling greens and clubhouse

The entry driveway and cementitious entry stairs

The 1957 former Clubhouse including:

The overall form and footprint of the 19567 building

The entry steps, blade wall and curved cantilevered canopy

The concrete tiled gable roofed Hall / Auditorium with glazed front entry wall and strip fenestration, timber floorboards

The bar overlooking the former bowling green

ABC Crest plaque and Opening Ceremony plaque attached to the front façade

Interior moveable heritage elements including honour boards in the main hall and in storage, plaques, pinboard, a blazer and hat, pennants, commemorative items, trophies and awards

Archival material including Administrative paperwork, membership forms and photographs.

Identified as little significance is:

Secondary spaces within the 1957 built form including:

- The kitchen, including cabinetry and boomerang handles
- The Lounge
- The Offices
- Store rooms
- Bathrooms
- Coldstream refrigerator to bar
- The 1965 The Jubilee Lounge interior

Identified as intrusive is:

- The 1965 additions to the entry façade
- Other 1965 Additions including:
 - Bathrooms
 - Offices

The CMP states [in Section 4.7 Analysis of Physical Evidence]:

“Elements of the original 1957 Artarmon Bowling Clubhouse designed by EB Fitzgerald, were characteristic of the works of the architect and Postwar Modernism, in particular the distinctive canted windows (now removed), the glazed wall to the former entry, the strip glazing to the north façade, the blade wall and the curved cantilevered awning (altered). The timber windows featured strong vertical and horizontal divisions which unified the facades. The upper level was clad in weatherboard, while the lower level was face brick. Low steps and a terrace surrounding the building also unified the scheme. Subsequent modifications and additions have degraded the integrity of the building, and key features have been lost”.

The CMP states in Section 5.12 Intactness of the Former Artarmon Bowling Club:

“The overall integrity of the site is fair / good, with the former clubhouse, landscape and upper green able to demonstrate the heritage significance and original use of the former Artarmon Bowling Club”.

The CMP states in Section 8.5 Conservation of the Former Artarmon Bowling Clubhouse:

“8.5.2 Policy – Exterior Finishes

The original finishes of the building contribute to the significance of the place. Original finishes that are identified as significant should be retained where possible. This includes the external walls which are predominantly painted weatherboard and brick, and the gabled roof clad in concrete tile with gable fascia cladding, the timber framed glazed entry wall, the curved awning with tubular steel posts, the entry stairs with steel handrail”.

The CMP states in Section 8.13:

“8.13 Managing Change – Adaption of Heritage Items

Whenever the issue of removing significant fabric is raised, it needs to be considered in the context of the reasons for the removal, the impact of the significant element itself and the place as a whole”.

The CMP states in Section 9.4:

“9.4 Maintenance Works:

A planned Maintenance Program should be prepared and implemented based on the cyclical inspection, monitoring and recording of the condition of the fabric. The main elements requiring attention are:

- Timber cladding
- Timber framed windows and doors
- Timber flooring
- Honour boards and moveable heritage
- Roofing
- Gutters
- Rainwater disposal system

The Maintenance Program should identify cyclic maintenance works to fabric and services that should be implemented by the owner / manager as part of the process of ongoing management of the building, beginning from the time that conservation works are substantially completed. A record of when this work is performed, and any faults found, or repairs made should be recorded and kept along side this maintenance schedule”.

Planning Assessment Officer Response

The removal of significant fabric needs to be considered in the context of the reasons for the removal, the impact of the significant element itself and the place as a whole. The HIS finds that the northern façade fabric needs to be retained, as follows:

“The modification plans show the replacement of original timber farmed strip fenestration to the northern façade of the hall with glazing. This does not satisfy this policy nor Condition 2(c)”.

The HIS, in fact, seeks to retain as much of the existing fabric as possible;

“Consideration should be given to the necessity of the removal of weatherboard finishes”.

With respect to the other items within condition 2 of the original consent, the following is extracted from the HIS:

“The modification plans show the retention fo the honour board in situ and the retention of stage doors, with some modification. (Condition 2g, 2h and 2l) This is supported, provided the modification reinforces the original design intent.

“The modification plans show the retention of concrete tile roofing, the curved awning and tubular steel handrail. This satisfies Condition 2(j)”.

Subject to the conditions attached to the recommendation it is considered acceptable that the modification proposal be approved.

ATTACHMENT 5: SECTION 4.55 ASSESSMENT

Considerations Under S4.55(2) EP&A Act - Other modifications

The modification application was lodged under Section 4.55(1A) of the Act (modifications involving minimal environmental impact), however Council's assessment team considers the application constitutes an application requiring assessment under Section 4.55(2) of the Act, since it seeks to remove fabric that is considered as contributing to the heritage significance of the building. A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)	It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).	✓
	Comment: The proposal is substantially the same development as the development for which consent was originally granted.	
(b)	It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent.	N/A
	Comment:	
(c)	It has notified the application in accordance with: the regulations, if the regulations so require, or a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent.	✓
	Comment: The modified application was notified in accordance with Part D and E of Willoughby Community Participation Plan (WCPP) from 17 to 31 March 2022. Council received 8 submissions and is addressed in Attachment 7 of this report.	
(d)	It has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	✓
	Comment: Council received 8 submissions and is addressed in Attachment 7 of this report.	

ATTACHMENT 6 - SECTION 4.15 (79C) ASSESSMENT

The application has been assessed under the provisions of S.4.15 (79C) of the Environmental Planning and Assessment Act. The Disability Discrimination Act has been taken stock of through the assessment of an updated access report by Group DLA Accessibility Consultants.

The most relevant matters for consideration are assessed under the following headings:

Matters for Consideration Under S.4.15 (79C) EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ and Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	Comment: The modified proposal does not contravene any relevant matters for consideration under the provisions of any SEPPs, REPs or development standards under WLEP 2012 or Draft WLEP.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	✓
	Comment: The draft WLEP has been considered in accordance with the Act.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: The proposal is consistent with the provisions of the WDCP.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Demolition 	N/A
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	✓
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	✓
	Comment: Clause 94 considerations have been made as part of the overall assessment of the application.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards: None 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓

Matters for Consideration Under S.4.15 (79C) EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✖ and Not Relevant N/A

	<ul style="list-style-type: none"> • Social impact in the locality 	✓
	<ul style="list-style-type: none"> • Economic impact in the locality 	✓
	<ul style="list-style-type: none"> • Site design and internal design 	✓
	<ul style="list-style-type: none"> • Construction 	✓
	<ul style="list-style-type: none"> • Cumulative impacts 	✓
	Comment: The modified proposal is acceptable subject to conditions.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> • Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> • Are the site attributes conducive to this development? 	✓
	Comment: The modified proposal will not adversely alter the character of the locality.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> • Public submissions 	✓
	<ul style="list-style-type: none"> • Submissions from public authorities 	✓
	Comment: The application was notified from 17 to 31 March 2022.	
(e)	The public interest	
	<ul style="list-style-type: none"> • Federal, State and Local Government interests and Community interests 	✓
	Comment: The proposal will not adversely impact the character of the locality and satisfies the zone objectives and therefore approval of the application is in the public interest.	

ATTACHMENT 7 – SUBMISSIONS TABLE

Council was in receipt of nine (9) individual submissions from the following objectors:

1.	23 Chelmsford Ave, Willoughby
2.	4/4 Palmer Street, Artarmon
3.	23 Woodford Street, Longueville
4.	President of the Artarmon Parklands Community Garden (APCG)
5.	70 Artarmon Rd, Artarmon
6.	President of Willoughby South Progress Association (WSPA)
7.	21 Gorman Street, Willoughby
8.	Vice President of Artarmon Progress Association (APA)

The below table provides the issues raised by the objectors and Council's response.

Issues Raised	Officer's Response
Issues raised by 23 Chelmsford Ave	
<p>Specificity on proposed works</p> <p>Inappropriate treatment of northern façade</p> <p>Draft heritage item status</p>	<p><u>Concerns raised</u></p> <ol style="list-style-type: none"> 1. Despite the plethora of documents here I can't find anything clarifying/depicting what is being proposed, only commentary on it. Please - what has been sent to these consultants (SJB & AP)? 2. Exactly what is being proposed as replacement windows on the northern facade of the "community hall", on to the extended 'community deck' on that side? 3. SJB is the architectural consultant for both design of the project and preparation of the statement of support - is that normal practice? Is there potential for conflict of interest here? 4. SJB states that Council resolved to include the ABC as an LHI in the LEP2022. As this is now on Exhibition, in what way - if any - does this affect assessment of this Application? 5. My careful inspection of available documentation leads me to conclude that the applicant aims to neglect a Condition of Consent. The northern façade of the significantly reduced 'community hall' appears as it did at the outset - floor to ceiling plate glass. I believe this would be an undesirable outcome, feeling to users like being in a fishbowl but more importantly, disregarding a great deal of expert heritage conservation advice. I am requesting that Condition 2c be observed and/or that further clarification be sought from AP regarding the northern façade, should this be necessary. <p><u>Planning Assessment Officer Response</u></p> <p>The architectural drawings provide "clouds" around proposed modifications, and within those clouds are numbers that correspond to a number panel with changes in red capitals. In some instances, such as the northern façade, the proposed works are described in black text on the drawing with an arrow pointing to the works.</p> <p>The northern façade is best described on Drawing DA – 0501 Revision 7, which is described in black text as "Reinterpretation of</p>

	<p>weatherboard façade and original fenestration – DA condition (C)". Notwithstanding the reference to condition "C" (which presumably refers to condition 2(c) as there is no condition C) the proposed works in fact do not accord with condition 2(c) as the original weatherboard façade glazing to the north is shown in the drawings as being replaced by glazing. If the applicant seeks to replace on the basis of its condition, as condition 2(c) allows, it has not provided documentary evidence from a suitably qualified person to verify that it needs replacing. Due to the contribution of the existing northern façade of the Community Hall to the heritage significance of the building, the conditions of consent require this northern façade to be retained (unless a suitably qualified person can confirm it must be removed). The kitchen windows (both north and east-facing) and east-facing windows along the eastern elevation are accepted for removal on heritage grounds by Architectural Projects so long as they match the proportions of the existing windows.</p> <p>There is not considered to be a conflict of interest that SJB is the architectural consultant for both design of the project and preparation of the statement of support. In addition, an independent heritage assessment by Architectural Projects gives an element of separation.</p> <p>The inclusion of the former Artarmon Bowling Club as a draft item in the Draft LEP places greater determinative weight on this status as the Draft LEP is required to be considered by s4.55 and s4.15 of the Environmental Planning & Assessment Act 1979.</p> <p>As described earlier in this response, it is agreed that the northern façade would be compromised by the floor to ceiling glazed elements, an opinion shared by Council's Heritage Advisor as well as the author of the CMP and HIS, Architectural Projects.</p>
Issues raised by 4/4 Palmer Street	
<p>Use of the lower ground floor by gardeners</p> <p>Access during construction</p> <p>Seek roof over the new deck</p>	<p><u>Concerns raised</u></p> <ol style="list-style-type: none"> 1. The lower ground floor should be available for use by community gardeners, for ablutions for people who spend several hours in the garden, easily accessible toilets, somewhere to prepare food for lunch and electricity available to the gardeners to do things like boiling a kettle. This lower ground floor space would be highly useful as a space to use for a restful break from the garden and to store cups, coffee, tea, admin material, seeds and undertake seed saving activities, keep a first aid kit and hold small meetings. This would be a vast improvement on the current situation where everything has to be carried in and out each time you attend the garden. And currently there is neither guarantee of (a) being able to access a safe area for storing personal items while working in the garden nor a guarantee of having protection from weather as a respite after working for several hours in the community garden. 2. During construction work, it would be helpful to have formal confirmation that the community gardeners will still have access to the garden from Burra Road. Many of the gardeners (and dog walkers who use the garden as a through-path) are 65+ years of age and access to the garden

	<p>needs to be maintained without requiring long distance walking. Without access from Burra Road the only way to get to the garden is circuitously using Cordia Way (potentially while carrying heavy items in and out of the garden).</p> <ol style="list-style-type: none"> 3. While building work is being completed, will the gardeners be able to arrange access for small trucks and/or delivery vehicles (mulch/soil/bulk garden deliveries) with the construction team working on the site (a) during the week and/or (b) on weekends? 4. Currently the only covered area offering respite from sun and rain is the two-table gazebo on the grassed area next to the designated community garden area. This is a public space and used on a first-come first served basis by the whole community. Sometimes it is not available to the gardeners and there is no alternative space available to provide relief from the elements (it gets very hot in the garden!) when working for several hours. Is the proposed modification alluded to in DA-2021/5/A inclusive of a covered area above the accessibility balcony which will give protection from the elements and provide some shade? <p><u>Planning Assessment Officer Response</u></p> <p>The applicant responded on 25 May 2022 and advised that access to the lower ground floor and the kitchen for gardeners will be permitted.</p> <p>The applicant confirms that access to the community garden will be maintained for the duration of the construction, including access to deliver materials.</p> <p>With respect to the roof over the new extended deck, the applicant advises that this would significantly alter the appearance of the building and adversely impact the intention to keep the recognisable form of the original structure, and that access to shelter for the community gardeners is provided by the covered section of the pavilion as well as access to the community room and the separate gazebo. The applicant wishes to highlight that access to these facilities "far exceeds the current provision of shelter on site". It is agreed that a roof over the new deck is not an appropriate design response.</p>
23 Woodford Street	
<p>Use of the lower ground floor by gardeners</p> <p>Ease of access</p>	<p><u>Concerns raised</u></p> <ol style="list-style-type: none"> 1. Requests that the lower ground floor be available for use by gardeners for toilets use, to make hot or cool drinks, refrigerate for food or prepare food. Also, there currently is nowhere to hold a meeting and nowhere to shelter from the rain or hot sun other than a small structure shared with members of the public. This shelter has inadequate draining (no drainage in fact) and becomes flooded in the current weather. These conditions limit the amount of time I am able to spend at the site and cause great nuisance and distress. 2. Ease of access from the street as I am often carrying gardening gear, which is very heavy or cumbersome. I also find the road slope difficult to manage, slippery in the current conditions and not at all safe with my walking difficulty. There

	<p>is currently a barrier across the top of the road, preventing access in a car, which is extremely inconvenient.</p> <p>3. Confirmation required that there will still be access to the garden from Burra Road during construction which would otherwise prevent gardeners from going to the garden for the duration of work, since other access is too arduous.</p> <p><u>Planning Assessment Officer Response</u> As described above, access for gardeners to the lower ground floor is proposed to be made available and access is to be maintained during the course of works. Access to the site (after works) is generally improved by the proposed works.</p>
President of the Artarmon Parklands Community Garden (APCG)	
<p>Use of the lower ground floor by gardeners</p> <p>Seek roof over the new deck</p>	<p><u>Concerns raised</u></p> <ol style="list-style-type: none"> 1. We have over 70 members, and regularly have a dozen people working in the garden during twice weekly working bees. The volunteer gardeners ensure that the garden area is well maintained and provides an attractive space for all community members to explore and enjoy. Providing amenities in the new building that can be easily accessed and used by APCG volunteers will encourage more people to participate in, and benefit from, the APCG. The APCG members currently have very limited facilities - running water but no electricity and no toilets. The new kitchen facilities and toilets will be a great benefit to the volunteer gardeners. I would welcome the opportunity to discuss with council whether it is possible to provide space in the kitchen for the APCG to store items that will be used every week (e.g. tea/coffee cups and supplies, kettle, plates) as this would greatly improve the usefulness of the kitchen for the regular volunteer gardeners. 2. Clarification sought on whether the lower ground floor will be available to APCG. 3. The extension of the balcony outside the kitchen is welcomed. This will cater for larger groups, such as the APCG members, and all of the community will benefit from this larger deck area. However, given it does not have any overhead shelter, there will be limited use. We strongly urge that the council consider the addition of awnings or overhead covering on the kitchen balcony to ensure it is a useable space in a range of weather conditions. The design includes an awning on the south side of the building, and a similar awning on the north side would be in keeping with this design. With the current design, the kitchen deck would be wasted space on hot sunny days and wet rainy days. As regular users of the community garden area in all weather conditions, we consider that maximising undercover shelter is essential so that multiple community members - individuals and groups - can comfortable use the outdoor space without all being cramped together. At the moment, the only sheltered space in the community garden area is the gazebo which is not enough sheltered space for the community. 4. The APCG will continue to hold working bees to grow vegetables during the construction period. I welcome ongoing

	<p>dialogue with council to ensure that pedestrian access to the community garden remains safe and practical during construction. I also request that intermittent vehicular access to the driveway for large deliveries for the APCG be granted, at times that are mutually agreed.</p> <p><u>Planning Assessment Officer Response</u> As described above, access for gardeners to the lower ground floor is proposed to be made available and access is to be maintained during the course of works.</p> <p>Also advised in an earlier response, a roof over the new extended deck is not considered a desirable outcome on the basis of changes to the building appearance and the provision of shelter in other areas of the building.</p>
70 Artarmon Rd	
<p>Pleased with new deck</p> <p>Seek roof over the new deck</p> <p>Seek ramp from accessible drop –off point</p> <p>Seek western kitchen window a servery window</p>	<p><u>Concerns raised</u></p> <ol style="list-style-type: none"> 1. I remain disappointed that Council is not planning to retain the Community Hall in its entirety. A reduction from 130 to 80 sq m is a 38% decrease to a previously much loved and much used room with a comfortable timber floor. Such facilities are in short supply in Artarmon, despite Council's claims to the contrary. Nevertheless, I am pleased to see that the proposal now includes a full-size deck on the northern side facing the very successful community garden. This provides continuous access to the kitchen from the southern deck via the covered patio. 2. Add a covering to provide shade: as it faces somewhat west of north, the deck will be fully exposed to the heat of the summer sun (if it ever stops raining!). It would be much more cost-effective to incorporate a cover to provide protection from the sun (or indeed from the rain), rather than do this retrospectively (ref: shadecloth added later to the new playground). 3. Add a ramp from the accessible drop-off point: it is quite a trek from this drop-off for users of mobility aids such wheelchairs or walkers. A ramp would provide easier access, and would also allow deliveries to the kitchen to be made more easily. 4. Make the window on the western side of the kitchen into a servery window: again, this would improve the utility of the new northern deck. <p><u>Planning Assessment Officer Response</u> A roof over the new extended deck is not considered a desirable outcome on the basis of changes to the building appearance and the provision of shelter in other areas of the building.</p> <p>The applicant responds to the above concerns as follows:</p> <ul style="list-style-type: none"> • "This (ramp) is not possible due to the change in levels and required ramp gradient. • The design was changed to include an extended deck due to a request from the APA. The initial request did not specify the

	<p>desire or need for a ramp.</p> <ul style="list-style-type: none"> The kitchen is accessible via the external door without the need to access the community room, should it be in use. The addition of the ramp would incur significant cost and alter the visual appeal, creating further Heritage impacts. A ramp is provided at the south west corner of the building". <p>There is commentary within this report about compliance with accessibility requirements, but it is noted that the modified proposal is described is satisfactory as confirmed by Group DLA Access Consultancy Report dated 23 November 2021.</p>
President of Willoughby South Progress Association (WSPA)	
Seek to be notified	<p><u>Concerns raised</u></p> <ol style="list-style-type: none"> We are requesting now that in future we be notified on all matters we have made submission on and on all matters/issues associated within or touching upon the boundaries of our Association. <p><u>Planning Assessment Officer Response</u> The WSPA's request for notification is noted. WSPA has been notified of the WLPP meeting.</p>
21 Gorman Street	
<p>Weakening of heritage protection conditions</p> <p>No heritage assessment report</p> <p>No hazardous materials assessment</p> <p>Indication that works have commenced but no supervision of heritage professional</p> <p>Failure to satisfy salvage requirements</p>	<p><u>Concerns raised</u></p> <ol style="list-style-type: none"> The proposal weakens the heritage protection condition established by the WLPP for DA-2019/254 and DA-2021/5. It is imperative the conditions of consent with respect to heritage protection are ratified if approval for the s4.55 modification is granted. In particular, condition 50 of the consent (Heritage Conservation Management Plan) needs to be satisfied. The Statement of Support does not appear to contain a heritage assessment report or mention that the site is a Draft item. There does not appear to be a hazardous materials assessment. The Statement of Support indicates that works have commenced however there is no evidence within this Statement that works have been supervised by a suitably qualified heritage professional It is imperative that the Heritage Conservation Management Plan is closely monitored and evidence of compliance obtained and reported at significant point of demolition. Speculation that the hazmat consultant was not briefed by a heritage conservation professional that the kitchen cabinets were to be salvaged and the boomerang handles reused in the new kitchen. Salvage schedule conditions not satisfied in that condition 50, which captures the requirements of a report by Artefact Heritage.

	<p><u>Planning Assessment Officer Response</u></p> <p>It is agreed that the modified proposal, as it appears on the drawings, weakens the heritage protection conditions by seeking to do things contrary to condition 2. The conditions of consent (as modified) ensure the integrity of condition 2 (which, incidentally, is not formally sought for modification by the applicant).</p> <p>The Heritage Impact Statement identifies that the site is a draft heritage item. A hazardous materials survey was undertaken for the original application. Condition 42 of the consent requires a Clearance Certificate following completion of the removal of any identified hazardous material associated with demolition works.</p> <p>The salvage of materials is captured in the requirement for a Heritage Conservation Management Plan (condition 50) and the report by Artefact.</p>
<p>Vice President of Artarmon Progress Association (APA)</p>	
<p>Improvements requested for usability and access</p>	<p><u>Concerns raised</u></p> <p>APA supports the scheme but suggests the following amendments to improve the usability and access to the facility:</p> <ol style="list-style-type: none"> 1. Include a ramp or steps from the accessible drop-off directly to the northern Community Deck to allow access to the deck without having to walk through the covered patio area (which could be busy and difficult to pass through) and to allow deliveries to the kitchen across the deck rather than through the Community Hall. A wheelchair compliant ramp is sought along the north side of the disabled drop-off. 2. Increase in depth of the window on the western side of the kitchen so that it could be used as a serving window to people on the deck. <p><u>Planning Assessment Officer Response</u></p> <p>The applicant responded as follows with respect to inclusion of ramp from the accessible drop-off to the northern Community Deck:</p> <ul style="list-style-type: none"> • “This is not possible due to the change in levels and required ramp gradient. • The design was changed to include an extended deck due to a request from the APA. The initial request did not specify the desire or need for a ramp. • The kitchen is accessible via the external door without the need to access the community room, should it be in use. • The addition of the ramp would incur significant cost and alter the visual appeal, creating further Heritage impacts. • A ramp is provided at the south west corner of the building”. <p>It is considered acceptable that a ramp not be required in the circumstances of the case.</p> <p>The applicant responded as follows with respect to increase in depth of window:</p>

	<ul style="list-style-type: none">• “Not possible due to the DA condition which specifies the need for a separate hand washing basin.• This is the only suitable location. For the basin.• Fold down trestle table will be available to place on the deck for the purpose of food service”. <p>It is considered acceptable that a servery window not be required in the circumstances of the case.</p>
--	--

ATTACHMENT 8: SCHEDULE OF CONDITIONS

SCHEDULE

Development Consent DA 2021/5 is modified as follows:

A. Condition No. 1 is amended to read as follows:

1. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
External Finishes	DA-002	3	17/12/20	SJB Architects
Demolition Site	DA-0205	3	17/12/20	SJB Architects
Demolition Lower Ground Floor	DA-0206	3	17/12/20	SJB Architects
Demolition Ground Floor	DA-0207	3	17/12/20	SJB Architects
Demolition Roof	DA-0208	3	17/12/20	SJB Architects
Proposed Site	DA-0210	3	17/12/20	SJB Architects
Proposed Lower Ground Floor	DA-0211	3	17/12/20	SJB Architects
Proposed Ground Floor	DA-0212	4	14/05/20	SJB Architects
Proposed Roof	DA-0213	3	17/12/20	SJB Architects
North and South Elevations	DA-0501	3	17/12/20	SJB Architects
East and West Elevations	DA-0502	3	17/12/20	SJB Architects
Sections	DA-0601	3	17/12/20	SJB Architects
Concept Design for DA Page 1 of 4	SY200290	Preliminary	11/12/20	Van Der Meer Consulting
Concept Design for DA Page 2 of 4	SY200290	Preliminary	11/12/20	Van Der Meer Consulting
Concept Design for DA Page 3 of 4	SY200290	Preliminary	11/12/20	Van Der Meer Consulting
Concept Design for DA Page 4 of 4	SY200290	Preliminary	11/12/20	Van Der Meer Consulting
Civil Drawing List	DAC000	C	14/12/20	Van Der Meer Consulting
Standard Notes	DAC001	C	14/12/20	Van Der Meer Consulting
Erosion and Sediment Control	DAC210	C	14/12/20	Van Der Meer Consulting
Ground Floor Drainage Layout	DAC401	C	14/12/20	Van Der Meer Consulting
Roof Drainage Layout	DAC402	C	14/12/20	Van Der Meer Consulting
Drainage Details	DAC403	C	14/12/20	Van Der Meer Consulting
OSD Tank Details	DAC404	C	14/12/20	Van Der Meer Consulting
OSD Catchment	DAC405	C	14/12/20	Van Der Meer

				Consulting
Access Planning Review Report	-	01	17/12/20	Group DLA
Report for BCA Compliance	-	2	15/12/20	Group DLA
Bushfire Assessment	-	-	-	Peterson Bushfire
Hazardous Materials Survey	-	0	19/07/19	EI Australia
Stormwater Management Report	-	B	16/12/20	Van Der Meer Consulting

the application form and any other supporting documentation submitted as part of the application,

As modified by (DA-2021/5/A)

Plan Type	Plan No.	Revision/ Issue No.	Plan Date (as Amended)	Prepared by
External Materials & Finishes	DA – 0002	7	12/11/21	SJB Architects
Demolition Site Plan	DA – 0205	7	12/11/21	SJB Architects
Demolition Lower Ground Floor Plan	DA – 0206	7	12/11/21	SJB Architects
Demolition Ground Floor Plan	DA – 0207	7	12/11/21	SJB Architects
Demolition Roof Plan	DA – 0208	7	12/11/21	SJB Architects
Proposed Site Plan	DA – 0210	7	12/11/21	SJB Architects
Proposed Lower Ground Floor Plan	DA – 0211	7	12/11/21	SJB Architects
Proposed Ground Floor Plan	DA – 0212	7	12/11/21	SJB Architects
Proposed Roof Plan	DA – 0213	7	12/11/21	SJB Architects
Proposed Elevations North & South	DA – 0501	7	12/11/21	SJB Architects
Proposed Elevations East & West	DA – 0502	7	12/11/21	SJB Architects
Sections A & B	DA – 0601	7	12/11/21	SJB Architects
Erosion and Sediment Control	C210	B	5/11/21	Van Der Meer Consulting
Pavement Layout	C301	B	5/11/21	Van Der Meer Consulting
Ground Floor Drainage Layout	C401	B	5/11/21	Van Der Meer Consulting
Roof Drainage Layout	DAC402	C	14/12/20	Van Der Meer Consulting
Drainage Details	DAC403	C	14/12/20	Van Der Meer Consulting
OSD Tank Details	C404	B	5/11/21	Van Der Meer Consulting
OSD Catchment	DAC405	C	14/12/20	Van Der Meer Consulting
Burra Road Layout	C501	B	5/11/21	Van Der Meer Consulting
Driveway Long Sections`	C502	A	5/11/21	Van Der Meer Consulting

Burra Road Details	C503	B	5/11/21	Van Der Meer Consulting
--------------------	------	---	---------	-------------------------

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are “Exempt Development” as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
 - (b) otherwise provided by the conditions of this consent.
- (Reason: Information and ensure compliance)

B. The following conditions 2, 11, 12, 13, 19, 20, 65 are 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 and strip fenestration ~~glazing~~ to the north or if verified in writing as necessary by a suitably qualified person, reconstruct if the timber condition requires, of the northern section of the façade to the junction of the Community Room and the covered patio/pavilion.
- 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.
- 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.
(Reason: Heritage conservation, sustainability, cultural resources, visual amenity and ensure compliance).

11. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development, which shall include a 28m³ OSD system, with a minimum catchment of the new impervious area. The overflow from the tank shall be to an overland flow path above ground in a visible location. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with Van Der Meer drawings C401B, DAC402/C, DAC403/C, C404/B and DAC405/C, with the following amendments:

- The sump at the outlet of the OSD tank is to be deleted, and the base of the tank is to be flush with the orifice invert level.
- The access grate over the outlet is to be flush with the deck, such that the outlet can be inspected without removal of decking.

All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance) (Reason: Ensure compliance)

12. Construction Management Plan (CMP)

Prior to the commence of works, including any preliminary wrks such as investigative works, crane installations, demolition or installations, entry to and from the site of trucks for any purpose, or any activity associated with construction of demolition of structures, the applicant shall ~~issue of the Construction Certificate~~, submit, for approval by the Certifier, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(Reason: Compliance)

13. Design of Works in Public Road (Roads Act Approval)

Prior to issue of any Construction Certificate, the applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- (a) Construction of a 1.5 metres wide footpath (max. 2.5% crossfall towards the kerb) along the north side of Burra Road from Cooney Road to the pedestrian entry to the site in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Construction of a ~~4.5~~ 4.0 metres wide vehicular crossing in accordance with Council's specification and Standard Drawings SD105

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans.

Approval must be obtained from Willoughby City Council as the road authority under the *Roads Act 1993* for any proposed works in the public road prior to the issue of any Construction Certificate.

(Reason: Ensure Compliance)

19. Traffic Management Plan

Prior to the commencement of works, including any preliminary works such as investigative works, crane installations, demolition or installations, entry to and from the site of trucks for any purpose, or any activity associated with construction of demolition of structures, the applicant shall submit ~~Prior to issue of the Construction Certificate~~, a detailed Traffic Management Plan shall be prepared for pedestrian and

traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- (a) Be prepared by a Transport for NSW (TfNSW) accredited consultant.
- (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the RMS's Traffic Control at work site manual.
- (c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- (d) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- (e) Confine temporary road closures to weekends and off-peak hour times and shall be the subject of approval from Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

20. Traffic Work

Prior to the commencement of works, including any preliminary works such as investigative works, crane installations, demolition or installations, entry to and from the site of trucks for any purpose, or any activity associated with construction of demolition of structures, the applicant shall submit issue of the Construction Certificate, any proposals for changes to the carriageway of a public road including shared paths, involving traffic arrangements shall be referred to the Local Traffic Committee for approval. All work shall be designed in accordance with RMS Technical Directives and Guidelines.

(Reason: Public safety and amenity)

65. Public Infrastructure Restoration

Prior to the issue of the Occupation Certificate, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council. On completion of all works associated with the development and prior to issue of the Occupation Certificate, Council's Engineer shall undertake an inspection of the road reserve / footway to confirm that no damage has occurred. Any damages identified by Council shall be restored by the applicant prior to the issued of the Occupation Certificate. Written confirmation shall be provided to the certifying authority to confirm that the requirements of this condition have been met. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Protection of public assets)

C. The following Conditions 6, 9, 49 are deleted:

6 – Bushfire Protection

9 – Damage Deposit

49 – Bushfire Construction

D. Comply with all other conditions of the original development consent.

ATTACHMENT 9: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2021/5/A

At: 1A Burra Road ARTARMON NSW 2064

