

DETERMINATION AND STATEMENT OF REASONS

WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	8 February 2022
PANEL MEMBERS	Graham Brown (Chair), Trevor Bly, Kara Krason, and Philippa Hayes
DECLARATIONS OF INTEREST	None

Public meeting held at Willoughby City Council on 8 February 2022 by teleconference. The meeting opened at 2.00pm. Papers circulated electronically between 1 February and 8 February 2022.

This item was heard between 2.04pm and 2.15pm.

MATTER DETERMINED

DA-2021/252 at Warners Park Centre, Warners Park, The Outpost, NORTHBRIDGE NSW 2063 - Change of use of the Warners Park Centre and installation of an external dust extraction system.

PANEL CONSIDERATION AND DECISION

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

Development application

The Panel determined to **approve** the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons outlined in the Council assessment report

CONDITIONS

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

The Panel noted the concerns of the neighbours and agreed to replacement of condition 5, supplementary condition 19A and amended condition 25.

A. Condition 5 is replaced to read as follows:

5. Acoustic Treatment

To minimise the impact of noise on the amenity of the neighbouring properties, the dust extraction unit enclosure shall incorporate acoustic treatment. Treatment of the enclosure shall ensure the extraction unit does not give rise to an "offensive noise" as defined under the provisions of the *Protection of the Environment Operations Act 1997*.

Details of the proposed equipment, siting, appropriate noise criteria and any attenuation required shall be prepared by an appropriately qualified acoustic consultant and accompany the application for a Construction Certificate.

(Reason: Amenity, environmental compliance and health)

B. Condition 19A is added as follows:

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

19A. Acoustic Verification Report

The sound level output from the Men's Shed and its associated equipment shall be in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Certifier prior to issue of the relevant Occupation Certificate.

If the appropriate guidelines cannot be achieved, remedial works will need to be undertaken to ensure satisfaction with the EPA Guidelines.
(Reason: Amenity)

C. Condition 25 is amended to read as follows:

25. Dust, Smoke & Odour

The proposed use must not generate levels of dust, smoke or odour that unreasonably impact on the adjoining residential dwellings. A dust, smoke and odour impact assessment shall be submitted to Council if any complaints are lodged with Council in relation to any of these emissions generated as a result of the clubs operation. The report must be prepared by a suitably qualified environmental consultant and include modelling of any dust, smoke and odour impact on the nearest affected receptor (e.g. residents / property occupants).

Any recommendations resulting from the report are to be in accordance with AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012, as well as the Office of Environment & Heritage Technical Framework – Assessments and Management of Odour from Stationary Sources in NSW (November 2006).

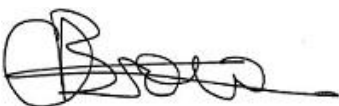
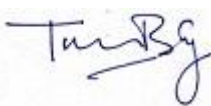


If required by Council, the person in charge of the business shall implement any or all of the recommendations of the assessment and any additional requirements of Council to Council's satisfaction.
(Reason: Amenity, environmental compliance and health)

CONSIDERATION OF COMMUNITY VIEWS

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

- Privacy
- Traffic and parking
- Landscaping
- Impact on public land
- Noise, vibration and dust

The Panel considered that concerns raised by the community have been adequately addressed in the assessment report. Moreover, amendments were made to conditions to protect residential amenity.

PANEL MEMBERS	
 GRAHAM BROWN (CHAIR)	 TREVOR BLY
 KARA KRASON	 PHILIPPA HAYES

SCHEDULE 1		
1)	DA NO.	DA-2021/252
2)	PROPOSED DEVELOPMENT	Change of use of the Warners Park Centre and installation of an external dust extraction system.
3)	STREET ADDRESS	Warners Park Centre, Warners Park, The Outpost, NORTHBRIDGE NSW 2063
4)	APPLICANT/OWNER	Mr N F Warner / Willoughby City Council.
5)	REASON FOR REFERRAL	Contentious Development – more than 10 submissions. Conflict of Interest: <ul style="list-style-type: none"> • Council owned land
6)	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ SEPP 55 – Remediation of Land (Land Contamination). ○ SEPP 19 – Bushland in Urban Areas. ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) (Deemed SEPP). ○ Willoughby Local Environmental Plan 2012. • Draft environmental planning instruments:- Nil • Development control plans: <ul style="list-style-type: none"> ○ Willoughby Development Control Plan • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>. • Provisions of the <i>Environmental Planning and Assessment Act</i>. • Planning agreements:- Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations. • The public interest, including the principles of ecologically sustainable development.
7)	MATERIAL CONSIDERED BY THE PANEL	<ol style="list-style-type: none"> 1) Council assessment report: 27 January 2022. 2) Clause 4.6 variation requests: NIL 3) Written submissions during public exhibition: 23 (18 Support and 5 Against) 4) Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ The applicant ○ Neville Warner 5) Council staff – Patrick Williams and Ritu Shankar
8)	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspections were undertaken individually by Panellists at their discretion due to COVID-19 precautions. • Papers circulated electronically 1 and 8 February 2022. • Final briefing to discuss Council's recommendation, 8 February 2022 at 2:30pm • Attendees: <ul style="list-style-type: none"> ○ Graham Brown (Chair), Trevor Bly, Kara Krason and Philippa Hayes ○ Council staff: Patrick Williams and Ritu Shankar
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report