

**DA NO:** DA-2021/252

**ADDRESS:** WARNERS PARK CENTRE, WARNERS PARK, THE OUTPOST, NORTHBRIDGE NSW 2063

**PROPOSAL:** CHANGE OF USE OF THE WARNERS PARK CENTRE AND INSTALLATION OF AN EXTERNAL DUST EXTRACTION SYSTEM.

**RECOMMENDATION:** APPROVAL

**ATTACHMENTS:**

1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. SUBMISSIONS TABLE
4. SECTION 4.15 (79C) ASSESSMENT
5. SCHEDULE OF CONDITIONS
6. NOTIFICATION MAP

**RESPONSIBLE OFFICER:** RITU SHANKAR - TEAM LEADER

**AUTHOR:** PATRICK WILLIAMS - DEVELOPMENT ASSESSMENT OFFICER

**REPORT DATE:** 27 JANUARY 2022

**MEETING DATE:** 8 FEBRUARY 2022

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## **1. PURPOSE OF REPORT**

The purpose of this report is to seek determination by Willoughby Local Planning Panel (WLPP) of Development Application DA-2021/252 for change of use of the Warners Park Community Centre to a Men's Shed including installation of an external dust extraction system.

The application is required to be referred to the WLPP for determination because the land and building are owned by Council.

## **2. OFFICER'S RECOMMENDATION**

**THAT the Willoughby Local Planning Panel:**

**2.1 Approve Development Application DA-2021/252 for CHANGE OF USE OF THE WARNERS PARK CENTRE AND INSTALLATION OF AN EXTERNAL DUST EXTRACTION SYSTEM at Warners Park Centre, Warners Park, The Outpost, NORTHBRIDGE NSW 2063, subject to conditions contained in Attachment 5, for the following reasons:**

- 2.1.1 The proposal is consistent with the objectives of the RE1- Public Recreation Zone and considered to be consistent with the objectives of the Willoughby Development Control Plan.**
- 2.1.2 The proposed development will have reasonable impacts on Warners Park, the residential amenity of neighbouring properties and the surrounding locality.**
- 2.1.3 It is considered that the proposed development application meets the desired outcomes and objectives of the development standards**

contained in the *Willoughby Local Environmental Plan 2012 (WLEP)* and objectives of the *Willoughby Development Control Plan (WDCP)*.

### 3. BACKGROUND

This application was lodged pursuant to a Council meeting dated 9 June 2020 in which Council voted unanimously to cease the current use of the site and appoint exclusive use of the centre to the Men's Shed under a license agreement.

A description of the history, site and surrounding area, including an aerial photograph is contained in **Attachment 1**.

### 4. DISCUSSION

The proposed development seeks a change of use from the current approved 'Public Recreation Activities' to a 'Community Facility', specifically, for the purposes of a Men's Shed. The development includes no major construction with only minor internal alterations of the existing building and the addition of an external dust extraction unit to aid the workshop/craft space.

The Australian Men's Shed Association (AMSA) is made up of over 1000 groups of volunteers, generally located within a shed on community land (originally in old railway good sheds). These groups form part of a long standing Australian organisation that is targeted towards maintaining and improving the physical and mental health of older men whilst also being a knowledge sharing and learning hub, commonly in the carpentry and metalwork space.

Generally, the Men's Sheds undertake projects of restoration or construction that aid the local community or improve the member's skills. The AMSA believe in a "health by stealth" approach where men talk shoulder to shoulder rather than conventional face to face methods, working together and creating an inclusive community that support and learn from each other. Even though the organisation was founded around men only membership, the Sheds have evolved and often accept women and men of younger age.

To support the application:

- The controls and development statistics that apply to the subject land are provided in **Attachment 2**.
- A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 3**.
- A detailed assessment of the proposal for approval is provided in **Attachment 4**.

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

<https://eplanning.willoughby.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=512804>

### 5. CONCLUSION

The Development Application DA-2021/252 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 5.

## ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

### Existing Building and Site Context

The property known as Warners Park Centre, The Outpost, legally described as Lot 92 DP 20195, Lot 4 DP 382702, Lot 1 DP 437575 & Lot 2 DP 437309, forms part of Warners Park, Northbridge. The site is zoned RE1- Public Recreation and is not located within a heritage conservation area.

The site is located in the south western corner of Warners Park and is currently occupied by a single storey clad building (formerly Northbridge Women's Bowling Club) with a community garden to the north. The subject building is located on generally level ground. The land to the south and west raises steeply toward adjoin residential area zoned C4- Environmental Living.

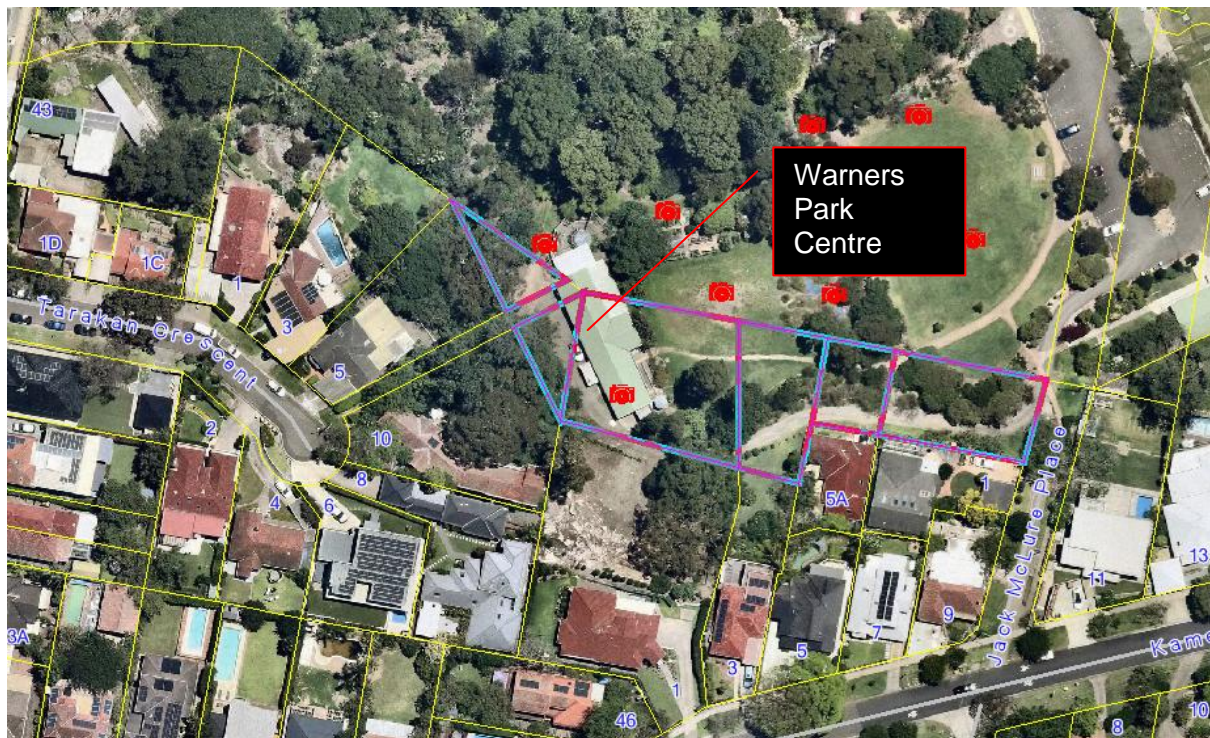


Figure 1: Aerial image of site





Figure 2: Warners Park Centre, the site of the proposed Men's Shed.



Figure 3: Area south of the Warners Park Centre showing elevation and distance of surrounding dwellings.



## Relevant History

Warners Park was named after J.R. (Reg) Warner who operated the local 'Waratah' dairy in 1914. The land was subdivided in 1942 and 5 acres was donated to Willoughby Council for public recreation. The park was later enlarged and accommodated the Northbridge Bowling Club which was established in 1954. The Northbridge Women's Bowling Club, a separate building next to the Northbridge bowling club, operated between 1957-2001. In 2002 Council approved a Development Application (DA-2002/0628) for *"Use of former Northbridge Women's Bowling Club building for public recreational activities.."* The building was fitted out in the same year and the new use commenced.

The building was then hired out to the community for education and workshop events and also occasionally afterschool care. These services have now been transferred to the recently renovated Northbridge Bowling Club building which is 100m away on the eastern side of the park. A community garden is located adjacent to the northern side of the building which is to remain and be operated by the Warners Park Community Garden group (not subject to the lease agreement).

On 8 June 2020 Councillors endorsed an offer of an exclusive use lease agreement to the Men's Shed Inc. who need to relocate from their current location at the Northbridge Golf Club. Council's Community Life team consider this use consistent with the Community Strategic Plan.

This subject application has been lodged mainly to accommodate the new dust extraction system but also to 'tidy-up' the approved Planning use and some internal alterations.

## ATTACHMENT 2: CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS

<b>Willoughby Local Environmental Plan 2012 Zoning:</b>	RE1 - Public Recreation
Existing Use Rights	No
Additional Permitted Use	No
Conservation area	No
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	No
Natural Heritage Register	Yes – Most trees within the park listed
Bushfire Prone Area	Yes
Foreshore Protection Area	No
Flood related planning control	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
Acid Sulphate Soil Category	5
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.
Other relevant REPS	Sydney Regional Environmental Plan (Sydney Regional Harbour catchment)
Relevant policies and resolutions	WDCP

Development Statistics	
Site Area (m <sup>2</sup> )	~2,706.34m <sup>2</sup>
Willoughby Local Environmental Plan 2012 (“WLEP 2012”)	
<b>Permissibility</b>	<p><b>community facility</b> means a building or place—</p> <p>(a) owned or controlled by a public authority or non-profit community organisation, and</p> <p>(b) used for the physical, social, cultural or intellectual development or welfare of the community,</p> <p>but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</p> <p>The proposed Men’s Shed has a lease agreement with Willoughby City Council to have exclusive use of Warners Park Centre. The Men’s Shed is run by The Australian Men’s Shed Association (AMSA) and aims to improve the health and wellbeing of members and reduce the number of men who are at risk from preventable health issues that may emanate from isolation.</p> <p>The intended use is consistent with the WLEP definition and is a permissible use for the site.</p>

Willoughby Development Control Plan (“WDCP”)						
Part	Control	Existing	Proposed by applicant	Calc. by Council	Standard	Numerical Compliance
C.4	Parking	Parking for the Warners Park Centre uses the central carpark of Warners Park containing roughly 30+ carparks. In addition to this the building has an unformed access for delivery vehicles.			-	Yes
C.7	Bushland and Bushfire Hazard Management	The application was reviewed by NSW RFS and the recommendations have been included as conditions. The development subject to conditions is considered to have minimised potential hazard of bushfire.			-	Yes
C.9	Tree preservation	No trees or vegetation are being removed as part of this application.			Trees exceeding 4m, trunk girth 0.6m or crown exceeding 3 m subject to preservation controls	Yes
The WDCP does not have specific controls for community facilities, relying on input from the community and assessment against potential amenity impacts. The proposed change of use utilises the existing building and has a small addition to the ‘rear’ elevation to improve dust and odour of the proposed use. The site can adequately accommodate the patrons and the car parking with a minimum 3.5m setback to boundaries and 20m to neighbouring dwellings with significant grade and mature vegetation separating the use. It is considered that the use meets the general controls for new development in Willoughby and is suitable as proposed subject to conditions regarding operations hours and adequate complaints management.						

## Operational Details

<b>Operational Details</b>		<b>Comment</b>
<b>Description of proposed use</b>		Community Facility – Men's Shed
<b>Description of previous/current use</b>		Multipurpose Rec. Facility
<b>Hours of Operation</b>	<b>Mon – Fri</b>	9am-4pm
	<b>Sat</b>	10am-2pm
	<b>Sun/Hol</b>	Nil
<p>Comment: The lease provided by Council's Community Life Unit allows the Men's Shed to operate between 8am-4pm Monday to Saturday. However, the information supplied to support the proposal is inconsistent and brief. The hours of operation will be conditioned as above to be more consistent with the current hours of the former shed located at Northbridge Golf Course and to respect the Acoustic report supplied.</p>		
<b>Loading/Unloading</b>		<p>Deliveries are mainly made by members of the Men's Shed in private vehicles. There are also minor deliveries of construction material by hardware providers.</p> <p>Both will use the unsealed access road to the rear of the building.</p>

Operational Details	Comment
<b>Staff/Patron numbers</b>	Given the voluntary nature of the proposed use the exact patron numbers are difficult to predict. The applicant estimates there are currently 75 paid members but generally only 10-20 people are in the shed at once.
<b>Air/odour</b>	<p>The Men's Shed will generate dust from its wood work stations/tools and some minor odours from minor metal work tools supplied.</p> <p>As part of the application the building will be fitted with a dust extractor which aids the ventilation of the building and reduces both dust and odour from escaping from the building.</p> <p>Details of the extraction unit were provided to Council's health department who considered the system appropriate, with conditions imposed.</p>
<b>Noise</b>	<p>The Men's Shed will generate workshop noise from the use of the tools and operation of the dust extraction system.</p> <p>A brief acoustic report was supplied to show predicted levels of noise during operation and was assessed by Council's Health department.</p> <p>Appropriate conditions for noise and complaints management have been imposed.</p>
<b>Waste (WDCP – C.8)</b>	Both domestic and commercial waste streams will be generated from the use. The shed plans to use all materials even offcuts for projects, however where building waste is generated it will be placed in an appropriate bin for collection by a contractor or appropriate disposal by the Men's Shed.



## Referrals

Building services	No objection subject to the conditions of consent.
Engineering	<p>No objection subject to the conditions of consent.</p> <p><i>“The above application has been investigated with respect to aspects relevant to development engineering. Development Engineers generally have no objections to the proposal, and the application may be approved, with suitable engineering conditions to be applied.”</i></p>
Environmental Health	No objection subject to the conditions of consent.
Waste	No objection subject to the conditions of consent.
Community	<p><i>“The proposal is congruent with strategic property and community development objectives of the Council’s CSP. Detailed comments are provided below.</i></p> <p><b>Use of Building.</b>  <i>The building has been managed by the Community Life Unit for a number of years as a community facility available for hire. Activities included playgroups, OOSH and general community use.</i></p> <p><i>Council has recently completed a \$2m upgrade to the former Northbridge Bowling Club. This facility is now available for community use and provides a significant upgrade in GFA and amenity for uses. Current users of the Warners Park Centre will be transferred to the former Bowling Clubhouse.</i></p> <p><i>The relocation of the Men’s Shed to the Warners Park Centre is endorsed by a resolution of The Council. The current building used to house the Men’s Shed, the Northbridge Memorial Hall is also under the control of Council. This building will be refurbished and offered for Community use and has good access to local schools and the Northbridge town centre.</i></p> <p><i>The use of the Warners Park Centre for the Men’s Shed is seen as a complementary use within the Warners Park Precinct. Currently the area hosts passive recreation, a community garden, bush care groups and a number of creative and performing user groups.</i></p> <p><i>Given the ready availability of alternate Community venues in Northbridge, the Willoughby Men’s Shed relocation to the Warners Park Centre is viewed as a positive outcome for the Men’s Shed and other community hirers.</i></p> <p><b>Community Benefit</b>  <i>The Willoughby Men’s Shed provides participants with a place in which they feel they can be useful, share common activities and socialise with other men. This is an environment that provides an innovative and positive social intervention for men struggling with changes in their working, social and personal lives.</i></p> <p><i>A number of community benefits are realised through the mission of Men’s Sheds. These include decreasing social isolation,</i></p>

	<p><i>enhancing self-esteem, increasing access to specific information about health, and promoting intergenerational learning.</i></p> <p><i>The proposal to relocate the Men's Shed will increase the capacity of the Shed to take on new members and increase the benefit to community."</i></p>
Traffic Engineer	<i>"There are no objections from a traffic and transport perspective for the development application."</i>
NSW RFS	No objection subject to the conditions of consent.

### ATTACHMENT 3: SUBMISSIONS TABLE

Council was in receipt of 23 individual submissions, which include 5 Objections and 18 in Support

	Property	Issues raised
1.	5A Kameruka Road	Support
2.	7 Kameruka Road	Support
3.	14 Olytmpia Road, Naremburn	Support
4.	Unknown	Support
5.	18 Hampden Road, Artarmon	Support
6.	12 Knight Place, Castlecrag	Support
7.	10 Pyrl Road, Artarmon	Support
8.	3 The Lee, Middle Cove	Support
9.	1 Jack Mclure Place, Northbridge	Objection
10.	Unknown	Support
11.	37 First Avenue, Willoughby	Support
12.	391 Penshurst St, Chatswood	Support
13.	Unknown	Support
14.	72 Laurel St, Willoughby	Support
15.	35 Barcoo Street, Roseville	Support
16.	7 Godfrey Road, Artarmon	Support
17.	83 Fourth Avenue Willoughby East	Support
18.	112 Cowles Road, Mosman	Support
19.	Tarakan Crescent, Northbridge	Objection
20.	10 Tarakan Crescent, Northbridge	Objection
21.	3 The Palisade, Northbridge	Support
22.	1 Tarakan Crescent, Northbridge	Objection
23.	Unknown	Objection

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

Issues Raised	Officer's Response
<b>Conflict with the users of Warners Park</b>	
"How unhealthy it will be for all the children playing and families picnicking [near the Men's Shed]".	The use will be contained solely within the building that is located well way from common spaces in the park. The development will have fitted a dust extraction unit to reduce emissions from the use. It is considered that the proposed Men's Shed is a complimentary Community use for the park and is consistent with Council's strategic vision.
<b>Access Road to the Warners Park Centre</b>	
"..the road leading to the facility [should be] sealed and or maintained by council as previously planned."	The unsealed road remains under Council's control and maintenance schedule. This road is to be used only for delivery purposes where the majority will be made with private vehicles. Occasional medium to heavy vehicle will be required if bulk material for projects is required, but only very occasionally.
"...concern is the private road and what sort of traffic control you are anticipating	A condition of consent will ensure that parking for the Men's Shed



implementing...”	shall be the central carpark. The access road to the building is for the purposes of loading and unloading of goods and materials only.
“..Heavy vehicles entering the [unseal road]...”	
Noise	
“The noise will definitely affect my quiet enjoyment in my home..”	Council’s Health team have reviewed the supplied Acoustic report and proposed development. Their assessment has concluded that the development is satisfactory subject to a set of conditions ensuring noise and pollution are mitigated with appropriate complaint management conditions.
“...noise is dramatically reflects in the gully”	
“The extraction system will be operating at all times the men’s shed is open”	
Conflict with community garden	
“...Warners Park at loggerheads with the community gardens”	The lease granted by Council does not include the use of the Community Garden. This garden will operate as current until it is relocated to the east side of the park as outlined in the Willoughby Community Strategic Plan.
Odour and dust	
“..paint fumes, mixed with commercial grade wood working dust will be disastrous for the surrounding.”	Council’s Health team have reviewed the supporting material and proposed development as a whole. Their assessment has concluded that the development is satisfactory subject to a set of conditions ensuring pollution is mitigated with appropriate complaint management conditions.
“...dust pumped constantly into the atmosphere will cause a pollution hazard”	

## ATTACHMENT 4 - 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 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 ✓ and Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>State Environmental Planning Policies (SEPP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Regional Environmental Plans (REP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Local Environmental Plans (LEP)</li> </ul>	✓
	<b>Comment:</b> The proposal does not contravene any relevant matters for consideration under the provisions of any LEP, SEPPs or REPs.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>Draft State Environmental Planning Policies (SEPP)</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Draft Regional Environmental Plans (REP)</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Draft Local Environmental Plans (LEP)</li> </ul>	N/A
	<b>Comment:</b> There are no draft SEPPs that apply to the subject land.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> <li>Development control plans (DCPs)</li> </ul>	✓
	<b>Comment:</b> See attachment 2.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> <li>Clause 92 EP&amp;A Regulation-Demolition</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Clause 93 EP&amp;A Regulation-Fire Safety Considerations</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Clause 94 EP&amp;A Regulation-Fire Upgrade of Existing Buildings</li> </ul>	✓
	<b>Comment:</b> Complies.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> <li>Context &amp; setting</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Access, transport &amp; traffic, parking</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Servicing, loading/unloading</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Public domain</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Utilities</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Heritage</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Privacy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Views</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Solar Access</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Water and draining</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Soils</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Air &amp; microclimate</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Flora &amp; fauna</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Waste</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Energy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Noise &amp; vibration</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Natural hazards: Overland flowpath</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Safety, security crime prevention</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Social impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Economic impact in the locality</li> </ul>	✓

**Matters for Consideration Under S.4.15 (79C) EP&A Act**  
**Considered and Satisfactory ✓ and Not Relevant N/A**

	• Site design and internal design	✓
	• Construction	✓
	• Cumulative impacts	✓
	<b>Comment:</b> Development is considered consistent with the requirements under s4.15 of the EP&A Act.	
(c)	The suitability of the site for the development	
	• Does the proposal fit in the locality?	✓
	• Are the site attributes conducive to this development?	✓
	<b>Comment:</b> The proposed development fits into the locality, does not impact the streetscape/park amenity and is considered a low impact development that is suitable for the site.	
(d)	Any submissions made in accordance with this Act or the regulations	
	• Public submissions	✓
	• Submissions from public authorities	✓
	<b>Comment:</b> 23 Submissions were received and addressed within Attachment 3.	
(e)	The public interest	
	• Federal, State and Local Government interests and Community interests	
	<b>Comment:</b> The proposal is consistent with Councils Community Strategic Plan and will not compromise the character of Warners Park. The development is in the general public interest and creates positive social impacts for the Willoughby Council Area.	



**ATTACHMENT 5: SCHEDULE OF CONDITIONS****SCHEDULE**

**Conditions of Consent:** (Including reasons for such conditions)

**CONSENT IDENTIFICATION**

The following condition provides information on what forms part of the Consent.

**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
Site Plan	-	-	23 January 2021	Applicant
Floor Plan	-	-	-	Applicant
Rear Elevation	-	-	-	Applicant
Layout Plan	-	-	-	Applicant

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)

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of a construction certificate.

**2. Local Infrastructure Contributions**

For development that involves subdivision and/or building work, any contribution required under Council’s Local Infrastructure Plan must be paid to Council prior to the issue of the subdivision certificate or first construction certificate, whichever occurs first.

(Reason: Statutory requirement)

**3. Fire Safety Upgrade of Building**

Pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*:

- (a) The entire building being upgraded to meet the Performance Requirements of the National Construction Code;
- (b) The building is to be upgraded to meet the following performance

requirements of the National Construction Code.

Details are to be included with the Construction Certificate application.

(Reason: Fire and occupant safety)

#### **4. Damage Deposit**

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$4,500** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$176** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

**Total Payable = \$4,500 + \$176 = \$4,676.**

(Reason: Protection of public asset)

#### **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/s where practical.

Details of the proposed acoustic treatment shall be submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

### **PRIOR TO COMMENCEMENT**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.**

#### **6. Report Existing Damages on Council's Property**

Prior to commencement of any works on site, submit to Council and the Principal Certifier a report with digital photographs of any existing damages to Council's assets fronting the property and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages.

(Reasons: Protection of Council's Infrastructure)

#### **7. Permits and Approvals Required**

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads.

Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and TfNSW (RMS). A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

The public footway must not be obstructed at any time unless written approval has been granted by Council. Council's footpath and footway shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

## 8. Underground Utility Services

Where excavation is proposed, locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

## DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

**The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.**

## 9. Asset Protection Zones

From the start of building works, the property around the building must be managed as an inner protection area (IPA) for a distance of 10 metres in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- I. tree canopy cover should be less than 15% at maturity;
- II. trees at maturity should not touch or overhang the building;



- III. lower limbs should be removed up to a height of 2m above the ground;
- IV. tree canopies should be separated by 2 to 5m;
- V. preference should be given to smooth barked and evergreen trees;
- VI. large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- VII. shrubs should not be located under trees;
- VIII. shrubs should not form more than 10% ground cover;
- IX. clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- X. grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- XI. leaves and vegetation debris should be removed.

(Reason: NSW RFS Requirement - To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.)

## 10. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This Section 4.55 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

## 11. Demolition Work AS 2601-2001

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.

(Reason: Safety)

## 12. Sweep & Clean Pavement

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.  
(Reason: Legal requirement)

## 13. Street Signs

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.  
(Reason: Protection of public assets)

## 14. Noise Monitoring Plan

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.  
(Reason: Amenity)

## PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

## 15. Access Requirements

Property access roads must comply with the following requirements of Table 7.4a of *Planning for Bush Fire Protection 2019*:

- I. property access roads are two-wheel drive, allweather roads;
- II. the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating.
- III. hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005;
- IV. there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- V. at least one alternative property access road is provided for individual dwellings or groups of dwellings that are located more than 200 metres from a public through road;
- VI. minimum 4m carriageway width;
- VII. in forest, woodland and heath situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay;
- VIII. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- IX. property access must provide a suitable turning area in accordance with Appendix 3;
- X. curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;

- XI. the minimum distance between inner and outer curves is 6m;
- XII. the crossfall is not more than 10 degrees;
- XIII. maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and
- XIV. a development comprising more than three dwellings has formalised access by dedication of a road and not by right of way.

*Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.*

(Reason: NSW RFS Requirement - To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.)

## 16. Water and Utility Services

Prior to the issue of any Occupation Certificate, the provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:

- I. reticulated water is to be provided to the development where available;
- II. all above-ground water service pipes external to the building are metal, including and up to any taps;
- III. where practicable, electrical transmission lines are underground;
- IV. where overhead, electrical transmission lines are proposed as follows:
  - a. lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - b. no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- V. reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- VI. all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- VII. connections to and from gas cylinders are metal;
- VIII. polymer sheathed flexible gas supply - lines are not used; and
- IX. above-ground gas service pipes are metal, including and up to any outlets.

(Reason: NSW RFS Requirement - To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities)

## 17. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

## 18. Landscaping

Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- I. A minimum 1-metre-wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- II. Planting is limited in the immediate vicinity of the building;
- III. Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- IV. Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- V. Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- VI. Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- VII. Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- VIII. Avoid climbing species to walls and pergolas;
- IX. Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- X. Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- XI. Low flammability vegetation species are used.

(Reason: NSW RFS Requirement - To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.)

## 19. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, 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.

(Reason: Protection of public assets)

## ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

## 20. Annual Fire Safety Statement

Attention is directed to Clause 177 of the *Environmental Planning and Assessment Regulation 2000* regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)



## **21. Hours of Operation**

The hours of operation of the Men's Shed is to be restricted to those times listed below, i.e.:

Weekdays	9am to 4pm
Saturdays	10am to 2pm
Sundays & Public Holidays	NIL

Any extension to these hours is to be subject to the prior consent of Council.  
(Reason: Amenity)

## **22. Men's Shed Parking**

Users of the Men's Shed shall park in the central carpark of Warners Park.  
(Reason: Safety)

## **23. Noise Control – Offensive Noise and Vibration**

To minimise the noise and vibration impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the *Protection of the Environment Operations Act 1997*.  
(Reason: Amenity)

## **24. Noise & Vibration**

The Men's Shed, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration, and cause no unreasonable interference to adjoining or nearby residential or business premises. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant, and submit the results to Council.

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

## **25. Dust, Smoke & Odour**

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)

**26. Access Road**

The access road to the building is for the purposes of loading and unloading of goods and materials only.  
(Reason: Amenity, Safety)

**PRESCRIBED CONDITIONS**

The following conditions are prescribed by Section 4.17 of the Environmental Planning & Assessment Act for developments involving building work.

**27. Compliance with National Construction Code**

All building works must be carried out in accordance with the performance requirements of the National Construction Code.  
(Reason: Compliance)

**STATUTORY REQUIREMENTS**

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants

**28. Construction Certificate**

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.  
(Reason: Ensure compliance and statutory requirement)

**29. Notify Council of Intention to Commence Works**

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint a Certifier and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.  
(Reason: Information and ensure compliance)

**30. Occupation Certificate**

The building/structure or part thereof shall not be occupied or used until an occupation certificate has been issued in respect of the building or part.  
(Reason: Safety)

ATTACHMENT 8: NOTIFICATION MAP

