

JRPP No:	2010SYE081
DA No:	DA-527/2010
PROPOSED DEVELOPMENT:	Demolition of the existing club building and the construction of a new club premises, retention of one existing bowling green and the construction of a new synthetic bowling green, new car parking area for 143 vehicles, revised access arrangements and associated landscaping - Lot G1 DP 400451, Lot 1 DP 35579, Lot 38 DP 14007, Lot 1 DP 125540, Lot 17 DP 660637 and Lot L DP 414108, No. 23 Roseland Avenue, Roselands
APPLICANT:	Mingara Recreation Club Limited
REPORT BY:	Stephen Pratt - Team Leader, Development Assessment, Canterbury Council

Assessment Report and Recommendation

EXECUTIVE SUMMARY

- Council has received a development application for the demolition of the existing club building and the construction of a new club premises, retention of one existing bowling green and the construction of a new synthetic bowling green, new car parking area for 143 vehicles, revised access arrangements and associated landscaping at the subject site.
- The development application has a capital investment value in excess of \$10 million and in accordance with Clause 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005, the development application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.
- The subject site is zoned Private Recreation 6(b) under the Canterbury Planning Scheme Ordinance (CPSO). The proposed development is defined as a 'club' under the CPSO, which is a prohibited use in the 6(b) zone. The subject site has the benefit of 'existing use rights' under Section 106 of the Environmental Planning and Assessment Act, 1979.
- The development application has been assessed against the provisions contained in State Environmental Planning Policy (Major Development) 2005, State Environmental Planning Policy No. 55, the Canterbury Planning Scheme Ordinance, Section 106 of the Environmental Planning and Assessment Act, 1979 and relevant Canterbury Development Control Plans and policies. The proposed development is found to comply with the requirements of these environmental planning instruments, development control plans and policies.
- The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Council's Development Control Plan No. 32 – Notification Policy. No submissions were received. This formal notification period at DA stage followed a pre-DA community and stakeholder consultation carried out on the applicant's behalf by Urbis Social Planning.
- The development application is recommended for approval subject to conditions.

BACKGROUND

Prior to the lodgement of the development application, representatives of the applicant had a number of pre-lodgement discussions with Council's Planning staff. The main purpose of

these discussions was to reach an agreement about the processing of the application, particularly with respect to whether the subject site has the benefit of existing use rights.

A legal opinion was forwarded to Council for review which concluded that the subject site did enjoy the benefits of 'existing use rights' given the legitimate approval of the club and bowling greens in 1952 under the interim development provisions of Part XIA of the Local Government Act 1919, the prohibition of clubs and registered clubs under the Canterbury Planning Scheme Ordinance 1970 within the 6(b) zoning and that the use of the club has not been abandoned.

The documentation was forwarded to Council's own legal representatives for an opinion who advised that having regard to the above history of the site, the property does enjoy the benefits of 'existing use rights' and as such, any development application may be assessed against the relevant statutory provisions of the Environmental Planning and Assessment Act and accompanying regulation.

SITE DETAILS

The subject site is identified as Lot G1 DP 400451, Lot 1 DP 35579, Lot 38 DP 14007, Lot 1 DP 125540, Lot 17 DP 660637 and Lot L DP 414108, known as No. 23 Roseland Avenue at Roselands.

The subject site, which has a total site area of 15,215 square metres, contains the Roselands Bowling Club, four associated bowling greens and separate open car parking areas accessed off Roseland Avenue and Sylvester Avenue respectively. The site has a change in level in excess of 5 metres from the north-western to the south-eastern corner of the property. The site is generally free of any significant vegetation although a row of trees exists immediately adjacent to the southern property boundary on land owned by the Centro Properties, owners of the Roselands Shopping Centre.

To the immediate north of the subject site on the opposite side of Roseland Avenue is an area of public open space which contains the Roselands Aquatic Centre. To the east of this public open space land is a low density residential precinct containing one and two storey dwellings of varying age and style.

To the east of the subject site is an area of low density residential precinct also containing one and two storey dwellings of varying age and style. Many of these properties are accessed from Sylvester Avenue which also provides vehicular access to the subject site.

To the west and north-west of the subject site is the Centro Roselands Shopping Centre, associated bus and taxi interchange and open car parking areas. To the south of the subject site, on the opposite side of Roselands Drive, is an open car parking area also servicing the adjacent Centro Roselands Shopping Centre.

PROPOSAL

Council has received a development application for the demolition of the existing club building and the construction of a new club premises, retention of one existing bowling green and the construction of a new synthetic bowling green, new car parking area for 143 vehicles, revised access arrangements and associated landscaping.

The proposed new club premises will contain two levels as follows:

- The ground floor of the proposed building (which will provide a gross floor area of 2007.5 square metres) will contain lounge, dining and café area, external café and alfresco dining area, internal and external gaming areas, TAB facilities, kitchen and associated 'back of house' facilities and amenities.

- The lower ground floor of the proposed building (which will contain a gross floor area of 480 square metres) will contain a bowler's lounge with access to the new and existing bowling greens, associated amenities, plant room and storage areas.

The proposed development will also involve the reconfiguration of the existing car parking area and associated access arrangements. In this regard, the two existing vehicle entries (from Roseland Avenue and Sylvester Avenue) will be retained with provision for a new left-in, left-out entry driveway off Roselands Drive.

It is proposed to close the entry from Sylvester Avenue to all traffic and only use the existing driveway from Roseland Avenue and proposed access driveway from Roselands Drive, but retain the ability to open the entry onto Sylvester Avenue when Centro Properties closes Roselands Avenue on one day per year, or in the event that Centro Properties permanently close entry from Roselands Drive in the future. The road closure, one day per year, is required to retain its tenure as a private road. It should be noted that Roselands Drive (while having all the physical characteristics of a public road) is a private road owned by Centro Properties, the owners of the Roselands Shopping Centre.



Figure No. 1 – Aerial photograph showing the development site and surrounds

INTERNAL REFERRALS

The development application was referred to a number of internal sections of Council for comment and the advice received is summarised below:

- **Fire Safety and Building Related Comments**
The development application has been accompanied by Building Code of Australia Compliance Report prepared by Davis Langdon. The report concludes that the proposed development is capable of complying with the deemed to satisfy provisions of the Building Code of Australia subject to the certain aspects being complied with at Construction Certificate stage. The development application and accompanying BCA

report were referred to Council's Fire Safety Officer for comment who has raised no objections to the proposal subject to certain conditions being included as part of any development consent issued.

- **Disability Access Committee Comments**

The development application was accompanied by an Access for People with Disabilities Report, prepared by Graphite Architects which assesses the proposal against the requirements of the Building Code of Australia, AS1428.1 and the Disability Discrimination Act. The development application and accompanying information was referred to Council's Disability Access Worker for comment who has advised that no objections are raised to the proposal subject to the inclusion of a number of conditions relating to the provision of disabled access facilities within the development.

- **Crime Prevention Officer Comments**

The development application was accompanied by a Crime Prevention through Environmental Design Assessment Report. The application and accompanying documentation was referred to Council's Crime Prevention Officer, who in association with the NSW Police, Campsie Local Area Command has advised that no objections are raised to the proposed development from a crime prevention perspective, subject to a number of standard conditions.

- **Waste Service Comments**

The development application was referred to Council's Waste Service Contracts Coordinator for comment who has advised that while the proposal generally complies with the requirements of Council's Development Control Plan No. 48 – Waste Management, the applicant will need to provide further details to specify where and how materials will be recycled and reused.

In response, the applicant has advised that the applicant is yet to engage a waste contractor and is not yet in a position to confirm recycling and reuse methods and requested that such details be provided as part of the documentation forwarded with the Construction Certificate. In this regard, it is recommended that any development consent issued include a condition requiring the submission of Waste Management Plan identifying those materials to be recycled, those materials to be re-used and those materials to be disposed of in accordance with the requirements of Council's Development Control Plan No. 48. A suitable condition is included in the recommendation below.

- **Landscape Architect Comments**

The development application was accompanied by an Arboricultural Impact Assessment Report and Tree Protection Specification prepared by Integrated Vegetation Management. The development application was referred to Council's Landscape Architect for comment who has advised that who raised no objections to the proposed development subject to the imposition of a number of related conditions.

- **Environmental Health and Compliance Comments**

The development application was referred to Council's Environmental Health and Compliance Section for comment. Specific advice was sought in relation to food surveillance issues and the acoustical impacts of the proposed development. It is noted that the development application was accompanied by an Acoustical Assessment prepared by Acoustic Logic Consultancy Pty Limited. No objections are raised to the proposed development subject to a number of conditions. Specific issues arising from the assessment of the acoustical aspects of the development will be discussed in greater detail in a later section of this report.

- **Stormwater/Hydraulic Comments**

The development application was referred to Council's Development Engineer for comment who has advised that no objections are raised to the proposed development subject to the inclusion of standard conditions on any development consent issued. It should be noted that some negotiations took place between Council and the applicant regarding alternative methods of dealing with stormwater disposal and vehicular access in lieu of formal easements arrangements and these matters are discussed in greater detail in a later section of this report.

- **Traffic Engineer Comments**

The development application was referred to Council's Team Leader Traffic and Transportation for comment who has advised that no objections are raised to the proposed development in relation to the proposed development on car parking provision or on traffic generation grounds. However, concerns were raised with regard to the proposed new access driveway onto Roselands Drive and traffic safety and pedestrian safety grounds.

Following discussions with representatives of the applicant, an amended access treatment was proposed to address previous pedestrian and vehicular traffic safety concerns. At the time of drafting this report, the revised details were being reviewed and as directed by the Joint Regional Planning Panel Secretariat, this matter will be the subject of a further supplementary report to be submitted prior to the Joint Regional Planning Panel Meeting on 16 March 2011.

STATUTORY CONSIDERATIONS

When determining this development application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act, 1979, must be considered and in this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy No. 55 – Remediation of Land
- Section 106 of the Environmental Planning and Assessment Act and accompanying Regulations - Existing Use Rights Provisions
- Canterbury Planning Scheme Ordinance
- Canterbury Development Control Plan No. 9 – Non-Residential Buildings Adjoining Residential Zones
- Canterbury Development Control Plan No. 20 – Car Parking
- Canterbury Development Control Plan No. 29 – Crime Prevention Through Environmental Design
- Canterbury Development Control Plan No. 32 – Notification Policy
- Canterbury Development Control Plan No. 45 – Landscaping
- Canterbury Development Control Plan No. 48 – Waste Management
- Canterbury Development Control Plan No. 51 – Access and Mobility
- Specification 9 – A Guide For Stormwater Drainage Design

ASSESSMENT

The development application has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act, 1979 and the following key issues emerge:

- **State Environmental Planning Policy (Major Development) 2005**

The provisions of State Environmental Planning Policy (Major Development) 2005 apply as the development application has a capital investment value in excess of \$10

million and in accordance with Clause 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005, the development application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.

- **State Environmental Planning Policy No. 55 – Remediation of Land**

State Environmental Planning Policy No. 55 – Remediation of Land aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment.

Clause 7 of SEPP 55 states that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

The subject site has a long history of use as a bowling club and there is no known history of previous use of the land for industrial activities. The proposal involves some demolition and excavation works, and as such a geotechnical investigation and preliminary environmental assessment, prepared by Environmental Investigation Services, was carried out to assess the likelihood of contamination of subsurface soils and the suitability of the site for the proposed development.

The report concludes that the site is likely to contain potential contaminants due to the presence of potentially contaminated imported fill to the site, contents of an aboveground storage tank in the western section of the site and the past activities that have involved the use of pesticides. The report also finds that the subject site is suitable for the proposed development of the site subject to the following works being undertaken:

- (a) An additional environmental site assessment meeting the minimum sampling density as recommended in the NSW EPA Sampling Design Guidelines. This may be carried out after demolition of the buildings.
- (b) Prior to demolition, a survey of hazardous building materials to be carried out.
- (c) Inspection by suitably qualified personnel during demolition and construction to assess unexpected conditions.
- (d) If garden areas are proposed in areas where concentrated levels of arsenic are found, then soil should be removed and replaced with clean soil.

Having regard to the above, Council is satisfied that the land is suitable for proposed end use. Suitable conditions will be applied on any development consent issued to address the recommendations above address any contamination finds during excavation/construction works.

- **Canterbury Planning Scheme Ordinance**

The subject site is zoned Private Recreation 6(b) under the Canterbury Planning Scheme Ordinance (CPSO). An extract of the zoning plan is provided below.

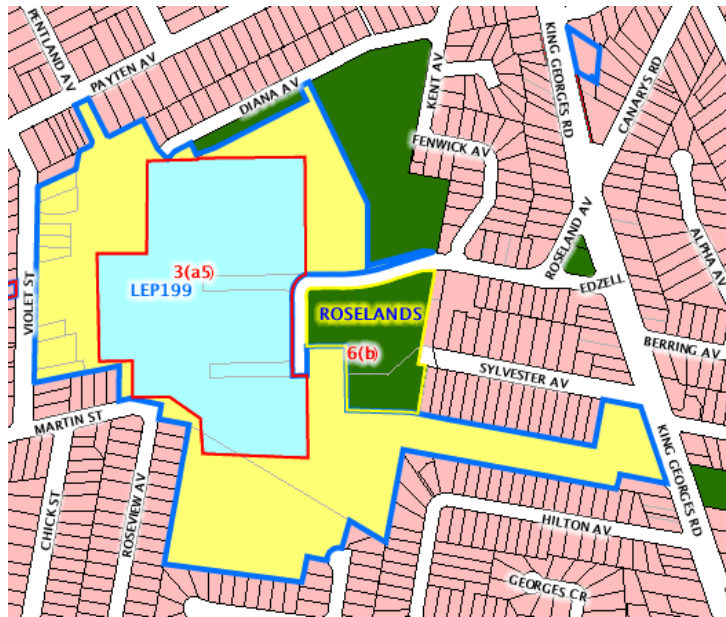


Figure No. 2 – Extract of Zoning Plan under the Canterbury Planning Scheme Ordinance, also identifying public roads on the perimeter of the Roselands Shopping Centre

The proposed development is defined as a 'club' which has the following definition contained within the CPSO:

"club" means a building used or intended for use by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purpose whether of the same or of a different kind and whether or not the whole or part of such building is the premises of a club registered under Part X of the Liquor Act, 1912.

A 'club' is a prohibited use under the provisions of the CPSO and therefore favourable consideration of the development application relies on the subject site having the benefit of 'existing use rights' under the relevant provisions of the Environmental Planning and Assessment Act and associated regulations. This issue is discussed in greater detail in a later section of this report.

Clause 32(a) of the CPSO states that where a building is proposed within land zoned 6(b), the consent authority must consider the probable aesthetic appearance of that building when viewed from the public reserve and whether adequate access, parking and loading facilities are provided. In this regard, the proposed new club building will be visible from the adjoining public open space land and will be of a scale that appropriate for the immediate locality. As will be demonstrated in a later section of this report, the proposed will provide adequate access and parking arrangements. The proposal is therefore considered to meet the objectives of Clause 32(a) of the CPSO.

- Section 106 of the Environmental Planning and Assessment Act and accompanying Regulations - Existing Use Rights Provisions**

Having concluded that the subject site has the benefit of 'existing use rights' it is now appropriate to review those provisions that now apply to the assessment of this development application. Section 106 of the Environmental Planning and Assessment Act 1979 defines an 'existing use' as:

- (a) *the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part, have the effect of prohibiting that use, and*
- (b) *the use of a building, work or land:*
 - (i) *for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
 - (ii) *that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.'*

Clause 41 of the Environmental Planning and Assessment Regulation states:

- (1) *An existing use may, subject to this Division:*
 - (a) *be enlarged, expanded or intensified, or*
 - (b) *be altered or extended, or*
 - (c) *be rebuilt, or*
 - (d) *be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act,...'*

Section 108(3) of the Environmental Planning and Assessment Act states:

- (3) *An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force.*

Despite any departure of the development from any controls contained in the CPSO, or similarly, within a development control plan, the consequence of the above legislation is that an applicant cannot be required to comply with those standards and that these controls merely act as a guide to establish a merit assessment. The application is now assessed against those relevant controls.

- **Canterbury Development Control Plan No. 9 – Non-Residential Buildings Adjoining Residential Zones**

The development application has been assessed against the requirements of Council's Development Control Plan No. 9 – Non-Residential Buildings Adjoining Residential Zones. The DCP applies to all non-residential development adjoining residential zones in the City of Canterbury. The aim of the DCP is to establish objectives and provide design requirements to minimise potential impacts, including privacy, solar access and general amenity of adjoining residential development.

The principal control in the DCP is that the non-residential component of buildings adjoining residential zones shall comply with a Building Height Plane. The building height plane is a plane projected over the site at a 45 degree angle extending 1.8 metres above natural ground level at the boundary of any adjoining residential zone, defining the envelope that such buildings may be confined to.

The subject site adjoins residentially zoned land to the east and as such, has been assessed against the design requirements of the DCP. Plans accompanying the

development application indicate that the proposed club building is well separated from the adjacent residential properties and complies with the height plane requirements of the DCP. The proposed building will not result in any overshadowing impacts on any adjoining residential property and sufficient area is contained along the eastern boundary of the site to provide further landscaping embellishments. The proposal therefore complies with the requirements of the DCP.

- **Canterbury Development Control Plan No. 20 – Car Parking**

Development Control Plan No. 20 aims to ensure that development is provided with adequate off-street car parking for occupants and visitors by providing guidance on the parking requirements and design criteria.

Table 3(a) of the DCP specifies the car parking rates for a range of development types which vary according to the type and scale of the proposal.

For the purposes of calculating the car parking requirements under DCP 20, the proposed development is defined as a 'registered club', which requires a parking assessment with a survey of similar developments. Such an assessment is to take into account the individual components of the club, that is, bar, restaurant and entertainment facilities etc. As a guide, the DCP states that parking should be provided at a rate of 25 spaces per 100 square metres of Public Floor Area. In this regard, Public Floor Area is defined as the 'area where the public is permitted: bar, lounge, beer garden, dining area, auditorium and other entertainment area, but does not include non-licensed areas.'

The existing bowling club has a Public Floor Area of 765 square metres while the proposed club will have a Public Floor Area of 1350 square metres. Using the guide figure contained in the DCP, the existing club would generate the need for 191 off-street car parking facilities while the proposed club would generate 338 off-street car parking spaces, both clearly in excess of the current and likely future demands of the premises.

The applicant's traffic consultant has therefore conducted a survey of similar developments to reach conclusions about the car parking demands for the proposed development. In this regard, these surveys conclude that the peak parking demand for a similar club (Charlestown Bowling Club) is 10.4 spaces per 100 square metres. This rate, if applied to the floor area of the proposed development equates to a car parking demand of 141 car parking spaces. A total of 143 off-street car parking spaces are to be provided as part of the redevelopment of the Roselands Bowling Club and it is concluded that this parking provision is expected to meet the parking demands of the club.

The DCP also states that four bicycle spaces per 100 square metres of Public Floor Area or part thereof be provided. Using this rate, the proposed club generates the need for 54 bicycle spaces. A total of 14 bicycle spaces and 5 motorcycle spaces are proposed as part of this development, located adjacent to the entrance to the facility. It is considered that the proposed provision of bicycle parking spaces will be sufficient and in the event that future demands dictate that additional bicycle parking is required, opportunity is available to extend the proposed bicycle parking bays to create additional provision. This may be included as a condition of any development consent issued.

The development application was referred to Council's Team Leader Traffic and Transportation who, as detailed in a previous section of this report, supports the conclusions reached by the applicant's consultant and raises no objections to the proposed development in relation to the proposed car parking provisions.

- **Canterbury Development Control Plan No. 29 – Crime Prevention Through Environmental Design**

The proposed development has also been assessed against the relevant provisions of Council's Development Control Plan No. 29 – Crime Prevention Through Environmental Design, which aims to promote design as a genuine crime prevention strategy through three main principles, namely natural surveillance, access control and ownership.

The development application has been accompanied by a detailed Crime Prevention Through Environmental Design Assessment report which details specific features and elements incorporated in the design of the proposal to improve safety and security of the proposed facility, including the provision of CCTV throughout the car parking area and building, improved vehicular access to the site, the location of outdoor dining and café areas on ground level and the bowlers lounge on the lower ground floor to improve passive surveillance of the perimeter of the site, the location and design of the main entrance to the club to allow for proper visual surveillance of the car parking area and adjacent public areas, together with appropriate landscape treatments.

As noted above, the application was referred to Council's Crime Prevention Officer, who in association with the NSW Police, Campsie Local Area Command has advised that no objections are raised to the proposed development from a crime prevention perspective. The proposal is therefore considered to meet the aims and objectives and design criteria of the DCP.

- **Canterbury Development Control Plan No. 32 – Notification Policy**

The development application was publicly exhibited and all adjoining owners notified of the proposed development in accordance with the provisions of Council's Development Control Plan No. 32 - Notification Policy. During this time, no submissions were received by Council.

It should also be noted that prior to the formal lodgement of the development application, Urbis Social Planning, on behalf of the applicant, conducted a Community and Stakeholder Consultation to obtain feedback prior to the completion of the final design. This process included a notification letter to key stakeholders, letters to residents located in Sylvester Avenue and Roselands Avenue, a community newsletter, meetings with Council representatives and members of the Campsie Local Area Command, interviews with local community organisations and meetings with local residents.

The applicant has advised that there was generally a low response rate from residents, although ten resident responses were received. Of these responses, only one objection was received raising concerns relating to potential amenity impacts and depreciating property values as a result of the proposed development. The consultation also highlighted a desire that pedestrian access be maintained through the bowling club site to and from the Roselands Shopping Centre and that the club implement suitable management and operations plans to minimise potential amenity impacts on adjoining residential development. The issues arising from the community consultation process are discussed where necessary in a later section of this report.

- **Canterbury Development Control Plan No. 45 – Landscaping**

The proposed development has also been assessed against the provisions of Canterbury Development Control Plan No. 45 – Landscaping. As noted previously, the development application was referred to Council's Landscape Architect for comment who has advised that who raised no objections to the proposed

development subject to the imposition of a number of related conditions, and the proposal complies with the requirements of the DCP.

- **Canterbury Development Control Plan No. 48 – Waste Management**

The proposed development has also been assessed against the provisions of Canterbury Development Control Plan No. 48 – Waste Management. The DCP requires consideration of the design and location of waste management facilities on site, details being provided of the levels of waste likely to be generated by demolition and construction phases of development and the on-going use of the development.

As noted in a previous section of this report, Council's Waste Services Coordinator has advised that the applicant will be required to provide additional information, in the form of a Waste Management Plan, which confirms what materials will be recycled and reused. Such details will be provided as part of the documentation forwarded with the application for the Construction Certificate and any development consent issued for the proposal shall include such a condition.

- **Canterbury Development Control Plan No. 51 – Access and Mobility**

The proposed development has also been assessed against the provisions of Canterbury Development Control Plan No. 51 – Access and Mobility. The DCP requires that access be provided in accordance with the Building Code of Australia and Australian Standard 1428.1 and 2. The DCP also states that in a car parking area containing more than ten spaces, one space designed in accordance with AS2890.1 is to be provided for every thirty-three spaces or part thereof.

The proposed development will provide sufficient facilities and provisions to ensure compliance with the requirements of the DCP. As noted in a previous section of this report, Council's Disability Access Worker has advised that no objections are raised to the proposal subject to the inclusion of a number of conditions relating to the provision of disabled access facilities within the development. These conditions are listed in the recommendation below.

LIKELY IMPACTS ON THE ENVIRONMENT

The scale and built form of the proposed development are considered to be satisfactory. The proposal is not expected to have any detrimental impacts in terms of the natural or built environments, and the social and economic aspects, as discussed under the following headings below.

- **Traffic and Car Parking Implications**

The development application has been accompanied by Traffic and Car Parking Report prepared by Halcrow MWT Consultants which discusses the existing traffic and parking conditions in the locality, describes the proposed development and examines its traffic and parking implications. The report concludes that:

- (a) The proposed redevelopment is expected to generate about 135 vehicle trips per hour during the evening peak period;
- (b) The existing two car parking areas have a capacity of approximately 80 spaces which is to be replaced with 143 car parking spaces, which will meet the expected needs for the club;
- (c) It is proposed to construct a new left-in, left-out access onto Roselands Drive, while maintaining the existing access from Roselands Avenue and Sylvester Avenue. It is noted that Sylvester Avenue will be retained but only used when the Roselands Drive access is closed;
- (d) Analysis indicates that all access intersections will operate in a good level of service; and,

- (e) Overall, the traffic and parking aspects of the proposed redevelopment will be satisfactory.

As noted previously, Council's Team Leader Traffic and Transportation supports the conclusions reached by the applicant's consultant and raises no objections to the proposed development in relation to the proposed car parking provision or on traffic generation grounds. However, concerns were raised with regard to the proposed new access driveway treatment off the private road known as Roselands Drive. In this regard, the matter was forwarded to Council's Local Traffic Committee, who endorsed the views of the Traffic Engineer and resolved, at its meeting held on 7 February 2011 as follows:

'That the applicant submit the following design plans to be considered by the Local Traffic Committee:

1. *A mountable single lane roundabout, to be constructed in Roselands Drive at the entry to the proposed driveway and opposite the driveway to the Centro Roselands carpark. The roundabout will need to be designed to accommodate heavy vehicles, including low floor buses.*
2. *A wider splay to be provided to the access driveway in Roselands Drive.*
3. *A separate pedestrian access to be provided to the redeveloped site opposite the existing pedestrian crossing in Roselands Drive.*

Following this meeting, negotiations between our City Works staff and representatives of the applicant have taken place and resulted in the submission of a revised access treatment to Roselands Drive. In support of the revised proposal, the applicant's traffic consultant has made the following comments

1. A roundabout is considered to be an overprovision given the level of traffic carried along Roselands Drive (1500 vehicles per hour) and given the traffic generated by the proposed development which is a maximum demand of approximately 20 vehicles per hour.
2. Roselands Drive is a private road and the applicant has advised that a roundabout will not be endorsed by the property owners, namely Centro Properties.
3. The revised access driveway to Roselands Drive will provide separate ingress and egress paths.
4. A revised pedestrian access to the club property from the existing pedestrian crossing in Roselands Drive with appropriate signage will be provided.

Council's City Works Division have reviewed the revised details and indicated that the provision of a roundabout on a private road would be difficult to enforce if the owners are unwilling to accept it. Furthermore, a roundabout traffic control device would also provide minimal benefit compared to its relative costs of construction. The revised access treatments off Roselands Drive should ensure left in, left out traffic movement only while the revised pedestrian arrangements will ensure and promote the use of the existing pedestrian crossing to access the club premises. On this basis, no objections are raised to the revised arrangements.

It should be noted that this matter will be referred to Council's Local Traffic Committee meeting to be held on 7 March 2011 with a recommendation to accept the revised vehicle and pedestrian access arrangements. The outcome of this meeting will be included as part of the supplementary report to be submitted prior to the Joint Regional Planning Panel Meeting on 16 March 2011.

- **Access Formalisation Arrangements**

The proposed development incorporates the creation of a new access driveway (left-in, left-out) onto Roselands Drive. Where necessary, these access arrangements are typically formalised by way of appropriate easements and associated legal documentation.

The applicant has advised that the owner of the private road, Centro Properties, has agreed to allow Roselands Bowling Club limited vehicle access and egress from Roselands Drive, however they are not willing to grant an easement for access along Roselands Drive.

Centro Properties are prepared to enter into an arrangement via a deed of agreement that will allow vehicle access to Roselands Drive and that may also be extended to allow a right of passage over Roselands Drive. Centro Properties are not prepared to offer this arrangement in perpetuity and it would be at their discretion (with reasonable notice) to remove this right. If this situation arose, then the alternative access arrangement along Sylvester Street would need to remain available, which is proposed by this application.

Previous communications with the applicant have requested the creation of an easement for access and carriage over Roselands Drive to be created benefiting the subject site. The applicant has argued that the creation of an easement for access and carriage over Roselands Drive would be difficult due to the owners of Roselands Drive being unwilling to enter into negotiations and the use of Section 88K of the Conveyancing Act 1919 to force the easement to be created through the Supreme Court is unlikely to meet with success as the site has existing access provisions via Roseland Avenue and Sylvester Avenue.

Having regard to the above circumstances, it is considered appropriate to allow the applicant and Centro Properties to enter into a Deed of Agreement to allow access and carriage over Roselands Drive. This issue may be dealt with by way of an appropriate condition on any development consent issued.

- **Hydraulic Formalisation Arrangements**

The proposed development has been supported by a detailed hydraulic plan which outlines new stormwater disposal arrangements to service the new buildings and impervious areas of the development site.

The disposal of stormwater from a site is controlled by Council's Specification 9 – A Guide For Stormwater Drainage Design. Where possible, site stormwater drainage should be directed to the street drainage system. Where this is not possible, inter-allotment drainage systems shall be provided by the developer suitably located within easements to ensure rights of access for maintenance purposes. In such instances, a letter of agreement from the affected property owner(s) should accompany a development application to demonstrate that a suitable easement can be created.

Centro Properties (the adjoining owner) has indicated that they would not support the establishment of easements on title for the purposes of stormwater drainage disposal in favour of the Roselands Bowling Club, but would be prepared to acknowledge Roselands Bowling Club utilising its drainage infrastructure through the establishment of a Deed of Agreement between Centro and the applicant on the following basis:

- Acknowledgment of use of the existing infrastructure;
- Maintenance of the current drainage arrangements;

- In the event of future development, Centro would reserve the right to reconstruct/relocate the existing infrastructure;
- Centro would maintain sole discretion to alter the arrangements, subject to accommodating a gravity-fed drainage line for Roselands Bowling Club at the applicant's cost.

Council's City Works Division has reviewed the information provided by the applicant and advised that in these circumstances, the provision of an easement for stormwater drainage can be waived in favour of the applicant entering into a Deed of Agreement with the owners of Roselands Drive for the following reasons:

- o The extensive length of pipework over which an easement would need to be created in order to legally drain stormwater from 23 Roseland Avenue to King Georges Road.
- o In the event that the agreement is ended or varied at the discretion of the owners of Roselands Drive, adverse impacts of the decision would be felt by the owners of Roselands Drive exclusively. It is therefore in the interests of the owners of Roselands Drive to maintain an agreement for a pipe network.
- o The difficulty in forcing the creation of an easement for drainage through the Supreme Court.
- o The existing non-formalised connection of a site discharge pipe to the pipe network in Roselands Drive.
- o The new site stormwater system includes the provision of on-site stormwater detention sized to cater for the 1 in 100 year design storm. This represents an improvement in the existing arrangements and reduces the likelihood of the connection to the pipe network in Roselands Drive from adversely impacting on the downstream property owners. The existing site stormwater system does not provide any on-site stormwater detention and includes large areas from which stormwater runoff is uncontrolled.

Having regard to the above circumstances, it is considered appropriate to allow the applicant and Centro Properties to enter into a Deed of Agreement which recognises the use by Roselands Bowling Club of its drainage infrastructure. This issue may be dealt with by way of an appropriate condition on any development consent issued.

- **Amenity Considerations**

The new club premises is located in the north-western corner of the property to maximise the separation and ensure that the development does not result in an adverse privacy impacts or overshadowing impacts on adjoining residential development. The development site will contain dense perimeter planting along the eastern property boundary between the new car parking areas and adjoining residential properties to further minimise potential privacy impacts while creating improved visual separation between the new club building, parking areas and adjoining development. It is considered that the proposed development will not give rise to any unreasonable impacts on the amenity of adjoining residential development.

- **Acoustic Considerations**

The development application has been accompanied by an Acoustical Assessment Report prepared by Acoustic Logic Consultancy Pty Ltd. The report concludes that noise emissions from the proposed operations will comply the appropriate Department of Environment and Climate Change guidelines provided that certain acoustic treatments and controls are carried out including:

- (a) Operation of airlock doors and associated closing mechanisms;

- (b) Absorptive ceiling materials within the gaming areas;
- (c) Limitations to the levels of music within the external gaming area;
- (d) Glazing thickness and closure of external glazing during certain periods;
- (e) Notices on site to remind patrons of minimising noise generation whilst on the terrace in the evening and when leaving the premises;
- (f) Management of patron departure during the evening and closing times; and,
- (g) Removal of garbage in accordance with Council requirements.

In accordance with Council's usual practice, the acoustic report was forwarded to an independent acoustic consultant for peer review. At the time of drafting this report, the peer review had not yet been completed and as directed by the Joint Regional Planning Panel Secretariat, the matter will be the subject of a supplementary report to be submitted prior to the Joint Regional Planning Panel Meeting on 16 March 2011.

- **Suitability of the Site**

These matters have been considered in the assessment of the development application. The proposed redevelopment of the site is permissible and not expected to have any detrimental impacts on the amenity of the locality. The proposed development is considered to be a suitable development in the context of the locality.

- **Public Interest**

The proposed development satisfies the relevant requirements contained within the Canterbury Planning Scheme Ordinance and relevant Development Control Plans applicable to the proposal as discussed in earlier sections of this report. The proposed development promotes the coordinated, orderly and economic use of the land and is not expected to have any unreasonable impacts on adjoining residential development. Approval of the application is therefore considered to be in the public interest.

CONCLUSION

The development application has been assessed pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979 and all relevant development control plans, codes and policies.

The subject site is zoned Private Recreation 6(b) under the Canterbury Planning Scheme Ordinance (CPSO). The proposed development is defined as a 'club' under the CPSO, which is a prohibited use in the 6(b) zone, however, the subject site has the benefit of 'existing use rights'.

The development application has been assessed against all relevant planning controls and the proposed development is found to comply with the requirements of these environmental planning instruments, development control plans and policies. The proposal has also been the subject of notification and publicly exhibition, during which time, no submissions were received.

The proposed redevelopment of the site is not expected to have any detrimental impacts on the amenity of the locality and is considered to be a suitable development of the site. It is recommended that the development application be approved, subject to conditions.

RECOMMENDATION:

THAT the Joint Regional Planning Panel approve DA-527/2010 for the demolition of the existing club building and the construction of a new club premises, retention of one existing bowling green and the construction of a new synthetic bowling green, new car parking area for 143 vehicles, revised access arrangements and associated landscaping, subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Structural Engineering Plan
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Hydraulic Plan
 - Sydney Water Notice of Requirements
 - Mechanical ventilation
 - Energy Efficiency and design certification to comply with Section J of the Building Code of Australia
 - 1.2. Evidence of compliance with Condition Nos. 10, 11, 31, 62, 64, 65, 66, 67, 68, 70, 80, 81, 86 and 89 of this consent.
 - 1.3. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
 - 1.4. Payment to Council of:

Kerb and Gutter Damage Deposit	\$2662.00
Certificate Registration Fee	\$30.00
Long Service Levy	\$47,460.00
 - 1.5. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$24,127.00
Inspection Fee	\$6636.00
Occupation Certificate Fee	\$2362.00
- Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986.
- Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in the fee quote attachment do not apply, however other fees will apply.
- Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.
- Note 4: All fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
 - 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$12,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
- 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

5. Demolition must be carried out in accordance with the following:
- (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales (Ph. 9370 5099 – Asbestos Hotline).
 - (c) Demolition being carried out in accordance with the requirements of the Occupational Health and Safety Regulation 2001.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - (e) Demolition of buildings is only permitted during the following hours:
7.00 a.m. – 5.00 p.m. Mondays to Fridays
7.00 a.m. – 12.00 noon Saturdays
No demolition is to be carried out on Sundays or Public Holidays.
 - (f) Burning of demolished building materials is prohibited.
 - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
 - (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
 - (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
 - (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises

- is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
 - (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
 - (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the NSW Community LEAD Advisory Service on 9716 0132 or 1800 626086 (freecall).
 - (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
 - (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

- 6. The development being carried out substantially in accordance with plans referenced Drawing 1.00 to 7.00, dated 13 September 2010 and drawn by Graphite Architects except where amended by the conditions of consent.
- 7. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
- 8. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
- 9. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
- 10. Full details of the proposed boundary fencing being submitted to Council for approval prior to the issue of a Construction Certificate. All fencing shall be erected in materials which are compatible with the construction materials and colour scheme to be used in the development.
- 11. The applicant shall prepare and submit, as part of the documentation for a Construction Certificate, a Construction Management Plan. This plan shall include the following:
 - (a) details of proposed hours of work and contact details of the site manager;
 - (b) proposed method of access to and egress from the site for construction vehicles;
 - (c) proposed method of loading and unloading of excavation and construction machinery and building materials;

- (d) proposed areas within the site to be used for the storage of excavated materials, construction materials, waste storage containers and construction vehicles during the construction period;
 - (e) proposed traffic management measures to ensure safe ingress and egress from the site;
 - (f) proposed method of support to any excavation adjacent to adjoining properties or the road reserve;
 - (g) proposed methods to remove loose material from all vehicles and machinery before entering the road reserve and any run-off from the washing of vehicles and associated sediment control measures.
12. All building construction work must comply with the Building Code of Australia.
- ENVIRONMENTAL HEALTH
13. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.
14. Site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L, pH 6.5 - 8.5, turbidity level of less than 50 NTU, no oil or grease and conform to relevant ANZEC guidelines for other contaminants. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter. Council must be notified prior to the commencement of any pump out of site water and provided with a copy of the test results which confirm that the above condition has been complied with.
15. The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. The Management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council.
16. No construction work outside the hours of Monday to Friday, 7.00 a.m. to 5.00 p.m. and Saturday, 7.00 a.m. to 12.00 noon, is permissible without the prior approval of Council. Noise from construction activities associated with the development shall comply with the following guidelines (from NSW Environment Protection Authority Environmental Noise Control Manual Chapter 171).
Construction periods of 4 weeks and under:
 The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to the any sensitive noise receiver.
Construction periods greater than 4 weeks and not exceeding 26 weeks:
 The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to the any sensitive noise receiver.
17. Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
18. Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.
19. A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the site Soil & Water Management Plan, prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.

20. All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads (General) Regulation 2000, Section 11 (1) (d).
21. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
22. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
23. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
24. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
25. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
26. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
27. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
28. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
29. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
30. Suitable site storage, handling and disposal of waste material arising upon the premises. Disposal options may include recycling, removal by private contractor, or by Council Trade Waste Services. Further information is available on 9789-9392.

ACOUSTICS

31. The development shall be carried out in accordance with the recommended treatments and controls contained in Section 7 and 8 of the Environmental Noise Assessment Report prepared by Acoustic Logic (Document Reference – 2010242/0809A/R1/MAS) submitted with DA-527/2010.
32. Within thirty (30) days of the commencement of operations of the use of the premises, an acoustic compliance test is to be carried out by an acoustic engineer without the prior knowledge of the Management of the premises at the applicant's expense. Council will make arrangements for access to the nearest residential premises and a Council Officer will be in attendance during the testing procedure. The compliance test is to determine the effect the activities on the amenity of the residential neighbourhood. If the effectiveness of the measures implemented to minimise any noise do not meet the required standard, then additional works need to be undertaken to bring the premises up to the required standard as recommended by the acoustic engineer.

FOOD PREMISES

33. Provide a rigid smooth faced impervious ceiling over the food preparation, cooking and serving areas. The surface finish shall be free of open joints, cracks, crevices or openings with the intersection of the walls and ceiling being tight jointed, sealed and dustproof.
34. The light fittings being installed flush with the ceiling, or alternatively, provided with approved diffuser covers, and constructed and installed so as to be easily cleaned.

35. The floor of the food preparation area being finished with an approved rigid impervious material coved to a minimum radius of 25mm at the intersection with the walls.
36. All walls where not tiled shall be cement rendered to a smooth even surface and painted with a light coloured washable paint.
37. The walls at the rear and sides of the wash hand basin being finished with glazed ceramic tiles or other material, in accordance with the Australian New Zealand Food Standards Code, evenly laid from the floor to a height of at least 450mm above the fitting.
38. The butting together of fittings such as refrigerator cabinets, counters, sinks, stoves, where inaccessible crevices are created is not permitted. Such crevices including those between fittings and walls are to be provided with a cover flashing, or sealed with a non-setting caulking compound. Where a space is provided between fittings, such space must be at least 75mm for fittings up to 750mm in width and at least 150mm for fittings wider than 750mm.
39. All plinths being coved to a minimum radius of 25mm at the intersection with the walls and floor.
40. All stoves, ranges, deep fryers and similar heating appliances being sealed to the walls or kept at least 200mm clear of the walls.
41. The stainless steel bench being located not less than 100mm clear of the wall or, alternatively sealed into the wall in such a manner as to be vermin-proof.
42. All crevices between fittings and walls and between fittings and floors or plinths are to be sealed against access by vermin, liquids, grease, with a non-setting caulking compound.
43. A wash hand basin is to be provided in an approved position in the food preparation area connected to both hot and cold water as required by the Australian New Zealand Food Standards Code (Standard 3.2.3). Provide/maintain dispensable soap and single use towels or other suitable hand drying facilities near the wash hand basin.
44. Approved washing facilities in the form of sinks and tubs with an adequate supply of hot and cold water (the hot water to be at a temperature of not less than 45°C) are to be provided in the food preparation area for the purpose of cleaning all receptacles, implements, articles, utensils, tools of trade, benches, fittings, machinery and appliances.
45. An appliance used for the storage of hot or cold food, which is being stored for sale, shall be provided with numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius, the sensing element of which is located:
 - (i) in the case of an appliance used for the storage of hot food - so as to measure the air temperature in the coolest part of the appliance; or
 - (ii) in the case of an appliance used for the storage of cold food - so as to measure the temperature in the warmest part of the appliance, and so as to be able to read easily from outside the appliance.
46. Detailed plans of the coolroom construction shall be submitted to Council for approval prior to installation. Such plans shall indicate the position of motors and compressors.
47. The coolroom shall be constructed with a concrete floor finished to a smooth even surface and graded to drain to the door. A sanitary floor waste shall be located outside the coolroom.
48. All internal intersections and external intersections of the floor with walls of the coolroom shall be coved to a minimum radius of 25mm.
49. The coolroom being capable of operating so that all food capable of supporting rapid bacterial growth is kept cold at a temperature of not more than 5°C and the coolroom being provided with a numerically scaled indicating thermometer or recording

- thermometer accurate to the nearest degree Celsius and able to be easily read from the outside.
50. Storage racks of the coolroom shall be constructed of galvanised steel or other approved material all of which shall be treated to prevent corrosion. Racks may be fixed or free standing, the lowest shelf shall be at least 300mm clear of the floor.
 51. Provision shall be made for the storage of cleaning chemicals, equipment and staff personal belongings.
 52. The premises being made proof against the access of rats and vermin.
 53. All openings in walls, floors and ceilings through which service pipes pass being made proof against access of vermin.
 54. All putrescible waste must be stored in approved, lidded, flyproof containers. Proper arrangements such as waste paper bales and stands are to be provided for any waste paper or cardboard.
 55. A sufficient number of approved garbage receptacles must be provided on the premises for the storage of garbage and trade waste. Such receptacles are to be fitted with close fitting and flyproof lids.
 56. In the event of Council receiving complaints resulting from the mechanical exhaust system, the owner shall at his own cost provide a report from a Pollution Control Consultant specifying the proposed methods for the control of odour and other air impurity discharging from the premises.
 57. The mechanical ventilation system must comply with Australian Standard AS1668.2-1991. The use of mechanical ventilation and air conditioning in buildings. Details and specifications being submitted to the Principal Certifying Authority with the application for a construction Certificate. At the completion of the installation of the mechanical ventilation system, provide the Principal Certifying Authority with a certificate from the installer, the certificate must include:
 - (a) inspection, testing and commissioning details,
 - (b) date of inspection testing and commissioning,
 - (c) the name and address of the individual who carried out the test,
 - (d) statement that the service has been designed, installed and is capable of operating to the above standard.
 58. A copy of the Permission to Discharge Trade Wastewater must be obtained from Sydney Water and a copy provided to the Principal Certifying Authority with the application for the Construction Certificate. The Wastewater Source Control office is on Level 2, 432 Victoria Avenue, Chatswood 2067, telephone 131110. A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.
 59. Construction/outfitting of the premises in accordance with the Australian New Zealand Food Standards Code and Council's Food Premises Code wherever any articles of food or drink are to be sold. Details of compliance with the above requirements shall be provided with the application for the Construction Certificate.

CAR PARKING

60. One hundred and forty-three (143) off-street parking spaces being provided in accordance with the submitted plans to the satisfaction of the Principal Certifying Authority. Such spaces to be sealed, line marked and made freely available at all times during business hours for staff and customers.
61. Of the one hundred and forty-three (143) off-street car parking spaces provided, six (6) spaces will be accessible parking spaces suitable for use by people with disabilities. The accessible parking spaces must comply with the dimensions of AS 2890.1 and have a firm, level surface with minimal crossfall. These spaces must be marked with the international symbol of disability.

62. A total of 14 bicycle spaces and 5 motorcycle spaces shall be provided to cater for the proposed development, located adjacent to the entrance to the facility. In this regard, details shall be provided with the application for the Construction Certificate for further provision of bicycle parking spaces in the event that future demands dictate that additional bicycle parking is required in accordance with the requirements of DCP 20.

63. Adequate lighting (to AS 1158.3.1:1999 standards) being provided and maintained in the car parking areas.

CRIME PREVENTION MEASURES

64. All recommendations contained within the Crime Prevention Through Environmental Design Report prepared by Urbis submitted as part of the DA- 527/2010 shall be implemented as part of the construction and on-going operations of the development. Where required, details shall be provided with the application for the Construction Certificate.

65. The applicant shall prepare a revised Plan of Management addressing the safety and security of the club and its patrons. The revised Plan of Management shall be forwarded as part of the documentation provided with the application for the Construction Certificate.

66. Proactive security measures, including CCTV cameras being provided to ensure that the premises and surrounding areas are monitored at all times. Details shall be provided with the application for the Construction Certificate.

67. The building and surrounding structures shall be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. Details shall be provided with the application for the Construction Certificate.

DISABILITY ACCESS

68. All measures identified in the Access for People with Disabilities Report prepared by Graphite Architects submitted as part of the DA- 527/2010 shall be implemented and where required, details shall be provided with the application for the Construction Certificate.

69. To assist persons who use a wheelchair, all tables used within the main dining room and alfresco dining areas shall have a maximum height of 850mm and that an allowable clearance of 810mm be provided for wheelchair seating.

WASTE MANAGEMENT

70. The applicant shall prepare and submit, as part of the documentation for the Construction Certificate, a Waste Management Plan to the PCA identifying those materials to be recycled, those materials to be re-used and those materials to be disposed of in accordance with the requirements of Council's Development Control Plan No. 48. A maximum amount of materials shall be recycled or reused.

GEOTECHNICAL MATTERS/LAND CONTAMINATION

71. Demolition and construction works associated with the development, shall be carried out in accordance with the recommendations contained within the Preliminary Environmental Site Assessment Report prepared by Environmental Investigation Services dated May 2010 submitted with DA-527/2010, and specifically:

- (a) After demolition of the building but prior to the commencement of construction of the development, an additional environmental site assessment, meeting the minimum sampling density as recommended in the NSW EPA Sampling Design Guidelines, being conducted.
- (b) Prior to the commencement of demolition works, a survey of hazardous building materials to be carried out.
- (c) Inspections by suitably qualified personnel shall be carried out during demolition and construction to assess unexpected conditions.
- (d) If garden areas are proposed in areas where concentrated levels of arsenic are found, then soil should be removed and replaced with clean soil.

72. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

ENGINEERING

73. The stormwater system shall generally be constructed in accordance with the plans, specifications and details prepared by Meinhardt Infrastructure and Environment, received by Council on 17 February 2011 and referenced as follows:

Project Number	Drawing Number	Revision Number	Date
104429-00	MIE006	F	8/2/2011
104429-00	MIE007	F	8/2/2011
104429-00	MIE010	D	8/2/2011
104429-00	MIE011	D	8/2/2011
104429-00	MIE012	C	8/2/2011
104429-00	MIE015	F	8/2/2011

74. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1 March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in appendix 7.5 of Council's Stormwater Management Manual – Specification 9.
75. A full width heavy duty vehicular crossing shall be provided at each vehicular entrance to the site, with a width at the boundary line complying with the requirements of Australian Standard AS 2890.1-2004 Off Street Car Parking. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
76. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
77. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
78. A qualified practicing Civil Engineer shall design the pavements and certify that all driveways, parking and service areas have been constructed in accordance with the approved specifications. Design to be carried out in accordance with AUS-SPEC #1 Specification 0042 Pavement. Construction is to be carried out in accordance with appropriate AUS-SPEC #1 Specifications: 1141-Flexible Pavements; 1144-Asphaltic Concrete; 1132-Mass Concrete Subbase; 1133-Plain or Reinforced Concrete Base; 1145-Segmental Paving; 1146-Bituminous Microsurfacing.
79. All internal driveways, circulation roadways, parking modules and parking spaces are to be designed and constructed in accordance with the requirements of Australian Standard AS 2890.1 - 2004 "Off-street Parking Part 1 - Carparking Facilities".

80. Prior to the issue of any Construction Certificate a Deed of Agreement is to be entered into by the applicant and the owners of Roselands Drive, formally acknowledging a permission to connect a site stormwater discharge pipe to the existing stormwater infrastructure in Roselands Drive, and acknowledging a permission to drain water through that infrastructure. The Deed of Agreement is to acknowledge the requirement on the part of the owners of Roselands Drive to provide for an alternate gravity fed drainage solution in the event that the existing stormwater infrastructure is altered or relocated by the owners of Roselands Drive. A copy of the Deed of Agreement is to be provided to Canterbury City Council where Council is not the certifier.
81. Prior to the issue of any Construction Certificate a Deed of Agreement is to be entered into by the applicant and the owners of Roselands Drive to allow vehicular access and carriage over Roselands Drive to and from 23 Roseland Avenue. A copy of the Deed of Agreement is to be provided to Canterbury City Council where Council is not the certifier.
82. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
83. The reconstruction of the kerb and gutter along all areas of the site fronting Roseland Avenue, Sylvester Avenue and Roselands Drive is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
84. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Roseland Avenue, Sylvester Avenue and Roselands Drive is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

LANDSCAPING

85. Landscaping of the site being carried out in accordance with the approved landscape plan (drawn by Habitation, Drawing No. 10_003 L003 submitted to Council on 2 December 2010) and with AUS-SPEC #1 Specification C273-Landscaping, except where varied by conditions of this development consent.
86. A maintenance schedule over a minimum 12 month period shall be included with the details forwarded with the application for the Construction Certificate which provides details of a replacement strategy for failures in planting and built works and the maintenance schedule for watering, weeding and fertilising during the establishment period.
87. Trees numbered 1, 2, 3, 11, 12, 13, 22, 23, 24, 25, 26, 27, 31 and 48, as nominated in the Arborist Impact Assessment Report and Tree Protection Specification prepared by Integrated Vegetation Management submitted to Council with DA-527/2010 may be removed to accommodate construction of the development. All other vegetation not listed above must be retained and protected during construction in accordance with the recommendations contained in Appendix 2 of the Arborist Impact Assessment Report and Tree Protection Specification prepared by Integrated Vegetation Management.
88. General tree protection shall be carried out strictly in accordance with the requirements contained in Appendix 7 of the Arborist Impact Assessment Report and Tree Protection Specification prepared by Integrated Vegetation Management submitted with DA-527/2010.

89. Prior to the commencement of works, a AQF5 qualified arborist shall be appointed to inspect protected trees and oversee all associated works including the installation of tree protection fencing, any modifications of the tree protection fencing and any works proposed to be carried out within the tree protection zones. Details of the AQF5 qualified arborist engaged to undertake this role shall be provided with the details submitted with the application for the Construction Certificate.
90. A tree protective barrier must be erected for around all protected trees in accordance with the details contained in Appendix 8 of the Arborist Impact Assessment Report and Tree Protection Specification prepared by Integrated Vegetation Management submitted with DA-527/2010. The tree protection barriers shall be maintained during construction of the development. No building material or construction activity is to be carried out within the tree protection zones.
91. On completion of the construction/works, a report shall be submitted to Council from the consulting site arborist detailing the following matters:
- (a) Full name, business address, telephone numbers, evidence of qualifications and experience as a consulting arborist;
 - (b) Full address of the subject site;
 - (c) Full name and details of the person/company the report was prepared for;
 - (d) Details of their attendance on the site; and,
 - (e) Details of any work conducted on site, including any required root pruning of protected trees.
92. The landscaping is to be maintained at all times to the Council's satisfaction.

SYDNEY WATER REQUIREMENTS

93. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.
- A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

CRITICAL INSPECTIONS

94. Class 5, 6, 7, 8 or 9 Buildings
- 94.1. at the commencement of the building work, and
 - 94.2. after excavation for, and prior to the placement of the first footing, and
 - 94.3. prior to covering any stormwater drainage connections, and
 - 94.4. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
95. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.
- To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

96. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE

97. This application has been assessed in accordance with the Building Code of Australia.
98. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Structural Engineering Work
 - Air Handling Systems
 - Glazing
 - Electrical
 - Energy Efficiency requirements of Section J of the Building Code of Australia
 - Plumbing
 - Final Fire Safety Certificate
99. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
100. Australian Standards AS3500 Plumbing and Drainage and Part 5 Domestic Installations requires that eaves gutters are installed with continuous overflow measures that prevent water from overflowing gutters flowing back into the building.
101. Private contractors shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
102. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can effect layout of garden beds and plantings.
103. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
104. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
105. Compliance with the Building Code of Australia does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
106. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
107. If you are not satisfied with this determination, you may:
- 107.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 12 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
 - 107.2. Appeal to the Land and Environment Court within 12 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.
(Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.)

If you should require any further information, please do not hesitate to contact Stephen Pratt in City Planning on 9789 9350.