

## Development Assessment Report

**SUBJECT:** Determination of Development Application

**ADDRESS:** Dobroyd Parade, Haberfield

**DA NO:** 2011.255.1

**JRPP REF:** 2011SYE125

**PREPARED BY:** Philip North, Specialist Planner

**PREPARED FOR:** Sydney East Joint Regional Planning Panel

**DATE:** 15 March 2012

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### EXECUTIVE SUMMARY

#### 1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks consent for partial demolition and alterations and additions to an existing sporting facility and registered club including a licensed bar and restaurant, cafe and rowing facilities.

#### 1.1 Physical Characteristics

The proposal involves substantial demolition of the existing building and significant alterations and additions resulting in a two storey building, a deck and a pontoon. A majority of the new/upgraded structure is sited over the water. The proposal comprises:-

##### *Level 1:*

- Pontoon
- Deck
- Boat storage
- Gymnasium
- Kitchenette
- Office
- Female and male locker rooms
- Storage
- Fire pump room
- Café and external deck
- Entry/foyer to the level 2 area & lift
- Garbage room
- Accessible bathroom/WC
- Landscaping & paving
- Adjustments to the car park layout to include accessible parking

##### *Level 2:*

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- Kitchen/cool room/freezer
- Deck
- Combined restaurant/bar/meeting area
- Manager's office
- Poker machine room
- Male & female toilets
- Accessible bathroom
- Sign-in desk
- Foyer & lift
- Plant rooms.

Generally, compared to the current position of the building, the extent of structure over the land will be reduced thus widening the public space and running track along the foreshore, while the extent of building (including deck and pontoon) over the water will be increased.

### 1.2 Operation

The applicant proposes to maintain the existing operating hours and capacity of the facility in respect of both the boat storage facility and the club and restaurant/bar facilities. The following is proposed:

<b>Capacity</b>	
Boat storage	65 boats
Seating:	
• Balcony	80 seats
• Restaurant	72 seats
• Club/bar	40 seats and 28 bar stools
Total seats	220 seats
Gaming Machines	14 machines (unchanged from existing)

<b>Operating Hours</b>	
Rowing Facilities	Varies between 5:15am and 7:00pm
Restaurant	
• Monday to Sunday	12:00 noon to 3:00pm
• Tuesday to Sunday	6:00pm to 9:00pm
Licensed Premises	
• Monday to Sunday	12:00 noon to 12:00 midnight

Plans of the proposal are included at **Attachment 1**.

## 2.0 Summary Recommendation

The proposal essentially upgrades the existing facilities, providing not only aesthetic improvements but also compliance with current building standards as well as an improved internal configuration. Although the proposed development enlarges the existing structure, the intensity of use is proposed to remain largely unchanged with provision for an identical number of users as is currently the case (note this will be reinforced with appropriate conditions of consent).

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The only exception to this is the addition of a small café at ground level which would also serve members of the public using the 'Bay Run'. In addition, the development proposes an increased setback from the roadway to provide a significantly widened public space and ameliorate the existing bottleneck on the 'Bay Run' in front of the existing building.

Traffic and parking impacts are considered to be satisfactory with the application of suitable conditions to the consent. Consequently, the development is recommended for conditional approval.

### BACKGROUND

#### 3.0 Application Details

Applicant	:	Urbis
Owner	:	UTS Union Ltd
Value of work	:	\$7,337,000 (incl. GST)
Lot/DP	:	LOT: 1, DP 1062378 & Part Crown Reserve 500931
Date lodged	:	23/11/2011
Date of last amendment	:	16/02/2012
Building classification	:	9B
Application Type	:	Integrated
Construction Certificate	:	No
Section 94A Levy	:	Yes

#### 4.0 Site and Surrounding Development

The subject site is located on the Northern side of Dobroyd Parade, at Dobroyd Point, Haberfield and lies partly upon the foreshore and partly over the waters of Iron Cove. The northern portion of the site sitting over Iron Cove is legally described as Lot 1, DP 1062378 and has an area of 592.3m<sup>2</sup>. The southern portion of the site lies on an unidentified parcel over a part of the foreshore defined as Crown Reserve 500931. The northern most point of Kingston Street, Haberfield lies directly to the south above a steep escarpment.

An existing sporting facility and registered club including a licensed bar, restaurant and rowing facilities, known as UTS Haberfield Club, is located on the site. The nearest surrounding development comprises the primarily low density residential area of Haberfield which is located directly to the south across Dobroyd Parade. Refer to **Attachment 2** for a locality map.

#### 5.0 Development History

Previous building and development applications submitted to Council for the subject site include:

NO.	DATE	PROPOSAL	DECISION
6.1957/2176	Not available	Not available	Not available
6.1961/3856	5.12.1961	Not available	Approved
6.1967/6474	17.10.1967	Extensions to Haberfield Rowing Club	Approved
6.1976.322	22.10.1976	Enlarge bar area	Approved
6.1983/234	19.7.1983	Alterations to club	Approved

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5.1993/58	13.4.1993	Not available	Approved
5.1997/5	28.7.1997	Construction of masonry pump house, garbage bin house	Withdrawn
5.1998/7	7.4.1998	Construction of fire proof pump house	Approved
6.1998/127	7.5.1998	Not available	Approved

Previous consents are relevant to the current proposal because they establish a long term use of the facility by the club.

### ASSESSMENT

#### 6.0 Zoning/Permissibility/Heritage

- The site is zoned 6(a) Open Space - Existing Recreation under the provisions of Ashfield LEP 1985.
- The property is located within the vicinity of a heritage conservation area.

Under Ashfield LEP 1985, the components of the proposed use are consistent with the following definitions:

- The rowing facilities: *sporting facility; and*
- The associated club with its restaurant and bar facilities: *an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes.*

These uses are consistent with the LEP definition of *recreation area* which is a permissible use in the 6(a) zone. As such, the proposal is permissible with consent.

#### 7.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act.

##### 7.1 The provisions of any Environmental Planning Instrument

###### 7.1.1 Local Environmental Plans

#### Ashfield Local Environmental Plan 1985 (as amended)

It is considered that the proposal complies with the provisions of the Ashfield LEP 1985.

Clause	Provisions	Assessment
2	Aims, objectives etc. This plan aims to: (a) promote the orderly and economic development of the local government area of Ashfield in a manner consistent with the need to protect the environment; and (b) retain and enhance the identity of the Ashfield area derived from its role as an early residential suburb with local service industries and retail centres; and containing the first garden suburb of Haberfield (now listed as part of the National Estate).	Complies. It is considered that the carrying out of the proposed development will meet the aims and objectives of Ashfield LEP 1985.

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10	Zoning	Complies. The property is zoned 6(a) (Open Space (Existing Recreation) Zone) which permits sporting facilities and ' <i>an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes</i> '. The proposal is therefore permissible with consent.
18	Development for the purpose of advertisements	Complies. The proposed advertisement which consists of identification signage is permissible with Council consent and meets the specified conditions of Ashfield LEP 1985.
25	Development of land within Zone No. 6(a)	Complies. Consideration has been given to the need for the proposed development on that land and its impact on the existing or likely future use of the land and the need to retain the land for its existing or future use.
37	Development in vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Complies. It is considered that the carrying out of the proposal will have no adverse impact upon the heritage significance of any heritage items, conservation areas, archaeological sites in its vicinity.

### 7.1.2 Regional Environmental Plans

#### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposal is located on the Sydney Harbour Foreshore and is subject to the provisions of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP). The following provisions apply:

#### Part 3 Foreshores and Waterways Area – Division 1 Development Control

##### Clause 17: Zoning Objectives

The site is zoned W5 - Water Recreation.

Under the SREP, the proposal is defined as a:

***recreational or club facility*** means a building or place used exclusively for sporting or leisure activities, whether operated for the purpose of gain or not.

This use is permissible in the zone.

The objectives of this zone are as follows:

- to give preference to and increase public water-dependent development so that people can enjoy and freely access the waters of Sydney Harbour and its tributaries,*
- to allow development only where it is demonstrated that the public use of waters in this zone is enhanced and will not be compromised now or in the future,*
- to minimise the number, scale and extent of artificial structures consistent with their function,*

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- d) *to allow commercial water-dependent development, but only where it is demonstrated that it meets a justified demand, provides benefits to the general and boating public and results in a visual outcome that harmonises with the planned character of the locality,*
- e) *to minimise congestion of and conflict between people using waters in this zone and the foreshore,*
- f) *to protect and preserve beach environments and ensure they are free from artificial structures,*
- g) *to ensure that the scale and size of development are appropriate to the locality, and protect and improve the natural assets and natural and cultural scenic quality of the surrounding area, particularly when viewed from waters in this zone or from areas of public access.*

It is considered that the proposal is consistent with these objectives.

### Clauses 21-27 Matters for Consideration

The proposal is generally consistent with the matters for consideration.

### Clause 29 Consultation required for certain development applications

This clause states:

- (1) *The consent authority must not grant development consent to the carrying out in the Foreshores and Waterways Area of development listed in Schedule 2, unless:
  - (a) *it has referred the development application to the Advisory Committee, and*
  - (b) *it has taken into consideration any submission received from the Advisory Committee within 30 days after the date on which the application was forwarded to the Committee.**
- (2) *In the case of an application to carry out development for more than one purpose, of which one or more is listed in Schedule 2 and one or more is not, the consent authority is only required to refer to the Advisory Committee that part of the application relating to development for a purpose so listed.*
- (3) *This clause does not apply to development that consists solely of alterations or additions to existing buildings or works and that, in the opinion of the consent authority, is minor and does not, to any significant extent, increase the scale, size or intensity of use of those buildings or works.*

It is considered that the proposal is not exempt from referral under clause 29(3) given that, although it does not increase the intensity of use of the existing facility, it increases its size and scale.

Accordingly, it has been referred to the Foreshores and Waterways Planning and Development Advisory Committee for comment. At the time of writing this report no comments had been received and officers have been advised that the next meeting of the Development Advisory Committee is to be held on 23 March 2012. Should the Committee choose to comment on the proposal these comments will be made available prior to Council's meeting on the 27 March 2012.

In addition, any comments received will also be forwarded to JRPP under separate cover for the JRPP's consideration.

### Clause 36 Acid Sulphate Soils

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The sediments of Iron Cove are identified as having a high probability of acid sulphate soils which may be disturbed by soil extraction resulting from piling activities.

Council's Environmental Officer is satisfied with the documentation provided and a condition will be applied to any consent to ensure compliance with the Acid Sulphate Soil Management Plan.

### Part 6 Wetlands Protection

#### Clause 62 Requirement for development consent

The site is located within a wetlands protection area and as such the matters referred to in clause 63 apply.

#### Clause 63 Matters for consideration

The applicant has supplied a Marine Ecological Assessment with recommendations for the protection of the wetlands. If these measures are applied to the development, the likelihood of adverse impacts to the integrity of the surrounding wetlands will be minimal. Compliance with these measures is included in the recommended conditions of consent.

### 7.1.3 State Environmental Planning Policies

#### **State Environmental Planning Policy No. 55 – Remediation of land**

The applicant has provided a comprehensive Marine Ecological Assessment which identifies that *'the Cove and its catchment areas are known to be heavily polluted with high levels of copper, zinc, lead, hydrocarbons and organics, resulting in the possible contamination of sediments'*.

The proposal will involve pile driving in Iron Cove. This may disturb and mobilise potentially contaminated sediments. The Ecological Marine Assessment recommends mitigation measures to prevent the potential spread of contaminants during the construction stage that will be tolerated during the construction process. These include:

- Scheduling of works to coincide with favourable conditions.
- The piling rig to be mounted on a floating barge positioned to minimise sediment re-suspension and dispersion.
- Floating booms, silt curtains or screens to be used during the piling operations to minimise the mobilisation of sediments and the spread of suspended sediments.

Conditions will be applied to the consent requiring the applicant to adhere to these mitigation strategies as part of the construction process.

In addition, general terms of approval have been applied by the Department of Primary Industries in a letter of concurrence received under the Fisheries Management Act 1994 and these have been included in the conditions of consent.

#### **State Environmental Planning Policy No. 64 – Advertising and Signage**



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The proposal includes new business identification signage. This signage meets the objectives of the SEPP as follows:

- It is located on the building to identify the use of the premises.
- It is clear and understandable and contributes to the legibility of the building from the land and water.
- The materials and size are considered appropriate for the building design and location.

It is considered that the proposed signage meets the requirements of SEPP 64.

### State Environmental Planning Policy (Infrastructure) 2007

Dobroyd Parade (City-West Link) forms part of Main Road 650 which is classified as a State Road and as such the proposal is subject to the following provisions:

#### Clause 101 Development with frontage to a classified road

Clause 101 Subclause 2 states that:

- “(2) the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
    - (i) the design of the vehicular access to the land, or*
    - (ii) the emission of smoke or dust from the development, or*
    - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
  - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

This application does not propose any increase in the intensity of the current operations nor does it propose any changes to the existing access to the adjacent car park from Dobroyd Parade.

Council’s traffic engineer has reviewed the proposal and has concluded that it is satisfactory. The proposal meets the requirements of the clause as follows:

- No alternative access is available and the current access arrangements are to be maintained.
- The safety of the operation of the classified road will be maintained and appropriate conditions have been applied to this effect.



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- There will be no emission of smoke or dust.
- The frequency of use of the classified road will remain unchanged from present circumstances.
- The development is not of a nature which is sensitive to traffic noise or vehicle emissions.

### Clause 104 Traffic-generating development

Clause	Provisions	Assessment
(1)(b)	This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves new premises of the relevant size or capacity (being of a size greater than 300m <sup>2</sup> ).	The proposal is defined under the SEPP as a Refreshment Room. It is substantially new work and measures in excess of 300m <sup>2</sup> in area.
(3)	Before determining a development application for development to which this clause applies, the consent authority must:	
(3)(a)	give written notice of the application to the RTA (now RMS) within 7 days after the application is made, and	The application was referred to the RMS for comment.
(3)(b)(i)	take into consideration any submission that the RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RMS advises that it will not be making a submission)	The RMS has provided a submission and all matters have been included as conditions of consent where not already addressed in the application itself.
(3)(b)(ii)(A)	take into consideration the accessibility of the site concerned, including the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips	Council's traffic engineer is satisfied that the proposal responds adequately to this clause.
(3)(b)(ii)(B)	take into consideration the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail	This clause is not applicable as the site is not located in the vicinity of public transport.
(3)(b)(iii)	take into consideration any potential traffic safety, road congestion or parking implications of the development	Council's traffic engineer is satisfied that the proposal responds adequately to this clause.

It is considered that the proposal is consistent with the objectives of the SEPP.

### 7.2 The provisions of any Draft Environmental Planning Instrument that is or has been

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placed on public exhibition and details of which have been notified to the consent authority.

There are no Draft Environmental Planning Instruments which are applicable to the development.

### 7.3 The provisions of any Development Control Plan.

#### **Sydney Harbour Foreshore and Waterway Development Control Plan 2005**

The proposal has been considered against the provisions of the Ashfield Development Control Plan 2005 which supports the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. In accordance with the following summary assessment, the proposal is considered to be consistent with the provisions of the DCP:

Clause	Provisions	Assessment
Part 2	Ecological Assessment	The proposal is considered to have acceptable impacts upon the ecology of the site and surrounds subject to the application of relevant conditions of consent.
Part 3	Landscape Assessment	Given that the extent of the site is generally identical to that occupied by the existing building, there is very little opportunity for landscaping intervention. Nevertheless, the application proposes rationalisation of the landscape area on the adjacent public land between the structure and the roadway and protection of the adjacent landscaping on the public reserve. This is considered satisfactory.
Part 4	Design Guidelines for Water-Based and Land/Water Interface Developments	
4.2	General Requirements	
4.3	Foreshore Access	The proposal sets the building some 4m further back from the roadway than the existing structure and increases public space (and by association, foreshore access) to the same extent.
4.4	Siting of buildings and structures	The proposal is sited in generally the same location as the existing structure and is considered appropriate.
4.5	Built form	The structure is relatively low and horizontal in form with a discrete visual presence on the waterway.
4.6	Signage	The signage is minimal, limited to describing the name of the facility and is integrated suitably into the architectural design.
5.9	Community boating and water based recreation facilities	The proposal provides upgraded community, boating and recreation facilities.

#### **Ashfield Development Control Plan 2007**

The proposal has been considered against the provisions of the Ashfield Development

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Control Plan (DCP) 2007:

Clause	Requirement	Assessment
C1	ACCESS AND MOBILITY	The proposal is provided with the following: <ul style="list-style-type: none"> <li>• accessible parking spaces;</li> <li>• level access from the street;</li> <li>• a lift; and</li> <li>• accessible bathroom facilities on each floor.</li> </ul> It is considered that the proposal complies with this part of the DCP.
C2	ADVERTISEMENTS AND ADVERTISING STRUCTURES	The proposed signage is for identification only and is appropriately integrated into the design of the building. It is considered that the proposal complies with this part of the DCP.
C10	HERITAGE CONSERVATION	The proposal is located in the vicinity of the Haberfield heritage conservation area. It has been reviewed by Council's heritage adviser who has concluded that the proposal will have no adverse impact upon the HCA and has raised no objection.
C11	PARKING	The proposal has direct access to a 40 space public car park which includes 2 accessible spaces. Council's traffic engineer has reviewed the proposal and concluded that this is adequate for the majority of circumstances and that any overflow during unusual peak periods can be readily accommodated in the public car parking area on the foreshore adjacent to Maliyawul Street.
C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	The proposal has been notified in accordance with the provisions of the DCP.

It is considered the application complies with the parts as indicated above and ultimately achieves the aims and objectives of the Ashfield DCP.

#### 7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters have been considered in the assessment of this application.

#### 7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have no adverse environmental, social or economic impacts upon the locality.

#### 7.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. The site is currently being used as a club recreation facility and the application

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simply relates to a refurbishment and extension of these facilities. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development and it is considered suitable in the context of the locality.

### 7.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants.

#### 7.7.1 Summary of submissions

One submission (**Attachment 3**) was received during the notification of the development application:

Submissions
Tim Giles 28 College Street DRUMMOYNE NSW 2047

The matters raised in the submission are detailed below in italics, followed by a response from the assessing officer:

Submission: *Broadly supportive of any refurbishment.*

Comment: Noted.

Submission: *Concerned about safety issues associated with patrons exiting directly onto the Bay Run – suggest bridge passes over Bay Run to remove conflict.*

Comment: This issue has been addressed in the design (although not in the manner suggested) by the increase in setback of the building and the greater recessed area provided in front of the ground floor entry.

Submission: *Suggests widening the public cycle path by reducing the building depth.*

Comment: This has been accommodated in the proposal.

Submission: *Suggests provision of bicycle racks.*

Comment: This has been accommodated in the proposal.

### 7.8 The public interest

The proposal has the following public benefits:

- improved aesthetics from both land and water aspects;
- a higher quality community facility complying with current building standards including full accessibility and improvements to its impacts in terms of environmental sustainability;
- a significantly widened 'Bay Run' to improve public circulation and access around Iron Cove.



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Given these benefits it is considered that the proposal warrants support and is in the public interest.

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### 8.0 Referrals

#### 8.1 Internal

The results of internal referrals are summarised below:

Department	Result of Referral
Council's Urban Designer/Architect	Satisfactory.
Council's Building Surveyor	Satisfactory subject to application of conditions.
Council's Engineer (stormwater)	Satisfactory subject to application of conditions.
Council's Engineer (traffic)	Satisfactory subject to application of conditions.
Council's Environmental Health Officer	Satisfactory subject to application of conditions.
Council's Landscape Officer	Satisfactory.
Council's Heritage Architect	Satisfactory.

#### 8.2 External

The results of external referrals (comment only) are summarised below:

Referral Authority	Act	Result of Referral
Roads and Maritime Services, Transport	State Environmental Planning Policy (Infrastructure) 2007, cl. 104 Traffic-generating development	Supported subject to comments/requirements which have been included in the conditions of consent.
Foreshores and Waterways Planning and Development Advisory Committee	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, cl. 29	<p>Comments anticipated on 23 March (date of allocated committee meeting).</p> <p>At the time of writing this report no comments had been received. Should the Committee choose to comment on the proposal these comments will be made available prior to Council's meeting on the 27 March 2012.</p> <p>In addition, any comments received will also be forwarded to JRPP under separate cover for the JRPP's consideration.</p>

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The results of external integrated development referrals are summarised below.

Integrated Referral Authority	Act	Result of Referral
Department of Primary Industries, Office of Water	Water Management Act 2000	Supported subject to General Terms of Approval No. 10 ERM2012/0073 which have been included in the conditions of consent.
Department of Primary Industries, Fisheries	Fisheries Management Act 1994	Supported subject to recommended conditions which have been included in the conditions of consent.

### 9.0 Other Relevant Matters

#### Section 94A Contribution Plan

Council's Section 94A contributions plan applies to the proposal and a condition of consent has been included which requires the payment of a contribution (\$73,370) based on the value of the proposed works.

#### 10.0 Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

#### Financial Implications

See comments in Section 9.0.

#### Public Consultation

See Section 7.7 of this report.

#### Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act 1979 with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal is acceptable, has received concurrence from the relevant agencies, and is therefore recommended for conditional approval.

#### Attachments

Attachment 1 – Plans of the Proposal

Attachment 2 – Locality Map

Attachment 3 – Submissions



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Attachment 4 – Integrated Development Referral - General Terms of Approval – Department of Primary Industries Office of Water

### Recommendation

That the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2011.255.1 for partial demolition and alterations and additions to an existing sporting facility and registered club including a licensed bar and restaurant, cafe and rowing facilities on Lot 1 in DP 1062378, and part Crown Reserve 500931, known as The UTS Haberfield Club, subject to the following conditions:

### CONDITIONS

#### A General Conditions

##### (1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on the drawings in the table below and date stamped by Council and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Title	Prepared by	Amendment Date
AX002052/00/E	Site Plan	Hassell	03/11/2011
AX002052/001/A	Site Plan-Proposed & Existing	Hassell	03/11/2011
AX002052/01/A	Ground Level Plan-Existing & Proposed	Hassell	03/11/2011
AX002052/01/G	Ground Level Plan	Hassell	03/11/2011
AX002052/02/E	Level 1 Plan-Proposed	Hassell	03/11/2011
AX002052/03/D	Roof Plan	Hassell	03/11/2011
AX002052/04/D	North & East Elevations	Hassell	03/11/2011
AX002052/05/E	South & West Elevations	Hassell	03/11/2011
AX002052/06/D	Sections A & B	Hassell	03/11/2011
AX002052/07/D	Sections C & D	Hassell	03/11/2011
AX002052/08/D	North Elevation & Pontoon Details	Hassell	03/11/2011
AX002052/09/D	Signage	Hassell	03/11/2011
AX002052/10	Schedule of Colours & Finishes	Hassell	08/03/2012
SA4272-Urbis 01	Parking Layout Plan	Hassell	03/11/2011
SY100505/C1.01/B	Stormwater Drainage-Roof Plan	Acor Consultants	07/06/2011
SY100505/C1.02/B	Stormwater Drainage-Level 1 Plan	Acor Consultants	07/06/2011
SY100505/C1.03/B	Stormwater Drainage-Ground Floor Plan	Acor Consultants	01/06/2011

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SY100505/C2.01/C	Soil Erosion and Sediment Control Plan	Acor Consultants	07/06/2011
LD 01, Rev 04/ Urbis SK01	Landscape Concept	Tract/Urbis	16.02.12
SA4272_Loading arrangements_cover letter_V1	UTS Haberfield Club – Loading Management Plan	Urbis	Not dated
10 ERM2012/0073	General Terms of Approval	Department of Primary Industries, Office of Water	10/02/2012
	Compliance – Plans/BCA/Fire Safety	Dix Gardner Pty Ltd	Not dated
pp. 15 &16	UTS Marine Ecology	Alison Hunt & Ass Pty Ltd	May 2011

### **B      Design Changes**

nil

### **C      Conditions that must be satisfied prior to issuing/releasing a Construction Certificate**

#### **(1)      Rivers and Foreshores Improvement Act – Part 3A Permit required**

A permit is required to be obtained from the NSW Department of Land and Water Conservation for the development under the *Rivers and Foreshores Improvement Act 1948*. A copy of the Part 3A Permit is to be submitted to the principal certifying Authority and to Council, if it is not the principal certifying authority, prior to release of the Construction Certificate. All conditions specified in the permit must be complied with.

#### **(2)      Construction and Site Management Plan**

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,

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- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway, or
- use part of Council's road/footpath area,
- pump stormwater from the site to Council's stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

Note: A separate application to Council must be made for the enclosure of a public place (hoarding).

### (3) Erosion & sedimentation control-management plan

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "*Pollution Control Manual for Urban Stormwater*", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environmental Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

- (a) "*Sedimentation and Erosion Control*" - Department of Conservation and Land Management.
- (b) "*Soil and Water Management for Urban Development*" - Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer  
Environment Protection Authority

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Inner Sydney Region  
Locked Bag 1502  
BANKSTOWN NSW 2200

### **(4) Long service levy**

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000.00 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

### **(5) Services adjustment or relocation**

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the “Dial before you Dig” service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to council with the Construction Certificate under Section 68 of the *Local Government Act, 1993*, for construction of the development

### **(6) Section 94A Contribution**

Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Ashfield Council's Section 94A Development Contributions Plan 2009 a contribution of **\$73,370** shall be paid to Ashfield Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Ashfield Council's Section 94A Development Contributions Plan 2009.

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority (PCA).

### **(7) Services and infrastructure adjustment/relocation**

The applicant shall meet the full cost for Telstra, Sydney Water, Energy Australia, AGL Electricity/AGL Retail Energy or alternative service/energy providers to adjust/relocate their services/infrastructure as required. The applicant shall make the necessary arrangements with the relevant service authority or relevant retail energy company.

(For information on the location of services contact the “Dial before you Dig” service on 1100.)

Documentary evidence from the utility authorities/retail energy company confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate.

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### (8) Food Premises - plans

Two (2) copies of details of all kitchen fittings and fitments in food preparation and/or food storage areas, including the design and location of stoves, sinks, wash hand basins, benches, refrigerators and counters prepared in accordance with Ashfield Council's "Guidelines for Food Premises".

Details must be submitted to Council or the accredited certifier and approval obtained prior to the release of a Construction Certificate.

### (9) Food Premises—compliance with Ashfield Council's "Guidelines for Food Premises"

Plans and specifications showing details of all food preparation and storage areas, layout disposition, construction and method of installation of all fittings and fixtures, together with floor, wall and ceiling finishes must be in accordance with Ashfield Council's "Guidelines for Food Premises".

Details are to be provided with the Construction Certificate.

### (10) Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, 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 the release of an occupation or subdivision certificate.

## **D Conditions that must be complied with before work commences**

### (1) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) Council; or
  - (ii) an accredited certifier; and

## Development Assessment Report

- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

### (2) Design and construction of car parking area

The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including, grades, turn paths, sight distance requirements, aisle widths and parking bay dimensions) is to be designed and constructed in accordance with Australian Standards AS 2890.1 2004 - Off Street Car Parking, AS 2890.2 and AS2890.6 -2009 Parking Facilities - Off-street parking for people with disabilities. All vehicles must enter and exit the car park in a forward direction.

The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.

### (3) Public Liability Insurance – Works on Council/public lands

The applicant or any contractors carrying out approved works on public or Council controlled lands with consent shall have public liability insurance cover to the value of \$10 million and shall provide proof of such cover to the principal certifying authority prior to carrying out the works and annually for the period of time for which works are being carried out on Council or public lands.

### (4) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

### (5) Site Controls

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in the Sydney Coastal Councils' *Stormwater Pollution Control Code for Local Government*.



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Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

### **(6) Building location - check survey certificate**

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

- (i) location of the building with respect to the boundaries of the site;
- (ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
- (iii) site coverage of the buildings on the site.

### **(7) Sydney Water Approval**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: [www.sydneywater.com.au](http://www.sydneywater.com.au), see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

### **(8) Structural Engineering Details**

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

### **(10) Demolition work plan**

Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

### **(11) Sanitary facilities – demolition/construction sites**



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Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

### **(12) Protection of public places - erection or demolition of building**

- If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or involves the enclosure of a public place; a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- Any such hoarding, fence or awning is to be erected prior to works commencing and only with Council approval in accordance with Workcover requirements. The temporary structures are to be removed when the work has been completed.

### **(13) Site fencing/security**

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

### **(14) Garbage skips on Council land - Council approval**

Bulk refuse bins or garbage skips shall not be placed on grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's Customer Service on telephone 9716 1800.

### **(15) Works zone application to Council - construction vehicles**

The applicant is to apply to Council for a "works zone" along the site frontages for construction vehicles prior to work commencing. Contact Council's Customer Service on 9716 1800 for details and the necessary fees you need to pay.

Note: A minimum of 2 months notice to Council is required.

### **(16) Stormwater Drainage to the Roads and Maritime Services Drainage System**

Post development stormwater discharge from the subject site into the Roads and Maritime Services drainage system must not exceed the pre-development discharge.

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Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the Roads and Maritime Services for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before the Roads and Maritime Services approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Services Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

### **(17) Traffic Noise Mitigation**

The proposed development should be designed such that road traffic noise from Dobroyd Parade is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.

### **(18) Permit to Harm Vegetation Required**

A permit to harm marine vegetation under s.205 of the Fisheries Management Act is to be obtained from the Department of Primary Industries prior to construction. This permit will cover the harm of marine vegetation (i.e. one mangrove tree) that is likely to occur in the upgrade of the rowing club. Current permit application forms are available at:  
[http://www.dpi.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0007/403873/Part-7-Fisheries-Mgmt-Act-permit-application-version-50410-changes-to-fee-structure.pdf](http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0007/403873/Part-7-Fisheries-Mgmt-Act-permit-application-version-50410-changes-to-fee-structure.pdf)

### **(19) General Terms of Approval for Work requiring a controlled activity approval under the Water Management Act 2000**

The applicant must comply with the General Terms of Approval issued by the Office of Water, Department of Primary Industries, dated 10 February 2012, no. 10 ERM2012/0073.

### **(20) Lease for occupation of building (Department of Roads and Maritime Services - Maritime Division)**

Prior to the occupation of the building, the applicant will be required to enter into a new lease in respect to the occupation with RMS Maritime Division - Property Planning and Infrastructure Section. The tenure and rent provisions will be determined in accordance with RMS' Commercial Lease Policy.

### **(21) Lease for occupation of building (Department of Primary Industries – Catchments and Lands)**

Prior to the occupation of the building, the applicant will be required to enter into a new lease in respect to the occupation with Department of Primary Industries – Catchments and Lands – Crown Lands Section. The boundary of the new lease is to lie along the mean high water mark of Iron Cove and the dot-dash red line, generally approximately 1m outside the

## Development Assessment Report

external wall face of the new building, shown on the drawing "Parking Layout Plan" No. Urbis – 01 dated 15/02/2012

### **(22) Road opening permit**

A Road Occupancy Licence should be obtained from the RMS for any works that may impact on traffic flows on Dobroyd Parade during construction activities.

### **E Conditions that must be complied with during construction or demolition**

#### **(1) Plans to be available on site**

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

#### **(2) Spoil and building materials on road and footpath**

All building materials shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

#### **(3) Pedestrian way to remain accessible**

The public pedestrian way must be freely accessible at all times. The minimum width of unobstructed footpath shall be 1.5 metres.

#### **(4) Signs to be erected on building and demolition sites**

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) stating that unauthorised entry to the work site is prohibited; and
  - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

#### **(5) Demolition/excavation/construction - hours of work**

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

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### (6) Materials and colour schemes

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder. In particular, as follows:

Component	Material
Signage	Satin finished anodised aluminium
Walls	Clear finished blackbutt
Roof	Fielders Kingclip 700 in Colorbond "Surfmist"
Deck	Clear finished Blackbutt

### (7) Footpath, kerb and gutter reconstruction

The public footpath area outside the site shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense.

This work shall consist of landscape and paving works as stated on Track Consultants plan LD 01. All proposed palm trees to be relocated shall not be placed adjacent to the kerb and gutter fronting the City West Link Road, the only planting to be placed in this area shall be low shrub planting to be approved by Council. Please note a Road opening permit from Council will be required for these works.

- (1) All proposed palm trees to be relocated shall not be placed adjacent to the kerb and gutter fronting the City West Link Road, the only planting to be placed in this area shall be low shrub planting to be approved by Council.
- (2) The garden bed adjacent to the boat trailer access point next to the carpark shall not be removed.

### (8) Footpath, kerb and gutter protection

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense.

### (9) Road opening permit – Council controlled lands

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

### (10) Traffic control on public roads

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided.

## Development Assessment Report

Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

### **(11) Engineering staff to inspect roadworks/drainage**

An inspection by Council's staff will be required for kerb/gutter/crossing/footpath or the like) at the following stages:

- (i) after excavation
- (ii) after the erection of formwork and placement of reinforcement and prior to pouring of concrete
- (iii) after placement of road base course
- (iv) after completion of any pits
- (v) after pipes have been laid and prior to backfilling
- (vi) on completion of the works

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

### **(12) Guttering and drainage system - stormwater disposal**

The roof area for all the external additions shall be provided with a complete guttering and drainage system. Roofwater shall be disposed of by approved drainage lines discharging to the existing stormwater drainage system.

All stormwater from the site shall be treated in accordance with the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999) and Australian Runoff Quality, A Guide to Water Sensitive Urban Design (Engineers Australia, 2006), for all 1:20 year storm events.

### **(13) Demolition requirements/standards**

Demolition is to be carried out in accordance with the following:

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.

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- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
  - (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (e.g.; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

### (14) Roof guttering and drainage system/disposal of stormwater

## **Development Assessment Report**

The roof shall be provided with a complete guttering and drainage system. Roofwater shall be disposed of by approved drainage lines discharging into the street gutter.

### **(15) Termite treatment**

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

### **(16) Waterproofing materials/installation – BCA/Australian Standards**

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation have been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

### **(17) Safety Glazing - BCA**



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Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

### **(18) Relocation of Climate Change Marker**

The climate change marker currently fixed to the North-East side timber piles is to be relocated as required by Council prior to completion of construction.

### **(19) Construction Vehicles**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Dobroyd Parade.

A Road Occupancy Licence should be obtained from the RMS for any works that may impact on traffic flows on Dobroyd Parade during construction activities.

### **(20) Environmental Safeguards**

Environmental safeguards (silt curtains, booms etc.) are to be used during the proposed piling works to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes caused by runoff, pile driving, etc. have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.

### **(21) Materials used for construction**

The materials used for construction should not be deleterious to marine life, for example antifouling paints or treated woods must not be used. These materials inhibit marine growth and reduce the habitat available for marine life.

### **(22) Marine Ecology – Mitigation Measures**

Construction is to be undertaken strictly in accordance with the recommendations contained in Table 2, Identified key issues and recommended mitigation measures, on pages 15 and 16 of the report UTS Marine Ecology, prepared by Alison Hunt & Associates, dated May 2011. In particular:

- Scheduling works to coincide with favourable conditions.
- The piling rig to be mounted on a floating barge positioned to minimise sediment re-suspension and dispersion.
- Floating booms, silt curtains or screens to be used during the piling operations to minimise the mobilisation of sediments and the spread of suspended sediments.

### **(23) Acid Sulphate Soils**

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Construction is to be undertaken strictly in accordance with the recommendations contained in the Acid Sulphate Soils Management Plan prepared in accordance with the Acid Sulphate Soils Assessment Guidelines as published by the NSW Acid Sulphate Soils Management Advisory Committee.

### **(24) Traffic Management**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Dobroyd Parade.

#### ***F      Conditions that must be complied with prior to installation of services***

nil

#### ***G      Conditions that must be complied with before the building is occupied***

##### **(1) Approval to use/occupy building**

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

##### **(2) Fire Upgrading and Classification**

The existing building, including the proposed works, are required under the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Regulation 2000, to be brought into partial compliance with the provisions of the Building Code of Australia 2011.

Compliance shall be achieved by addressing all deficiencies as summarised and recommended in the Building Code of Australia Fire Safety Audit prepared by Dix Gardner Pty Ltd as submitted with the Development Application on 23 November 2011.

On completion, a Final Fire Safety Certificate shall be furnished to Council with all essential fire safety measures as required under the provisions of the Environmental Planning and Assessment Act 1979.

#### ***H      Conditions that are ongoing requirements of development consents***

##### **(1) Storage of goods**

No goods associated with the use, advertising structures or machinery shall be stored or displayed outside the premises at any time.

##### **(2) Approved use**

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The premises shall not be used for any purpose other than that stated in the Development Application, without the prior consent of the Council.

### (3) Hours of Operation

Hours of operation are limited to:

- a) Ground Floor Rowing Facilities:
- Monday to Sunday: 5.00am to 10:00pm

Trading Hours are limited to:

- b) Restaurant:
- Monday to Saturday: 7.00am to 10:00pm
  - Sunday and Public Holidays: 7.00am to 9:00pm
- c) Licensed Premises:
- Monday to Sunday: Noon to Midnight
  - New Year's Eve: Noon to 1:00am on the following day
- d) Ground floor cafe and associated deck:
- Monday to Saturday: 7.00am to 10:00pm
  - Sunday and Public Holidays: 7.00am to 10:00pm

### 4) Tables and chairs - number and location

This consent gives approval for the following maximum number of seats:

- First floor balcony: 80
- First Floor Restaurant: 72
- Licensed Club: 40 seats plus 28 bar stools
- Ground Floor Cafe: 12 seats on the adjacent deck

### (5) Maximum number of patrons

The number of patrons permitted in the first floor area (including the restaurant, club and balcony) at any time shall not exceed **220 persons**.

### (6) Maximum number of gaming machines

The maximum number of gaming machines shall not exceed that shown on the approved plans, being 14 machines.

### (7) Loading Restrictions

Periodic loading restrictions and car parking provision shall be in accordance with the UTS-Haberfield Club – Loading Management Plan and its operational times and methods.

These loading restrictions are to be regulated by appropriate clear signage placed in a suitable position in the loading area of the car park. All works / regulatory signage associated with the proposed development are to be at no cost to the Roads and Maritime Services.

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### (8) Vehicle access

All vehicles shall enter and leave the site in a forward direction

### **I Advisory Notes**

#### (1) Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an Application for Approval under Section 68 of the *Local Government Act 1993* for any proposed activity under that Act, including any erection of a hoarding. All such applications must comply with the *Building Code of Australia*.
- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.

**Note:** An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

#### (2) Works and requirements of other authorities

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new developments. A brochure is available from your nearest Australia Post Office.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

#### (3) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you

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cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

**Warning:** There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

### (4) Compliance with the Disability Discrimination Act - liability

This decision does not ensure compliance with the Disability Discrimination Act. The owner, lessee, operator and/or manager of the premises are advised that under the *Disability Discrimination Act 1992*, it is illegal to discriminate against a person with a disability by means of restricting access to or within the building. If access is restricted the owner, lessee, operator and/or manager of the premises may be liable for prosecution and/or a successful appeal to the Human Rights and Equal Opportunities Commission. You should therefore investigate your liability under that Act. Australian Standard 1428 - Design for Access and Mobility, Parts 2, 3 and 4 may assist in determining compliance with the *Disability Discrimination Act 1992*.