

DEVELOPMENT ASSESSMENT REPORT - OBERON GOLF CLUB EXTENSIONS – 26 BLIGH & 107 ROSS STREETS, OBERON

PROPOSAL

Council is in receipt of a Development Application for the current Oberon Golf Club to extend the existing club house by incorporating the existing scout hall adjacent to the clubhouse into the club precinct. The land is described as Lots 6 & 7 Section 63 DP 758805 and Lot 7307 DP 1141921 and is known as 26 Bligh & 107 Ross Streets, Oberon.

The proposal seeks to redevelop the existing club by upgrading the existing development to a more convenient and attractive façade.

SUMMARY

To assess and recommend determination of DA 10.2011.75.1 Recommendation will be for approval subject to conditions.

LOCATION OF THE PROPOSAL

Legal Description :	Lots 6 & 7 Section 63 DP 758805 and Lot 7307 DP 1141921
Property Address :	26 Bligh & 107 Ross Streets, Oberon.

ZONING: The land is zoned 2(v) Village in accordance with Councils current Local Planning Instrument, being Local Environmental Plan (LEP) 1998.

PERMISSIBILITY:

The development is defined as a club which means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the Registered Clubs Act 1976.

The extension to the club is permissible in the zone and as such re-development of club is able to be assessed.

POLICY IMPLICATIONS (OTHER THAN DCP's)

Nil.

FINANCIAL IMPLICATIONS (eg Section 94)

Nil.

LEGAL IMPLICATIONS

Any Environmental Planning Instrument

Consider SEPPs, REPs & LEPs. RELEVANT Provisions of LEP (eg permissibility, development standards, heritage listing, advertising requirements of another authority who administers a SEPP or REP). Is a SEPP1 objection required?

Local Environmental Plan

Zone No 2 (v) (Village Zone)

1 Objectives of Zone

The objectives of this zone are:

- (a) to promote sustainable development of existing villages in a manner which is compatible with their urban function, and
- (b) to maintain the rural atmosphere of the villages, and
- (c) to prevent pollution of water supply catchments, water quality in water storage and all streams.

2 Without development consent

No development.

3 Only with Development Consent

Development not included in item 4.

4 Prohibited

Development for the purpose of:

extractive industries; intensive livestock keeping establishments; junk yards; mines; offensive or hazardous industries.

It is considered that the proposed development complies with the objectives of the zone.

Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

If applicable, is the development consistent with the objectives of the draft instrument?

Nil.

Any Development Control Plan

Is the proposal consistent with the DCP? If not, is a variance warranted and has it been justified?

Nil.

Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

Nil.

Any matters prescribed by the regulations that apply to the land

Refer to clause 92, 93, & 94 of the Regulation. If a DA for demolition, the provisions of AS 2601-1991; The Demolition of Structures. Fire Safety considerations – DA that does not seek the rebuilding, alteration, enlargement or extension of the building. Consent Authority may require buildings to be upgraded – DA comprising the rebuilding, alteration enlargement or extension, take into consideration whether it is appropriate to require the building to be brought into conformity with the BCA.

1. Construction Certificate

A Construction Certificate is required for the development, prior to the commencement of any site or building works. This certificate can be issued either by Council or by an accredited certifier.

Reason:- To ensure compliance with section 81A of the Environmental Planning and Assessment Act 1979.

2. Section 68 Approval

A section 68 approval is required for the proposed development prior to the commencement of any site or building works.

Reason:- To ensure compliance with section 68 of the Local Government Act 1993.

3. Consolidation of allotments

Lots 6 & 7 DP 758805 and 7307 DP 1141921 are to be consolidated into one allotment, or a boundary adjustment or subdivision is to be undertaken so that the completed building is wholly on one allotment.

Reason: So that the building is not built over an allotment boundary which is a fire source feature as defined by the Building code of Australia.

4. Submission of a Final Fire Certificate

Prior to the occupation of the building, the owner of the building shall submit to Council, a final fire certificate in relation to each essential fire safety measure specified in the fire safety schedule, attached to the construction certificate.

Such certificate shall state that each essential fire safety measure specified:

(a) has been assessed by a properly qualified person, and

(b) was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

NOTES:

1. As soon as practicable after a final fire safety certificate is issued the owner of the building to which it relates:

(i) must cause a copy of the certificate (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and

(ii) must cause a further copy of the certificate (and current copy of the current fire safety schedule) to be prominently displayed in the building.

2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of the fire.

REASON: To ensure compliance with Regulation 80E of the Environmental Planning and Assessment Regulation, 1994.

5. Submission of an Annual Fire Safety Certificate

The owner of any building in which fire safety measures are installed, must cause the Council to be given an annual fire safety statement, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:

(a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.

(b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

NOTES:

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:

(i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and

(ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

REASON: To ensure compliance with Regulations 80GA and 80GB of the Environmental Planning and Assessment Regulation, 1994.

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

Amenity – the applicant has indicated that the development will have minimal affect on amenity as there is no proposed additional development associated with the application over than the extension. Further the applicant has indicated that additional landscaping will be implemented on the land to minimise the developments impact on adjoining properties.

Noise – With this type of operation additional noise impacts are a perceived concern. The land is zoned to accommodate this type of use, and the nearest neighbour is approximately 10-15m away from the development. Currently the club proposes to have operating hours restricted to as follows:

Monday to Thursday	10.00am – 12.00pm
Friday to Saturday	10.00am – 2.00am
Sunday	10.00am – 8.00pm

These hours, given the adjoining residential amenity, have a perceived issue in terms of noise. It is considered that should consent be considered conditions of consent relating the place of public entertainment and potentially a community impact assessment through the Liquor and gaming Council will need to be undertaken.

Advertising – a signage design has been incorporated into the development application. The proposed signage is consistent with the aims and objectives of Councils current DCP.

Car Parking – Part F of Councils DCP refers to the aims and objectives of the DCP for carparking which stipulate:

- To encourage the creation of car parking and service vehicle areas to enhance the function and appearance of the development.
- To ensure that adequate provision is made for off street parking and vehicle access in accordance with the volume and turnover of traffic likely to be generated by the development.
- To assist those involved in the design and service and parking areas to provide efficient, useable space for those activities
- To preserve the safety and efficiency of the existing road system as a carrier of through traffic.

The applicant has indicated that currently there are 2 main access points to the developments parking areas. One is located at the end of Ross Street and the other is located on the corner of Bligh and Ross Streets. The proposed new parking layout utilises these existing access points to the site. Both access and egress points are located away from adjacent residential buildings to minimise any disturbance from vehicle headlights and traffic generated from vehicles entering or leaving the site after dusk. The proposed vehicle parking layout has been designed to comply with AS 2890.1-2009 and AS 2890.6-2009 (Off Street Parking and Off Street Parking for People with Disabilities respectively).

It is considered that the proposed additional vehicle parking areas will enhance the function and appearance of the development whilst ensuring adequate provision for the likely volume and turnover of the traffic likely to be generated by the development at its peak operating times.

As part of the application the applicant has indicated that 42 car spaces will be provided as part of the development. In accordance with the compliance table within the DCP 39 spaces

are required. As such the requirements of the development are in compliance with the provisions of the DCP.

The Suitability of the site for the development

Does the proposal suit the site? Bulk/Scale/Sensitivity? Are there any natural or man made hazards?

The site is considered to be suitable for the development. The development is permissible in the zone and is consistent with the aims and objectives of the 2(v) Village zone. There are no human or natural hazards that would consider the proposal to not be considered. As such the application is considered to be suitable for the site.

Any submissions made in accordance with this Act or the Regulations

If relevant, consider public and authority submissions. Do submissions relate to valid Planning issues?

Public Submissions

The application was notified to the adjoining neighbours for a period of 14 days with notification closing on 1 June 2011. A second notification period was undertaken as a computer 'glitch' was found and it was considered that the notification should be extended. Through the submission period Council received 2 submissions although not objecting having concerns regarding the proposal. The submissions indicated the concerns on the following grounds:

- Noise issues have not been considered as part of the application given the potential for further use of the clubhouse for social gatherings. Excessive noise could be a concern given the location of the proposed new verandah on existing residents. Further, those of intoxicated patrons leaving the area.
- Currently, the access is on a blind corner and with the additions will come additional traffic which will cause issues on the narrow Ross Street.
- The car parking layout in Ross Street may not be feasible given the works required to retain the site.

Land Property Management Authority

Given the land forms part of a Crown Lease controlled by Council the development was forwarded to the Authority for comment. In a response received on behalf of the authority it was considered that the application could be considered without any additional input from LPMA.

The public interest

Have any genuine Planning issues been raised in by the wider public? Is there genuine irrefutable concerns relating to public health & safety?

Other than what has been previously discussed above it is considered that no additional public interest is perceived.

DISCUSSION AND CONCLUSIONS

The application is permissible in the zone and is consistent with the aims and objectives of that zone. Any perceived impacts can be minimised by onsite techniques in place or through

conditions of consent. As such it is considered that the application can be supported in this instance.

ATTACHMENTS

1. Nil.

RECOMMENDATION

THAT the information is received and Council approve the application subject to the following conditions:

Administrative Conditions

1. The development is to be carried out in accordance with the approved stamped plans prepared by Dickson Designs, dated 28 November 2011, and supporting plans except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgment and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council's approval.

Building Code of Australia Compliance

2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: To meet the requirements of Clause 98 of the Environmental Planning and Assessment Regulation 2000 which prescribes this condition.

Construction Certificate

3. A Construction Certificate is required for the development, prior to the commencement of any site or building works. This certificate can be issued either by Council or by an accredited certifier.

Reason:- To ensure compliance with section 81A of the Environmental Planning and Assessment Act 1979.

Section 68 Approval

4. A section 68 approval is required for the proposed development prior to the commencement of any site or building works.

Reason:- To ensure compliance with section 68 of the Local Government Act 1993.

Consolidation of allotments

5. Lots 6 & 7 DP 758805 and 7307 DP 1141921 are to be consolidated into one allotment, or a boundary adjustment or subdivision is to be undertaken so that the completed building is wholly on one allotment.

Reason: So that the building is not built over an allotment boundary which is a fire source feature as defined by the Building code of Australia.

Submission of a Final Fire Certificate

6. Prior to the occupation of the building, the owner of the building shall submit to Council, a final fire certificate in relation to each essential fire safety measure specified in the fire safety schedule, attached to the construction certificate.

Such certificate shall state that each essential fire safety measure specified:

- (a) has been assessed by a properly qualified person, and
- (b) was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

NOTES:

1. As soon as practicable after a final fire safety certificate is issued the owner of the building to which it relates:

- (i) must cause a copy of the certificate (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
- (ii) must cause a further copy of the certificate (and current copy of the current fire safety schedule) to be prominently displayed in the building.

2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of the fire.

Reason: To ensure compliance with Regulation 80E of the Environmental Planning and Assessment Regulation, 1994.

Submission of an Annual Fire Safety Certificate

7. The owner of any building in which fire safety measures are installed, must cause the Council to be given an annual fire safety statement, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:

- (a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.
- (b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

NOTES:

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:

- (i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
- (ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

2. A "fire safety measure" is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.

Reason: To ensure compliance with Regulations 80GA and 80GB of the Environmental Planning and Assessment Regulation, 1994.

Construction Noise/Hours of Operation

- 8. Construction works involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm weekdays, and 8.00 am to 8.00 pm Saturdays.

Reason: To ensure building works do not cause noise nuisance to surrounding premises after hours and on Sundays and public holidays.

Works Only By Licensed Contractor

- 9. All plumbing and drainage work in the building and from the building to the septic tank must be carried out by a licensed plumber/drainer in accordance with the requirements of Australian Standard 3500-1990 "National Plumbing and Drainage Code".

Reason: To comply with Australian Standard 3500-1990 "National Plumbing and Drainage Code" and Clause 20 of the Local Government (Approvals) Regulation 1999.

Premises to be clean and tidy

- 10. The premises are to be maintained in a clean and tidy condition at all times.

Reason: So that the development does not reduce the amenity of the area.

Stormwater Disposal

- 11. Roof water and surface water drainage shall be installed in accordance with AS/NZS 3500.5 and connected to the approved point of discharge.

Reason: To meet the requirements of Part 3.1.2 of the Building Code of Australia and to protect the building and neighbouring properties from stormwater drainage.

Signs for visitor, employee and accessible parking

- 12. Suitable signs shall be erected within the property indicating the location of visitor, employee and accessible parking.

Reason:- To delineate the spaces suitable for visitor and employee parking.

Structural Certification

13. Prior to covering of the awning a practising structural engineer is to inspect and certify the building.

Reason: To ensure the building is structurally adequate.

Roofing and Cladding Material

14. All cladding material on the building is to be factory pre coloured and non reflective.

Reason: To ensure there is no reflective impact from the building.

Traffic and Access

15. Traffic access and egress is to comply with the access plan submitted as part of the development. Signage is to be put in place onsite to advise traffic as too the lawful means of access and egress. The signage is to be erected prior to the issue of any occupation certificate.

Reason:- so that the development does not reduce the amenity of the area.

16. All internal accesses are to be bitumen sealed and constructed to the satisfaction of the Director of Engineering. Prior to any works being undertaken a Construction Certificate for the internal layout works is to be lodged and approved by Council to the satisfaction of the Director of Engineering.

Reason:- To ensure compliance with section 81A of the Environmental Planning and Assessment Act 1979.

17. A Traffic Management Plan is to be prepared for the development and provided to Council for its approval prior to the issue of a construction certificate for the internal parking areas. The Traffic Management Plan shall identify issues relating to the proposed location of the car park and provide mitigating measures to minimise perceived issues. This plan is to be approved by the Director of Engineering prior to the issue of the construction certificate for the internal layout.

Reason:- To ensure compliance with section 81A of the Environmental Planning and Assessment Act 1979.

Amenity

18. No signage accessing the western end of the development is to be illuminated.

Reason:- to prevent the proliferation of signs which will result in a degradation of the visual quality of the area.

19. The applicant shall comply with all reasonable requests by Council officers in relation to any complaints received during works.

Reason:- so that the development does not reduce the amenity of the area.

20. The applicant is to prepare a social impact statement identifying issues associated with anti social behavior and proposed mitigation measures to be put in place minimizing these perceived impacts. This statement is to be implemented into the operation of the club while ever in operation. The plan is to contain but not limited to how the operation will minimise impacts on adjoining residential receivers, provide information as to how the club intends to deal with potential complaints and a potential complaints number for concerned residents to contact in times of anti social behavior.

Reason:- so that the development does not reduce the amenity of the area.

Environmental Protection

21. At all times during the development the applicant is to minimize the airborne pollutants leaving the site. As such, the applicant is to ensure that during all times in the construction phase that airborne pollutants (including dust) do not leave the site.

Reason:- so that the development does not reduce the amenity of the area.

Hours of Operation

22. Hours of operation will be restricted to the following

Monday to Thursday	10.00am – 12.00pm
Friday to Saturday	10.00am – 2.00am
Sunday	10.00am – 8.00pm

Reason:- so that the development does not reduce the amenity of the area.

Report prepared by:..... Supervisor:.....

Dated:..... Dated:.....