

JRPP No	2011SYE082
DA No	DA11/0668
LGA	Sutherland Shire
Proposed Development	Alterations and Additions to a Registered Club including Extended Trading Hours
Site/Street Address	44-60 Allison Crescent, Menai (Lot 122 DP 834982)
Applicant	Bergstrom Architects
Submissions	1
Recommendation	Approval
Report By	Greg Hansell – Environmental Assessment Officer (Planner) Sutherland Shire Council

Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

Pursuant to the requirements of State Environmental Planning Policy (Major Development) 2005, this application is referred to the Joint Regional Planning Panel (JRPP) as the development has a capital investment value of more than \$10,000,000. The application submitted to Council nominates the value of the project as \$13,221,600.

1.2 Proposal

The application is for alterations and additions to a registered club (known as 'Club Central Menai') including extended trading hours, at the above property.

1.3 The Site

The subject site is located on the western side of Allison Crescent, opposite Boxsell Close to the east and adjacent to 'Menai Marketplace' shopping centre to the west.

1.4 The Issues

The main issues identified are as follows:

- Social impacts from late night trading
- Car parking demand
- Acoustic privacy impacts
- Business identification signage.

1.5 Conclusion

Following detailed assessment of the proposed development, the current application is considered worthy of support subject to minor amendments and conditions including more limited hours of operation similar to those of the existing club premises.

2.0 DESCRIPTION OF PROPOSAL

An application has been received for alterations and additions to a registered club (known as 'Club Central Menai') including extended trading hours, at the above property.

The proposed renovations essentially involve the re-organisation and modernisation of the various indoor and outdoor facilities within the club premises, with minimal change to the floor space or footprint of the building.

The function and gaming rooms are to be relocated to the western side of the building, whilst the bistro, café and sports bar are to be relocated to the eastern side of the building. As a consequence, the existing entrance to the function room on the eastern side of the building will be removed and all patrons of the club's facilities will be required to enter and exit via the main club foyer on the northern side of the building. The bistro terrace and children's play room on the western side of the building is to be relocated to the eastern side of the building where the function room entrance is currently located.

The closing hours of the gaming and lounge areas (including the alfresco gaming area) within the renovated club are to be extended from 12.00 midnight to 1.00am on Thursday nights, 1.00am to 3.00am on Friday and Saturday nights and 10.30pm to 12.00 midnight on Sunday nights. The opening hours of the whole club are to be extended from 10.00am to 9.00am on Sunday mornings.

The closing hours of the outdoor areas within the renovated club (excluding the alfresco gaming area) are to be extended from 10.30pm to 11.30pm on Sunday nights and reduced from 12.00 midnight to 11.30pm on Monday, Tuesday and Wednesday nights.

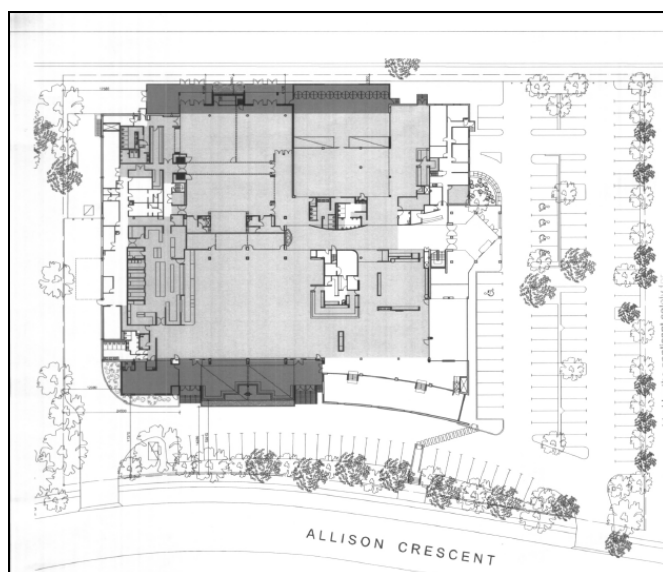


Figure 1: Site Plan of Proposal

3.0 SITE DESCRIPTION AND LOCALITY

The subject land is located at 44-60 Allison Crescent, Menai. Currently situated on the site is a single storey building with basement car parking that is used by the Illawarra Catholic Club as a registered club (known as 'Club Central Menai'). Additional car parking areas are located between the building and the northern and eastern boundaries of the site.



Figure 2: Site of Proposal looking south-west from Allison Crescent

The site has a north-south orientation and is generally rectangular in shape. It has a frontage of 128.3 metres to Allison Crescent and depths of 85.2 metres and 95.2 metres on its southern and northern side boundaries respectively. The site has a total area of 10,631 square metres.

The site slopes gently in a north-easterly direction. A public walkway abuts the western boundary of the site. A dense screen of trees and shrubs exists along the street frontage of the site and to a lesser extent along the northern and southern boundaries of the site.

The streetscape in the immediate vicinity of the subject land is characterised by a mix of residential and commercial development.

To the east of the site across Allison Crescent are detached dwelling houses and attached dual occupancy dwellings. Immediately to the south of the site is a complex of community facilities including a child care centre, library and youth and community health centres. Immediately to the north of the site is the 'Menai Metro Business Centre' complex that includes offices, specialty shops, medical facilities and restaurants. Immediately to the west of the site across the public walkway is the 'Menai Marketplace' shopping centre complex that includes a discount department store, supermarket, specialty shops, offices, medical facilities, service station and police station.

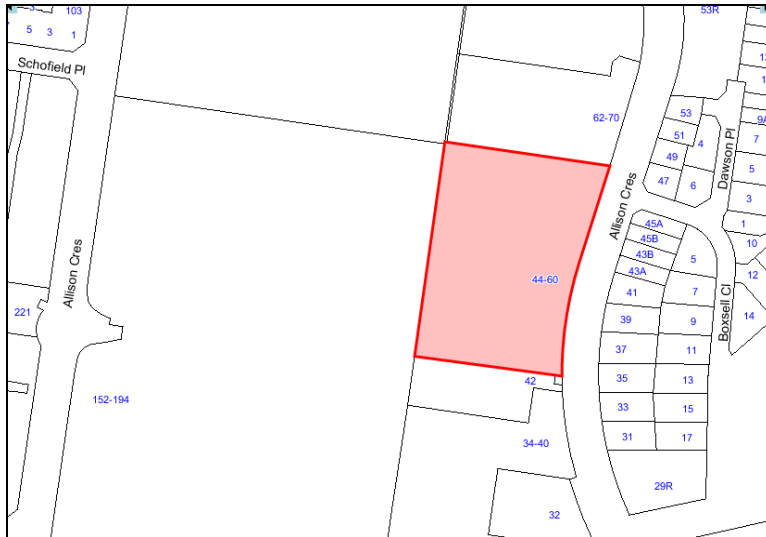


Figure 3: Location of Site



Figure 4: Aerial photograph of Site

4.0 BACKGROUND

A pre-application discussion between the applicant and Council officers, regarding substantial internal and external alterations to the existing club building and an extension of the club trading hours to include trading from 9.00am on Saturdays and Sundays and late night trading to 3.00am, was held on 18 May 2011.

The applicant was subsequently advised by letter dated 3 June 2011 that the renovation of the club premises to a more contemporary standard of interior design was supported in principle, subject to potential acoustic privacy and other social impacts being adequately addressed. However, the advice also stated that the proposed extended trading hours were likely to raise significant issues, having regard to the recently adopted late night trading provisions in Sutherland Shire Development Control Plan 2006 and the relationship of the club premises to adjacent residential areas.

A history of the current development proposal is as follows:

- The application was submitted on 18 July 2011.
- The application was placed on exhibition, with the last date for public submissions being 19 August 2011. One (1) submission was received.
- An information session was held on 10 August 2011 and two (2) persons attended.
- The application was considered by Council's Architectural Review Advisory Panel ('ARAP') on 11 August 2011.
- The application was considered by Council's Submissions Review Panel on 24 August 2011.
- Revised plans and additional information in response to the comments made by ARAP and Council officers were submitted on 9 August 2011, 5 September 2011, 9 September 2011 and 6 October 2011.
- The Sydney East Region JRPP was briefed on the application on 21 September 2011.

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the statement of environmental effects, plans and other documentation submitted with the application and after requests from Council, the applicant has provided adequate information to enable an assessment of this application. This other documentation includes:

- An acoustic assessment that addresses noise impacts upon adjacent residents from various sources within the club premises.
- Survey data relating to existing traffic volumes at the two (2) driveway access points in Allison Crescent.
- Survey data relating to existing road kerbside and off-street car parking demand.
- Survey data relating to the travel modes of existing club patrons.
- Survey data relating to patron usage of the club premises and its various facilities and services.
- A preliminary assessment of the proposal against the relevant provisions of the Building Code of Australia (BCA).
- An access audit that addresses the requirements of the BCA with respect to access for people with disabilities.
- A bushfire assessment report that addresses the requirements of the document entitled 'Planning for Bushfire Protection' prepared by the NSW Rural Fire Service.

6.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 12 of Sutherland Shire Development Control Plan 2006 (SSDCP 2006) and other statutory requirements.

Two hundred and fifty two (252) adjoining or affected owners and occupants were notified of the proposal and one (1) submission from local residents was

received as a result. This submission raises concerns over the proposed extended hours of trading and associated impacts in terms of on-street parking, traffic congestion, noise and anti-social behaviour. These concerns are addressed in detail later in the “Assessment” section of this report.

The revised plans that were submitted following the application’s public exhibition and assessment by Council officers and Architectural Review Advisory Panel (ARAP) were not renotified. In this regard, SSDCP 2006 provides as follows:

“Where revised plans are submitted during the course of assessment and prior to Council’s or the Court’s determination, these revised plans will be publicly exhibited in the same manner as the original application, but only where the changes being sought intensify or change the external impact of the development to the extent that neighbours, in the opinion of Council, ought to be given the opportunity to comment.”

The changes sought in the revised plans are not considered to intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to further comment on those plans. The changes address issues raised by ARAP and Council Officers and are relatively minor in nature compared to the overall development.

These changes relate to the western façade and perimeter of the building and are largely cosmetic in nature, including further building articulation and additional shrub and tree plantings. These changes result in a significant improvement to the aesthetics of the building when viewed from the adjacent public walkway.

7.0 STATUTORY CONSIDERATIONS

The subject land is located within Zone 8 – Urban Centre pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006). The proposed development, being a ‘registered club’, is a permissible land use within the zone with development consent from Council.

In addition to SSLEP 2006, the following environmental planning instruments and development control plans are relevant to the assessment of this application:

- State Environmental Planning Policy (Infrastructure) 2007 (‘Infrastructure SEPP’)
- State Environmental Planning Policy No. 64 – Advertising & Signage (‘SEPP 64’)
- Sutherland Shire Development Control Plan 2006 (SSDCP 2006)

8.0 STATEMENT OF COMPLIANCE

The table below contains a summary of applicable development standards under Sutherland Shire Local Environmental Plan 2006 and a compliance checklist relative to these standards:

Standard	Required	Proposed	Compliance
Clause 33(8)(a) Number of Storeys	2-5 (max)	2	Yes
Clause 35(11)(a) Floor Space Ratio	1:1 (max)	0.4:1	Yes

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to internal and external specialists for assessment and the following comments were received:

9.1. NSW Roads & Traffic Authority

No objections are raised by the Roads & Traffic Authority with regard to the impact of the proposal on the classified road network, following consultations carried out in accordance with Clause 104 of the Infrastructure SEPP. However, Council's attention is drawn to potential amenity issues associated with traffic entering and exiting the club premises during the proposed extended trading hours. A full copy of this external report is provided in Appendix "B".

9.2. NSW Rural Fire Service

As the site is partly designated as 'bushfire prone' land on the bushfire risk maps certified by the Rural Fire Service, consultations were carried out with that authority in accordance with Section 79BA of the Environmental Planning & Assessment Act, 1979, as to recommended bushfire protection measures. In response, a range of measures addressing asset protection zone, building construction, utility services and landscaping requirements are recommended as conditions of development consent. A full copy of this external report is provided in Appendix "C".

9.3. NSW Police Force

In accordance with Council's adopted protocol, the development application was referred to the Police Force for comment on crime risk. The Police Force has raised concerns over the proposed extended trading hours with respect to anti-social behaviour, patron migration from other licensed premises, alcohol related crime and noise impacts and recommend a number of conditions in the event of approval of the proposal. These conditions cover matters such as the management of the premises, security arrangements, patron migration, closed circuit television and noise. A full copy of this external report is provided in Appendix "D".

9.4. Architectural Review Advisory Panel

Council's Architectural Review Advisory Panel ('ARAP') considered this application on 11 August 2011 and its report was issued on 25 August 2011. The ARAP report was based on the plans that were submitted upon lodgement of the application. A full copy of this report is provided in Appendix "E". This report concluded as follows:

"The development strategy for the club is reasonable, however the application lacks the detailed information required to fully assess the proposal. Further detailed information is required to document the bistro terrace, alfresco gaming and landscape finishes. Further development of the bistro terrace to improve its environmental performance is recommended. Consideration must also be given to creating a more appropriate interface between the alfresco gaming area and the adjoining public walkway."

Council's assessment team architect and landscape architect have assessed the revised plans and additional information submitted in response to the ARAP recommendations. No significant issues are raised in terms of the overall architectural and landscape quality of the proposed building works. However, concerns over the level of detailing of architectural and landscaping elements remain.

The level of detail in relation to the outdoor areas and landscaping treatments, as indicated on the revised plans, is considered adequate for the purposes of the determination of the development application. The landscaping plans clearly indicate the treatment of the proposed landscaped planters including species and numbers of plants to be utilised. The architectural plans provide sufficient certainty as to the design and external finishes of the outdoor areas.

The most significant urban design issue raised by ARAP related to the presentation of the building, particularly the alfresco gaming area, when viewed from the adjacent public walkway. The revised plans which followed the ARAP report have produced an adequate outcome in this respect, by utilising a more contemporary presentation including a greater diversity of finishes, a combination of vertical and horizontal elements, an opaque glass wall, additional articulation and tree and shrub plantings.

9.5. Community Services

Council's Community Services Unit has undertaken an assessment of the application with respect to crime risk, general accessibility and access for people with disabilities.

In terms of access for people with disabilities and access generally, no significant concerns are raised provided that the recommendations in the access audit submitted with the development application are reinforced by suitable conditions of development consent.

With respect to crime risk, it is concluded that the extended trading hours are likely to contribute to an increase in alcohol-related crime and anti-social behaviour in the Menai locality. It is recommended that the development

application not be supported, in so far as the extended trading hours are concerned. No objection is raised to the proposed building alterations and additions, subject to suitable conditions of development consent covering matters such as surveillance, access control, security, maintenance, lighting, late night transport and neighbourhood amenity. A full copy of this internal report is provided in Appendix "F".

9.6. Environmental Health Officer

Council's environmental health officer has undertaken an assessment of the application with respect to matters of ventilation, noise impacts from the operation of the facility upon neighbouring occupants and food handling and safety and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal.

9.7. Engineer

Council's assessment team engineer has undertaken an assessment of the application with respect to stormwater management, vehicular access, car parking and servicing arrangements, traffic management, site management and road frontage works requirements and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal.

9.8. Building Surveyor

Council's assessment team building surveyor has undertaken a cursory assessment of the application with respect to the provisions of the Building Code of Australia and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal.

10.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

10.1 Social Impacts from Late Night Trading

Chapter 9 of SSDCP 2006 prescribes detailed objectives and controls for late night trading premises. These are premises that operate beyond 10.00 pm. As the subject proposal includes extended trading hours well beyond 10.00 pm, the late night trading provisions are a relevant consideration in the assessment of the development application.

The objectives of the late night trading provisions in SSDCP 2006 are detailed as follows:

- *To manage the adverse impacts of late night trading premises in order to protect neighbourhood amenity and property, particularly residential land uses;*

- *To achieve vibrancy and diversity of activity within designated late night trading precincts by encouraging premises of differing scale, intensity, and character for the benefit of the community and its economy;*
- *To support appropriate local facilities that enhance neighbourhood amenity through the provision of services to residents outside designated late night trading areas;*
- *To provide consistency in the assessment of all new applications for night trading premises;*
- *To develop clear and transparent requirements to ensure that applicants, operators, the local community and all relevant stakeholders are well informed of the controls in place in relation to late night trading;*
- *To ensure that outdoor activities are appropriately managed;*
- *To encourage the establishment of late night trading premises on land that is well located in terms of its proximity to centres and public transport;*
- *To ensure the safety of patrons and staff through the responsible management of late night trading premises and their surrounding environment; and*
- *To encourage the establishment of late night trading premises which activate the street and shopfront by including uses which operate during the day and not exclusively at night.*

A number of urban and local centres within Sutherland Shire, including Caringbah, Sutherland, Miranda, Menai, Heathcote, Gymea, Engadine, Cronulla and Sylvania centres have been designated as 'Late Night Trading Precincts' for the purposes of the above provisions. Areas within these late night trading precincts have been further designated as 'Intermediate Activity Areas' or 'High Activity Areas' depending on their characteristics.

The late night trading precinct for the Menai centre, which includes the subject site, is designated as an Intermediate Activity Area. By contrast, a large part of the Late Night Trading Precinct for the Cronulla centre is designated as a High Activity Area. High Activity Areas allow for more extensive hours of operation than Intermediate Activity Areas partly because they tend to be well insulated from residential areas. Intermediate Activity Areas, such as the Menai centre, tend to have a direct interface with residential areas. These different designations come with different sets of controls including prescribed maximum 'base hours' and 'extended hours' of operation.

Base hours are standard operating hours that late night trading premises may reasonably expect if a development application is determined by way of approval. Extended Hours are operating hours beyond base hours, where Council has determined that the premises have been or will be well managed. A three (3) year trial period is prescribed for extended operating hours, in the case of registered clubs and the like. Extended hours will be considered by Council as the maximum operating hours.

The prescribed base hours that apply to the proposal are 6.00am to 11.00pm for indoor activities and 6.00am to 10.00pm for outdoor activities, whilst the

prescribed extended hours (i.e. maximum permissible hours of operation) are 6.00am to 12.00midnight for indoor activities and 6.00am to 11.00pm for outdoor activities.

The approved hours of operation for the existing club premises are already outside both the 'base hours' and 'extended hours' as prescribed above. These hours of operation are as follows:

Indoor Areas:

Monday to Thursday	9.00am - 12 midnight
Friday and Saturday	9.00am - 1.00am
Sundays	10.00am - 10.30pm
New Years Eve	9.00am - 2.00am (New Years Day)

Outdoor areas:

Monday to Thursday	9.00am - 12 midnight
Friday and Saturday	9.00am - 12 midnight
Sunday	10.00am - 10.30pm
New Years Eve	9.00am - 2.00am (New Years Day)

The development application proposes more extensive trading hours for some parts of the premises. These proposed trading hours will be well outside the maximum permissible hours of operation as prescribed above.

The closing hours of the gaming and lounge areas (including the alfresco gaming area) within the renovated club are to be extended from 12.00 midnight to 1.00am on Thursday nights, 1.00am to 3.00am on Friday and Saturday nights and 10.30pm to 12.00 midnight on Sunday nights. The opening hours of the whole club are to be extended from 10.00am to 9.00am on Sunday mornings. The closing hours of the outdoor areas within the renovated club (excluding the alfresco gaming area) are to be extended from 10.30pm to 11.30pm on Sunday nights and reduced from 12.00 midnight to 11.30pm on Monday, Tuesday and Wednesday nights.

The proposed earlier opening time on Sundays is considered acceptable, as it is well within the base hours prescribed in SSDCP 2006. However, the proposed extended trading hours on Thursday, Friday, Saturday and Sunday nights are not supported for the following reasons.

Council's Manager of Community Services has raised concerns over the proposed extended trading hours and recommends that they not be supported on the basis that they are likely to contribute to increased alcohol-related crime and anti-social behaviour in the Menai locality. These concerns are based on the fact that the extended trading hours will increase the amount of time that people can consume alcohol on the premises.

The NSW Police Force has raised similar concerns to those of Council's Manager of Community Services. They advise that the suburb of Menai currently rates as a low risk for alcohol-related crime. This is probably a consequence of the relatively low density of licensed premises in the Menai

locality, as well as the limited hours of operation of existing club premises. The police are concerned that the extended trading hours will increase the risk of alcohol-related crime in the area and thus impact on the amenity of the neighbourhood. They are also concerned that the increased patronage from the extended trading hours will generate more noise from patrons leaving the premises on foot or by vehicle and thus impact on the amenity of the neighbourhood.

A major issue for police in the Sutherland and Miranda Local Area Commands is patron migration. This involves the movement of patrons from one licensed premises to another. The police anticipate that patron migration would become more of a problem at the premises, as a result of the proposed extended trading hours. The police advise that patrons that migrate from one licensed premises to another are often already intoxicated. When these patrons are refused entry to licensed premises, they are forced to remain in the neighbourhood of the premises and wait for transport. It is at this point that the majority of alcohol-related offences occur. These offences include loitering, assaults, malicious damage and other public nuisance offences. As a result, the police are forced to commit more resources to deal with these offences.

The submission received from the nearby residents essentially repeats the concerns of both Council's Manager of Community Services and the NSW Police Force. At present, the suburb of Menai does not suffer from the same level of anti-social behaviour or alcohol-related crime as other suburbs in the eastern parts of Sutherland Shire. The concern raised in the submission is that this situation will change, if the club is allowed to operate on the basis of the proposed extended trading hours.

The submission advises that problems of alcohol-fuelled noise, vandalism, dangerous driving and violence within the locality are currently rare, because the people who could possibly cause those problems are attracted to other locations outside Menai, where there are currently late operating hours. The fear expressed in the submission is that the extension of trading hours into the early hours of the morning will attract these people, along with the problems outlined above.

The applicant has not addressed the relevant objectives and controls relating to hours of operation for late night trading premises as prescribed in SSDCP 2006. There is no recognition in the statement of environmental effects submitted with the application that the proposal does not comply with either the prescribed base hours or extended hours.

The applicant relies upon a management plan to support its case for the proposed extended trading hours. This management plan details, amongst other things, how the club intends to manage the activities of patrons so that there is no impact on neighbours and the community in general. This includes the employment of a security guard who will be responsible for ensuring that patrons leave the premises in a quiet and orderly manner and do not loiter on the street outside the club premises. During the extended trading hours, this

security guard will be stationed at the driveway entry/exit and patrol that part of Allison Crescent immediately adjoining the club premises.

It is not considered sufficient for the applicant to simply rely upon a management plan, in order to justify a departure from Council's controls that not only exceed the maximum permitted base hours, but also the maximum permitted extended hours.

Based upon the management plan, it is concluded that the applicant has no expectation that the extended trading hours will attract new patrons who may generate additional problems due to anti-social behaviour and alcohol-related crime. Such a position is not accepted by the NSW Police Force or the Manager of Communities Services. If the extended trading hours were to be fully supported, the management plan does not provide sufficient comfort that any ensuing problems will be addressed.

Reference is made by the applicant to a previous development application for similar extended trading hours that was subsequently refused by Council and how they believe they have addressed the reasons for refusal of that application. Comparisons between the current application and the previous application are not considered helpful, as the previous application did not involve any renovations to the club, let alone major refurbishments. The proposed renovations are substantial and are likely to attract more patrons and different clientele.

The currently approved hours of operation are already generous, particularly considering that they extend beyond both the base hours and extended hours prescribed in SSDCP 2006. The approved trading hours provide ample opportunities for the local community to utilise its facilities and services for extended periods both during the day and night.

The hours of operation that are being sought are similar to those that apply to designated 'high activity areas', such as the main shopping strip in Cronulla, despite the characteristics of the Menai centre being substantially different to those of the Cronulla centre. An important characteristic that differentiates high activity areas from intermediate activity areas is their lack of direct interface with residential areas. Acceptance of the proposed hours of operation in this case will significantly undermine the late night trading provisions in so far as they relate to the Menai centre and is tantamount to reclassifying the Menai Late Night Trading Precinct as a 'High Activity Area'.

The club premises are situated directly opposite a low density residential area that includes detached dwelling houses and dual occupancy buildings with direct frontage to Allison Crescent. Given the club's close proximity and orientation to this residential area and the location of its primary vehicular and pedestrian access in Allison Crescent in the vicinity of local residents, any potential adverse impacts on residential amenity from pedestrian and vehicular traffic generated by the proposal during the extended hours (such as sleep disturbance and incidences of vandalism) will be difficult to mitigate. It is for these very reasons that the site has been designated as an intermediate

activity area for the purposes of Council's late night trading provisions, along with more restricted trading hours that are compatible with residential uses.

Based upon the legitimate concerns expressed by the NSW Police Force and Council's Communities Services Unit and in the absence of any substantive case from the applicant, the existing approved hours of operation should be maintained with respect to the new club premises, subject to the opening hours on Sundays being adjusted slightly to accord with the applicant's request.

10.2 Car Parking Demand

Chapter 7 of SSDCP 2006 prescribes an off-street car parking provision for registered clubs at the rate of one (1) parking space per five (5) square metres of gross floor area. Based on this requirement, both the existing club premises and the proposed club premises are substantially deficient in terms of off-street car parking provision.

However, the applicant rightly indicates that this requirement overstates actual parking demand, based on the facts that patron density varies considerably in different parts of the premises and the club is not filled to capacity at all times. It is also important to recognise that the 'Roads & Traffic Authority Guidelines to Traffic Generating Developments' does not prescribe a generic car parking rate for clubs, but rather requires such proposals to be assessed on their individual circumstances such that car parking is provided to satisfy the relevant average maximum demand.

The applicant has submitted a comprehensive car parking demand assessment that adequately demonstrates that the existing off-street car parking provision of 252 parking spaces is more than adequate to cater for the anticipated maximum parking demands of the proposed club premises.

It is also relevant to note that the NSW Roads & Traffic Authority and Council's assessment team engineer have not raised any concerns in relation to the amount of off-street car parking that is being provided.

10.3 Acoustic Privacy Impacts

Due to the club's proximity and orientation to a residential area, acoustic privacy is an important consideration in the assessment of this development application.

The relocation of the function room to the western side of the building and the removal of its entrance from the street frontage of the building are seen as positive aspects in acoustic terms, given that patrons of the function room will now be required to enter and exit via the main club foyer on the northern side of the building at a location more distant from adjacent residents. As such, potential noise impacts from people attending functions will be more removed from those residents.

The applicant has submitted an acoustic assessment that addresses potential noise sources, including noise from plant and machinery, amplification,

musical entertainment, gaming machines and gatherings of people. This assessment adequately demonstrates that the acoustic privacy of those residents immediately opposite will be maintained to an acceptable standard. This is achieved through a combination of operational limitations and acoustic attenuation within the structure of the building.

It is also relevant to note that Council's environmental health officer has not raised any concerns in relation to noise impacts from the premises, provided that strict conditions relating to attenuation and use of the premises are applied.

10.4 Business Identification Signage

The proposal includes two (2) new business identification signs located on the opposite ends of the eastern façade of the club premises. These signs advertise the name of the club only and include the club logo.

The proposed signage are considered to reasonably satisfy the relevant objectives for advertising as prescribed in Chapter 10 of SSDCP 2006 and the relevant objectives and assessment criteria as prescribed in SEPP 64. The proposed signs are minor in scale when compared to the overall scale of the building and are generally flush with the external walls, such that they integrate with the design of the building and are in keeping with its scale and character. The signs are well setback from the street frontage and substantially screened by existing dense planting along the street, such that residents opposite are not likely to experience any significant amenity impacts from their location and operation.

As a precaution to protect the amenity of residents opposite, any illumination of the signage should be restricted to the trading hours of the club. This may be addressed by a suitable condition of development consent.

11.0 SECTION 94 CONTRIBUTIONS

In accordance with Council's 'Section 94A Developer Contributions Plan – Land within the Menai Centre' dated May 2008, the proposed development generates a requirement for a levy towards the embellishment of public open space, footpath upgrades and street plantings in the Menai Centre. This levy is equivalent to 1% of the cost of the development. This levy requirement is reflected in the recommended conditions of consent.

12.0 DECLARATION OF AFFILIATION

A declaration of affiliation was noted on the development application form. The following was declared:

Affiliation -

Councillor: Mr Steve Simpson

Type of Affiliation: Director on the Board of Illawarra Catholic Club Ltd.

13.0 CONCLUSION

The proposed development is for alterations and additions to a registered club (known as 'Club Central Menai') including extended trading hours at 44-60 Allison Crescent, Menai.

The subject land is located within Zone 8 – Urban Centre pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006. The proposed development, being a 'registered club', is a permissible land use within the zone with development consent.

In response to public exhibition, one (1) submission was received. This submission raises concerns over the proposed extended hours of trading and associated impacts in terms of on-street parking, traffic congestion, noise and anti-social behaviour.

No significant concerns are raised with respect to the proposed building alterations and additions. The urban design quality of the proposal is generally acceptable. Noise impacts from use of the premises have been adequately addressed through a combination of acoustic attenuation measures and operational constraints.

The proposed extended trading hours, with the exception of the earlier opening time on Sunday mornings, are not supported. The applicant has not properly addressed the objectives and controls relating to hours of operation of late night trading premises, notwithstanding that the proposal seeks to substantially depart from those controls. Both the NSW Police Force and Council's Communities Services Unit are opposed to the extended trading hours, on the basis that they are likely to contribute to increased alcohol-related crime and anti-social behaviour in the Menai locality, along with adverse impacts on the amenity of the neighbourhood.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and the provisions of Sutherland Shire Local Environmental Plan 2006 and Sutherland Shire Development Control Plan 2006. Following detailed assessment, it is considered that Development Application No. 11/0668 may be supported for the reasons outlined in this report, subject to the trading hours of the premises being restricted generally in accordance with the existing approved trading hours.

14.0 RECOMMENDATION

- 14.1 That Development Application No. 11/0668 for alterations and additions to a registered club (known as 'Club Central Menai') including extended trading hours at Lot 122 DP 834982 (No. 44-60) Allison Crescent, Menai be approved, subject to the draft conditions of consent detailed in Appendix "A" of the Report.