

2011SYE082 – 44-60 Allison Crescent, Menai
DA11/0668

ASSESSMENT REPORT APPENDICES

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DRAFT CONDITIONS OF CONSENT
Development Application No. 11/0668

GENERAL CONDITIONS

These general conditions are imposed to ensure that the development is carried out in accordance with the development consent, having regard to the environmental circumstances of the site.

1. Approved Plans and Documents

The development shall be implemented substantially in accordance with the details and specifications set out on the architectural plans, Drawing Nos. DA-11 Revision B dated 8 September 2011, DA-13 Revision B dated 8 September 2011, DA-14 Revision A dated 5 July 2011, DA-20 Revision B dated 8 September 2011, DA-22 Revision A dated 5 July 2011 & DA-25 Revision B dated 8 September 2011, prepared by Bergstrom Architects and the landscape plans, Drawing Nos. 632.01 Issue DA dated 30 September 2011 & 632.02 Issue DA dated 30 September 2011, prepared by Tramonte Jensen (excluding the details of the 'landscape imagery' located adjacent to the western boundary of the site) and any details on the application form and on any supporting information received with the application, except as amended by the conditions specified and imposed hereunder.

Note 1:

Nothing in this development consent, whatsoever, approves or authorises the commencement, erection or construction of any building or construction works.

Note 2:

Prior to the commencement of any building or construction work, a 'construction certificate' shall be obtained from Council or an Accredited Certifier.

Note 3:

Prior to any work relating to the development the subject of the consent being carried out, the person implementing the consent shall provide Council with:

- a) Notification of the appointment of a Principal Certifying Authority (PCA) and a letter of acceptance from the PCA.
- b) Notification of the commencement of building works, with a minimum of 2 days notice of such commencement.

2. Prescribed Conditions - General

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

A. Compliance with the Building Code of Australia

The development must be carried out in accordance with the provisions of the Building Code of Australia.

♦B. Details to be provided to Council with the Notice of Commencement

In relation to non-residential building work, Builders details shall be provided to Council with the Notice of Commencement.

3. Public Authority Requirements

The development shall incorporate the recommendations of the NSW Rural Fire Service, as prescribed in its written correspondence (Reference CES004/94 DA11080479088 RT) dated 5 August 2011, received by Council on 10 August 2011.

A copy of these recommendations are attached to this development consent. Suitable amendments shall be made to the development in accordance with these recommendations and these details shall be submitted to Council along with the Construction Certificate.

4. Approvals Required under Roads Act or Local Government Act

The following works or activities shall not be carried out on public land (including a road) adjacent to the development site without approval under the Roads Act 1993 and/or the Local Government Act 1993:

- a) Placing or storing materials or equipment;
- b) Placing waste containers or skip bins;
- c) Pumping concrete from a public road;
- d) Standing a mobile crane;
- e) Pumping stormwater from the site into Council's stormwater drains;
- f) Erecting a hoarding;
- g) Establishing a construction zone;
- h) Opening the road reserve for the purpose of connections including telecommunications, water, sewer, gas, electricity and stormwater; or
- i) Constructing a vehicular crossing or footpath.

An application, together with the necessary fee, shall be submitted and approval granted by Council prior to any of the above works or activities commencing.

Note - Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

5. Plan of Management - Operation of Premises

The plan of management detailed in the statement of environmental effects submitted with the development application shall be revised such that it is consistent with the relevant conditions of this development consent and includes the following additional matters:

- a) Procedures and practices to be implemented to ensure that responsible service of alcohol is achieved; intoxication on the premises is prevented; intoxicated persons are refused entry into the venue; a person who has been previously banned from the venue does not gain access to the premises; and minors are accompanied by an adult whilst on the premises.
- b) Processes and practices to be implemented to ensure that security cameras remain in working condition at all times; footage from the security cameras is stored appropriately; and footage from the security cameras is monitored frequently and regularly;

- c) Processes and practices to be implemented on how club staff and security are to respond to an intoxicated person or quarrelsome and anti-social behaviour on the premises.

A copy of the plan of management, as revised in accordance with this condition, shall be provided to Council.

Bonds and Contributions

The following security bonds and contributions have been levied in relation to the proposed development.

6. Environmental, Damage and Performance Security Bond

Before the commencement of any works (including demolition) or the issue of a Construction Certificate, the applicant shall provide security to Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with the Council or a satisfactory guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information shall be submitted to Council at least two (2) days **prior** to the commencement of works.

Should any public property and / or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred shall be deducted from the security.

A request for release of the security deposit may be made to Council after all works relating to this consent have been completed. Such a request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to use of the consent.

The value of the bond shall be determined as follows:

Development Value	Refundable Deposit ♦
Less than \$50,000 ♦♦ \$2,110.00	
\$50,000 - \$150,000	\$2,110.00
\$150,001 - \$300,000	\$3,110.00
Greater than \$300,000	\$5,110.00
Swimming Pools	\$2,110.00
Demolition / Earthworks	\$3,110.00

- ♦ Bond amount includes a non refundable administration fee of \$110. Where the bond takes the form of a Bank Guarantee, the \$110 administration fee must be paid separately and not included in the bank guarantee.
- ♦♦ Development valued at less than \$50,000 only where:

- deliveries or removal of materials occur in vehicles of Small Rigid Vehicle (4.0 tonnes) size or larger and / or
- there is delivery or removal of construction machinery, and
- a constructed footpath or a stormwater pit exists along the frontage of the property or within 10 metres on either side of the property.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a Bank Guarantee. Multiple bonds would require multiply bank guarantees to be lodged.

Note: All enquiries in relation to bonds should be directed to Council's Civil Assets Manager on 97100134.

Section 94 Contributions

The following contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

7. S.94A - Contribution for Menai Centre S94A Levy Plan

Pursuant to s.80A(1) of the Environmental Planning and Assessment Act 1979, and Council's Section 94A Contribution Plan for Menai Centre, a contribution of \$132,216.00 shall be paid to Sutherland Shire Council towards the cost of works contained in the contribution plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan. The amount payable of monetary s.94 contributions will be indexed on 1 July each year in accordance with the Contribution Plan and the following formula:

$$\text{Current outstanding Contribution} \times \text{current IPD} \div \text{previous year's IPD}$$

Payment shall be made prior to the issue of the Construction Certificate (in the case of development applications involving any building work).

The Contributions Plan may be inspected or a copy purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

MATTERS RELATING TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions involve either modification to the development proposal or further investigation prior to the issue of a Construction Certificate, so as to ensure that there will be no adverse impact on the environment or adjoining development. This information shall be submitted with the Construction Certificate.

Design Conditions

These design conditions are imposed to ensure the development, when constructed, meets appropriate standards for public safety and convenience.

8. Site Management Plan

An Environmental Site Management Plan shall accompany the Construction Certificate. This plan shall satisfy the Objectives and Controls in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and shall address the following:

- a) What actions and works are to be employed 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, and the like.
- b) The proposed method of loading and unloading excavation machines, building materials.
- c) Areas within the site to be used for the storage of excavated material, construction materials and waste containers during demolition / construction.
- d) How it is proposed to ensure that 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 certified by a Certifier accredited in civil engineering.
- f) The provision of temporary fencing to secure the work site (fencing, hoarding or awnings over public land require Council approval under the Roads Act).
- g) The control of surface water flows within and through the construction site to minimise erosion and movement of sediment off site.
- h) The type and location of erosion and sediment control measures, strategies to minimise the amount of soil uncovered at any time, the conservation of topsoil for re-use on site, the location and protection of stockpiles.
- i) Identify all trees that are to be retained and the measures proposed to protect them (including fencing, mulching, watering, erection of signs excluding access to the protection zone, etc), and identify areas for revegetation.

Note: The footpath and road reserve shall not be used for construction purposes (including storage of skips or building materials, standing cranes or concrete pumps, erecting hoardings, or as a construction zone) unless prior approval has been granted by Council under the Roads Act 1993.

9. Reflectivity & Glare Nuisance

The reflectivity index of the external glazing of the bistro terrace shall not exceed 20%. Details and specifications of the glazing to be used to satisfy this requirement shall accompany the construction certificate.

10. Accessibility for People with Disabilities

The development shall incorporate the compliance requirements as prescribed in the Access Audit dated 8 September 2011, prepared by ILC Access, submitted with the development application. Such details shall accompany the construction certificate.

11. Crime Prevention & Public Safety

The development shall incorporate the following crime prevention and public safety measures:

- a) All fire escapes shall be designed to restrict entry from the exterior areas into the building.
- b) All fire escapes shall be provided with alarms.

- c) All openable doors and windows that are accessible from ground level shall be fitted with appropriate access control devices. These devices shall comply with the relevant Australian Standards.
- d) All external pedestrian routes and entry/exit points shall be lit to meet AS 1158.3.1.
- e) Marked pedestrian routes and way-finding signage shall be provided within the driveway areas of the basement car park, so as to safely direct pedestrians to the club foyer. These paths shall be lit to meet AS 1158.3.1.
- f) The existing door at the northern end of the basement car park that provides access to the stairs to the club foyer shall, as far as practicable, be replaced with a new door made of transparent material.
- g) The male and female toilets located between the main foyer and gaming room shall be provided with separate and independent entrances from the gaming room, in lieu of the common entrance as indicated on the approved plans.
- h) Closed circuit television cameras shall be installed throughout the building, car parking areas, outdoor areas and pedestrian pathways, in accordance with AS 4806.
- i) All openable windows shall be secured with locks so that they cannot be opened by patrons.
- j) The glazed balustrades at the perimeters of the function room terraces shall be a minimum of 1.8 metres in height above the outer ground levels.

Details of the above measures shall accompany the construction certificate.

Public Utility Authorities Requirements

These conditions are imposed to avoid problems in servicing the development and reduce adverse impacts on the lot layout or the design of buildings or associated facilities.

12. Sydney Water - Referral Requirements

The plans approved as part of the Construction Certificate shall be submitted to a Sydney Water Quick Check agent or Customer Centre to determine as to 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 stamped appropriately.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building Development and Plumbing then Quick Check; and
- Guidelines for Building Over / Adjacent to Sydney Water Assets - see Building Development and Plumbing then Building and Renovation.

13. Stormwater Disposal

To ensure the efficient disposal of stormwater and that no problem is caused to surrounding premises, all stormwater runoff that is surplus to the stormwater harvesting needs of the development shall be discharged to the existing on-site drainage system.

14. Cleanliness and Maintenance of Food Preparation Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of

the premises intended for the preparation and storage of food shall be designed and implemented in accordance with the requirements of:

- i) Food Act 2003.
- ii) Food Regulation 2004.
- iii) Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
- iv) AS 4674 - 2004 (*Design, construction and fit-out of food premises*).
- v) Sydney Water Corporation - Trade Waste Section.
- vi) Protection of the Environment Operations (Clean Air) Regulation, 2002.
- vii) AS 1668 Part 1- 1998.
- viii) AS 1668 Part 2 - 1991.

Certification to this effect shall be provided by an appropriately qualified person and this shall accompany the Construction Certificate.

15. External Lighting

Any external lighting on the site shall be designed so as not to cause a nuisance nor adverse impact on the other residents of the surrounding area nor to motorists on nearby roads. All external lights shall be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting. Such details shall accompany the construction certificate.

16. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and / or natural ventilation systems shall be provided. These shall be designed in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.
- d) The Public Health Act - 1991.
- e) The Public Health (Microbial Control) - Regulation 2000.
- f) AS 3666.1 - 2002.
- g) AS 3666.2 - 2002.
- h) AS 3666.3 - 2000.

Details of all mechanical and / or natural ventilation systems, along with specific certification provided by an appropriately qualified person verifying compliance with the abovementioned requirements, shall accompany the Construction Certificate.

17. Noise Control - Design of Plant and Equipment (Continual Operation)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems shall be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.

The Project Specific Noise level shall be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the Department of Environment and Conservation's Industrial Noise Policy.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

Details of the acoustic attenuation treatment required to comply with this condition shall be prepared by a practising acoustic engineer and shall be submitted with the Construction Certificate.

18. Noise Control - Airlocks

To minimise noise impacts on surrounding residential development, airlocks shall be provided at the doors between the indoor areas and outdoor smoking areas. All doors to these airlocks shall be fitted with automatic door closers. Such details shall accompany the construction certificate.

19. Energy Efficiency - Sustainable Building Materials

Details demonstrating how it is intended to comply with "Sutherland Shire Environmental Specification 2007 - Sustainable Building Materials" shall accompany the Construction Certificate.

BCA Fire Safety Conditions

The following conditions have been imposed for the purpose of ensuring that the proposed development meets BCA fire safety requirements.

20. Submission of Fire Safety Schedule

A Fire Safety Schedule shall be issued by an appropriately qualified person and provided to Council, as part of the Construction Certificate, in accordance with the *Environmental Planning and Assessment Regulation 2000*. This schedule shall distinguish between current, proposed and required fire safety measures, with the minimum standard of performance being indicated for each fire safety measure. The Fire Safety Schedule shall identify each fire safety measure that is a Critical Fire Safety Measure and the intervals at which supplementary fire safety statements shall be given to Council in respect of each such measure.

21. BCA Assessment Report - Building Upgrade

A Building Code of Australia Assessment Report shall be submitted with the Construction Certificate. This report shall be prepared by an appropriately qualified person and provide recommendations regarding what upgrading is proposed to the existing building, so as to bring the entire building into conformity with Parts C, D & E of the *Building Code of Australia* either by complying with the Deemed-to-Satisfy provisions or Performance requirements. All recommendations contained within this report shall be incorporated within the scope of works covered by the Construction Certificate.

PRE-COMMENCEMENT CONDITIONS

The following conditions are imposed to ensure that all pre-commencement matters are attended to before work is commenced.

22. Pre-Commencement - Notification Requirements

No works in connection with this development consent shall be commenced until:

- a) A Construction Certificate has been issued and detailed plans and specifications have been endorsed and lodged with Council;
- b) A Principal Certifying Authority has been appointed. Council shall be notified of this appointment, along with details of the Principal Certifying Authority and their written acceptance of the appointment; and
- c) Notice of commencement has been provided, to Council, 48 hours prior to commencement of construction work on the approved development.

23. Signs to be Erected on Building and Demolition Sites

Where proposed works affect the external walls of a building, a rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position on any work site on which building work, subdivision work or demolition work is being carried out. The responsibility for this to occur is that of the principal certifying authority or the principal contractor.

The signage, which must be able to be easily read by anyone in any public road or other public place adjacent to the site, must:

- a) show the name, address and telephone number of the principal certifying authority for the work, and
- b) show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

CONSTRUCTION CONDITIONS

These conditions are imposed to ensure the development does not unreasonably impact on the amenity of the locality during the construction or demolition phase.

24. Permitted Hours for Building and Demolition Work

To minimise the noise impact on the surrounding environment, all building and demolition work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive & 8.00am and 1.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays.

25. Toilet Facilities

Toilet facilities shall 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.

Each toilet provided:

- a) shall be a standard flushing toilet, and
- b) shall be connected:
 - i) to a public sewer, or
 - ii) if connection to a public sewer is not practicable, to an accredited sewage

- iii) management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

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

26. Demolition Work

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner, the demolition of the existing building shall be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a dilapidation report supported with suitable photographic records. This information shall be submitted to Council prior to the commencement of work. Any damage other than that noted prior to commencement of the demolition shall be the responsibility of the owner of the property for repair or reinstatement.

27. Noise Control during Construction and Demolition

To minimise the impact on the surrounding environment:

- a) For construction and demolition periods of four (4) weeks or less, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15min) by more than 20dB(A) when measured at the nearest affected premises.
- b) For construction and demolition periods greater than four (4) weeks, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

28. Environment Protection and Management

The environment protection and management measures described in the required Environmental Site Management Plan (including sediment controls and tree protection) shall be installed or implemented prior to commencement of any site works and continuously maintained during the period of construction or demolition.

Landscaping Requirements

These conditions are imposed to ensure the retention and enhancement of the existing landscaping.

29. Removal of Trees

The issue of the Construction Certificate gives approval for the removal of the following trees:

- a) Any trees identified for removal on the approved landscape plans.
- b) Any trees growing within the building footprint of the approved structures.

- c) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- d) Any tree species listed in Clause 57 of Sutherland Shire Local Environmental Plan 2006 - Controls for Preservation of Trees and Bushland Vegetation.

All other vegetation not specifically identified above and protected by Council's Controls for Preservation of Trees and Bushland Vegetation shall be retained and protected from construction damage.

POST CONSTRUCTION CONDITIONS

These conditions are imposed to ensure all works are completed in accordance with the Development Consent prior to either the issue of an Occupation Certificate, a Subdivision Certificate or habitation / occupation of the development.

30. Section 73 Compliance Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, shall be submitted to Council by the PCA, prior to the issue of an Occupation Certificate. Sydney Water may require the construction of works and/or the payment of developer charges.

Advice from Sydney Water:

An application must be made through an authorised Water Servicing Coordinator.

For details see the Sydney Water web site at

www.sydneywater.com.au/customer/urban/index or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing 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 as well as building, driveway or landscaping design.

Need for Certification

To ensure that all works are completed in accordance with this development consent, the following certifications shall accompany the Occupation Certificate.

31. Discharge to Sewer

Certification that any discharge to the sewer from the subject premises is in accordance with the requirements of the Trade Waste Section of Sydney Water Corporation Ltd.

32. Food

Certification from a suitably qualified person that all work in connection with the occupation or use of the premises for the preparation, display and storage of food has been carried out in accordance with the conditions of this development consent.

33. Acoustic Treatment

Certification from a suitably qualified acoustic engineer that the acoustic treatment of the building complies with the conditions of this development consent.

34. Noise Emission - Equipment

Certification from a suitably qualified Acoustic Engineer that the noise from all sound producing plant, equipment, machinery, mechanical ventilation and/or refrigeration systems complies with the conditions of this development consent.

35. Mechanical or Natural Ventilation

Certification from a suitably qualified Mechanical Engineer that all work associated with the installation of the mechanical or natural ventilation systems has been carried out in accordance with the conditions of this development consent.

36. General Compliance

Certification from the Principal Certifying Authority that all works have been completed and comply with the approved plans, conditions of this development consent and specifications.

37. Acoustic Works - Report

Certification and evidence in the form of a report from a suitably qualified practicing acoustic engineer, to the effect that acoustic attenuation has been carried out in accordance with the Acoustic Report TF320-01F02 (REV 5) dated 12th July 2011, prepared by Renzo Tonin & Associates and the conditions of this development consent. This report shall include all post construction validation test results.

38. Completion of Landscaping

Certification from a suitably qualified and experienced Landscape Designer or Landscape Architect that the landscape works have been completed in accordance with the approved landscape plan and relevant conditions of this development consent.

Note: A Landscape Designer is a person eligible for membership of the Australian Institute of Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

39. Prior to Occupation or Use of the Development

The Development shall not be occupied or used until:

- a) A Final Occupation Certificate is issued and provided to Council for the development; or
- b) An Interim Occupation Certificate is issued and provided to Council for the development. This shall clearly identify the part of the development to which the Interim Occupation Certificate relates.

40. Registration requirements

Occupation of the premises shall not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for the 'Food Shop'.

OPERATIONAL CONDITIONS

These conditions are imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood and the environment.

41. Carparking Areas

To ensure that the carparking areas satisfy the demands of the development, the 252 on-site carparking spaces as indicated on the approved plans shall be made available on an unrestricted basis, at all times, for staff, patrons' and visitors' vehicles. Further, the six (6) 'accessible' parking spaces nominated on the approved plans shall be line-marked and signposted in accordance with AS2890.6, at all times.

42. Hours of Operation

To protect the amenity of the surrounding environment, the hours of operation of the premises shall be restricted as follows:

Indoor areas:

Monday to Thursday	9am-12 midnight
Friday and Saturday	9am-1am
Sunday	9am-10.30pm
New Years Eve	9am-2am (New Years Day)

Outdoor areas:

Monday to Saturday	9am-12 midnight
Sunday	9am-10.30pm
New Years Eve	9am-2am (New Years Day)

43. Service Vehicle Access & Loading/Unloading

In the interests of public safety and amenity, all delivery and waste collection vehicles servicing the premises shall stand wholly within the boundaries of the site, whilst ever loading and unloading of such vehicles is occurring. Further, all such vehicles shall enter and leave the site in a forward direction.

The loading and unloading of equipment associated with entertainment provided on the premises shall be carried out wholly within the boundaries of the site.

44. External Lighting

All external lights shall be operated and maintained in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting, so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area nor to motorists on nearby roads.

45. Noise Control - Offensive Noise

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

46. Noise Control - Plant & Equipment (Continual operation)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems shall be operated so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.

The Project Specific Noise level shall be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the Department of Environment and Climate Change Industrial Noise Policy.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

47. Ventilation - Operation

To ensure adequate ventilation within the building, all mechanical and / or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.
- d) The Public Health Act - 1991.
- e) The Public Health (Microbial Control) - Regulation 2000.
- f) AS 3666 - 2002.
- g) AS 3666.2 - 2002.
- h) AS 3666.3 - 2000.

48. Use of Smoking Areas

To minimise the noise impact on surrounding residential development from long-term congregation of patrons within the smoking areas, the club management shall ensure that the use of the smoking areas complies with the following requirements:

- a) Patrons shall behave in a quiet and orderly manner at all times.
- b) Signs shall be erected immediately adjacent to the entry/exit doors to the smoking areas, indicating that patrons shall behave in a manner that does not disturb the quiet and good order of the neighbourhood, whilst they are within the smoking areas. The sign shall be clearly visible to patrons using the smoking areas, at all times.
- c) The smoking areas shall be patrolled at regular intervals by the club duty managers or security staff.
- d) No live or amplified music shall be played within the smoking areas, at any time.

49. Closing of Doors

All doors providing access between indoor areas and external areas (including smoking areas) shall remain closed at all times, except when club patrons, staff and visitors require such access.

50. Illumination of Signage

The two (2) business identification signs located on the eastern elevation of the building shall not be illuminated outside of the approved hours of operation of the premises.

51. Use of Outdoor Areas

The Bistro Terrace shall be a non-smoking area at all times and signs to this effect shall be clearly displayed. This area shall be fully enclosed by the retractable canvas awning, from 6.00pm on any night until the club is open the following day. Between 6.00pm and 10.00pm on any day, no amplified or live music shall be permitted in this

area. From 10.00pm on any day, up until the club is closed, no musical entertainment, whatsoever, is permitted in this area.

The Sports Terrace louvres shall be fully closed at 10.00pm on any night, at which point the terrace shall become a non-smoking area. All ashtrays shall be removed from this area at 10.00pm on any night and the area shall subsequently be patrolled to ensure that no one is smoking. A sign to this effect shall be clearly displayed.

52. Crime Prevention & Public Safety

The following crime prevention and public safety measures shall be implemented at all times:

- a) The groundcovers in the garden beds adjoining the bistro terrace and kids play area shall be maintained such that they do not grow higher than the adjacent retaining walls.
- b) Exterior lighting shall be in working condition between dusk and dawn.
- c) All closed circuit television cameras shall be in working condition.
- d) Any graffiti on the premises shall be removed within 24 hours of it being reported to the club management or staff, as far as practicable.

53. Noise Monitoring System

An approved noise monitoring system for the management of noise levels from entertainment conducted in the function room area shall be implemented and operated whilst ever such entertainment is taking place.

54. Courtesy Bus Provision

A bus service shall be provided by club management, for use by patrons that require alternate transport to and from the club, on a permanent basis. This service must depart from the club premises, on at least a once hourly basis, from 6.00pm on Friday and Saturday nights until close of trading.

55. Amplified Music

To minimise the impact of noise from the development, noise generated from amplified music or sound systems shall not exceed an LAeq sound pressure level of 5dB above the ambient background level, in any octave band from 31.5Hz to 8kHz centre frequencies inclusive between the hours of 8.00 am and 12.00 midnight, when measured at the most affected point on or within any residential property boundary or at the external edge of the balcony of the premises itself. Notwithstanding the above requirement, any noise emitted shall not be audible within any room of any residential dwelling or residential sole occupancy unit at any time between the hours of 12.00 midnight and 8.00am.

Note: The method of measurement of sound shall be in accordance with Australian Standard AS 1055.1.

56. Sound Level Restrictions of Live Entertainment

To minimise the noise impact of the development on the surrounding environment, all live rock bands shall be contracted to perform in accordance with the sound level restrictions referred to in this development consent.

57. Licensed Premises - Security Personnel

A minimum of one (1) licensed security officer for every 100 patrons on the premises shall be employed on the premises from 8.00pm on Thursday, Friday, Saturday and Sunday nights, until thirty (30) minutes after the premises has ceased to trade or the last patron has left the vicinity of the premises.

A minimum of two (2) licensed security officers shall be employed to continually patrol the adjoining public walkway to the west of the site and the adjoining public roadway to the east of the site, whilst ever the club premises operates beyond midnight, so as to ensure that patrons do not loiter in the area or cause disturbances to the neighbourhood. Such patrols shall continue until the last patron has left the vicinity of the premises.

58. Cessation of Trading

To protect the amenity of the surrounding residents, an announcement shall be made prior to the cessation of trading on any night, to the effect that patrons shall leave the premises and the vicinity quickly and quietly to avoid disturbance of the neighbourhood.

59. Notice to Patrons

To protect the amenity of the surrounding residents, a clearly visible sign shall be permanently erected immediately adjacent to the entry/exit doors of the premises, indicating that patrons are to leave in an orderly fashion and shall leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

60. Complaint Response

In the event of a complaint being received from a neighbouring resident with respect to a disturbance to the quiet and good order of the neighbourhood, club management shall respond to such a complaint in a sympathetic and effective manner.

61. Waste Removal & Goods Deliveries

To minimise the noise impact of the development on the surrounding environment, the collection of garbage, bottles, cans or other recycling material from the premises and the delivery of goods and materials to the premises shall not take place between the hours of 10.00pm and 8.00am on any day.

62. Operational Management Plan

The plan of management, as revised by the conditions of this development consent, shall be implemented and complied with, at all times.

END OF CONDITIONS

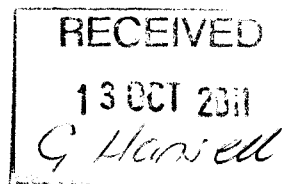
Your Reference:
Our Reference:
Contact:
Telephone:

DA11/0668
CAC11M2022 – SYD11/00652
Ravi Ravendra
8849 2540



Transport
Roads & Traffic
Authority

The General Manager
Sutherland Shire Council
Locked Bag 17
Sutherland NSW 1499



Attention: Greg Hansell

**ALTERATIONS AND ADDITIONS TO ILLAWARA CATHOLIC CLUB
44 - 60 ALLISON CRESENT, MENAI**

Dear Sir,

I refer to your letter dated 26 July 2011 regarding the subject development application which was referred to the Roads and Traffic Authority (RTA) for comment.

The RTA has reviewed the abovementioned development application and notes that the proposal does not involve a significant increase in the traffic generation of the existing Club. Therefore, the RTA raises no objection to the development application as the proposed development will not have a significant traffic impact on the classified road network.

However, the proposed extension of trading hours may raise amenity issues associated with traffic entering and exiting the Club during the proposed extended trading hours. This issue shall be addressed to Council's satisfaction.

Any inquiries can be directed to Ravi Ravendra by telephone 8849 2540, or facsimile 8849 2918.

Yours faithfully,

A handwritten signature in black ink, appearing to read "J Hall".

James Hall
Senior Land Use Planner
Transport Planning, Sydney Region

11 October 2011

APPENDIX C

All communications to be addressed to:

Sutherland FCC Office
126 Wilson Pde
Heathcote NSW 2233

Sutherland FCC Office
126 Wilson Pde
Heathcote NSW 2233

Telephone: 9520 4040
e-mail: sutherland.fcc@rfs.nsw.gov.au

Facsimile: 9520 3936



The General Manager
Sutherland Shire Council
Locked Bag 17
Sutherland NSW 1499

10 AUG 2011

G Hansell

Your Ref: DA11/0668
Our Ref: CES004/94
DA11080479088 RT

ATTENTION: Greg Hansell

5 August 2011

Dear Greg

Land Use Application for 122//834982 44 Allison Crescent Menai 2234

I refer to your letter dated 25 July 2011 seeking advice regarding bush fire protection for the above Land Use Application in accordance with Section 79BA of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

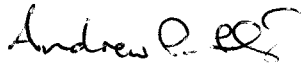
3. New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Landscaping

4. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

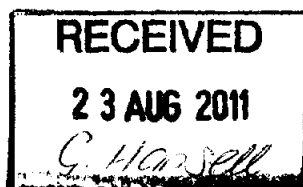
For any queries regarding this correspondence please contact Robert Taylor on 9520 4040.

Yours sincerely



Andrew Pinfold
Manager

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.



DA11/0668

APPENDIX D



NSW Police Force
www.police.nsw.gov.au

18th August 2011

The General Manager,
Sutherland Shire Council
Locked bag 17
SUTHERLAND NSW 1499

RE: Development Application No.DA11/0668;

Proposal: Alterations and additions to a registered club, including extending trading hours of Club Central Menai

Property: 44-60 Allison Crescent, Menai.

A Development Application (DA) has been received at Sutherland Local Area Command from the Sutherland Shire Council. To assist in the assessment process, this application has been forwarded for comment by police.

Police raise concerns in relation to the following aspects of the Development Application:

EXTENDED TRADING:

- In May 2006 the Bureau of Crime Statistics and Research released figures that found a relationship between the density of licensed premises in an area and increased rates of neighbourhood drunkenness and property damage:
 - Neighbourhoods with the greatest accessibility to liquor outlets have the most problems with drunkenness.
 - Neighbourhoods with the greatest density of liquor outlets per person have the greatest problems with drunkenness.
 - The more accessible liquor outlets are in a neighbourhood, the greater its problem with property damage.
- When compared to the other suburbs in Sutherland LAC Menai currently rates as low risk for alcohol related crime. Police are concerned that extended trading will increase the risk for alcohol related crime in the area. This would impact on the **quiet and good order of the neighbourhood.**
- The statement of environmental effects does not discuss projected increases in patronage that the extended trading and additions will create. Instead relying on the current maximum figures of 402 patrons and 165 vehicles (Friday nights). It would be anticipated that patron migration would be come more of a problem at the premises as a late hour trader.
- Increased patronage associated with the extended trading of the premises will generate more noise from patrons leaving on foot and vehicles. This would impact on the **quiet and good order of the neighbourhood.**

FILE LOCATION

GHD

1

PATRON MIGRATION

- In response to the club survey question "Do you intend to visit another venue in the area as well as Club Central Menai on this trip?" An average of three quarters of the club patrons answered 'that they had visited, or intended to visit another venue in the area.'
- Patron Migration is one of the major problems facing police and venue staff at the various late traders in Sutherland and Miranda LACs. The vast majority of the patrons attending during are already intoxicated and will attempt to gain entry. After being refused entry they are forced to remain in the area waiting for public transport which can only be described as minimal at this remote location and time. It is at this time that the majority of alcohol related offences occur. As a result police have to commit more resources to the location, moving people on, investigating assaults, malicious damage offences and street offences like public urination.

NOISE:

- Noise levels in the immediate vicinity of the hotel would increase in direct proportion to the increased patron numbers, Outdoor areas, vehicle traffic and proposed entertainment, impacting on the **quiet and good order of the neighbourhood.**

In order to address the concerns police request that the DA conditions also be amended to include the following conditions:

MANAGEMENT:

- When functions out of the ordinary are held after 12:00 midnight on nights other than Friday or Saturday, the licensee shall give fourteen (14) days notice to the local Police.
- An approved Plan of Management shall be prepared by a suitably qualified security consultant, adopted by the licensee, and filed with the Director of Liquor and Gaming within six (6) weeks of the imposition of this condition.
- The Plan of Management shall deal with the operation of the hotel/club/restaurant, but not limited to, its amenity within the neighbourhood of the premises, compliance with noise conditions, the behaviour of patrons, security, responsible gambling and liquor practices, primary purpose of the licence, management of patrons queuing into the premises, management of patrons within the premises and their exit and dispersal from the area, removal of glass from patrons, use of the incident register, role of security staff, crime scene management procedures, and staff training in the above matters, to ensure compliance with the abovementioned conditions and the laws applying to the operation of the premises generally.
- A copy of the Plan of Management and any updates adopted from time to time shall be maintained in a register at the premises and shall be available for inspection at any time by members of the NSW Police Force or inspectors of the Director of Liquor and Gaming.
- The licensee/Secretary is to comply with the management plan for the premises dated **Date of approval** or as amended from time to time by agreement with the licensee, Police, local consent authority or the Director of Liquor and Gaming.

- The licensee/Secretary is to adhere at all times with the plan of management dated ***Date of approval***.

SECURITY and PATRON MIGRATION:

- The licensee or a manager approved by the Authority must be present on the licensed premises at all times when extended trading hours are exercised.
- On any night the premise trades past 12 midnight no persons are to be admitted or re-admitted to the premise after 12midnight.
- From 8:00pm on Thursday, Friday, Saturday and Sunday until thirty (30) minutes after the premises has ceased to trade (or the last patron has left the vicinity of the premises) the licensee/Secretary shall engage two (2) uniformed Security guards for the first 100 patrons and an additional one (1) uniformed Security guards for every hundred patrons thereafter.
- Additionally, whenever the licensed premises operates beyond 12 midnight, two (2) uniformed licensed security guards are to continually patrol the vicinity of the licensed premises to ensure that patrons do not loiter, or linger in the area or cause nuisance or annoyance to the neighbourhood. Such patrols are to continue until the last patron has left the licensed premises and vicinity of the licensed premise
- Patrons ejected from the licensed premises are to be escorted by licensed security officers to a point at least fifty (50) metres from the licensed premises.
- Persons consuming alcohol outside the licensed premises are to be prohibited from entry into the licensed premises
- All licensed security guards are to wear identifying numbers that are at least 10cm square and located in a prominent position on the front of their uniform and not covered by any reflective vest.
- The allocated number and the name of the security personnel must be entered into the security/incident register that is held on the license premises by the licensee or manager and be readily available to Police and inspectors.
- Licensed security staff must accurately record their start and finish times in the security/incident register that is held on the licensed premises at the commencement and completion of their duties and the register is to be readily available to Police and inspectors.

CCTV:

- The licensee shall install and/or maintain surveillance cameras and recorders (CCTV) to monitor and record all the entrances/exits. In particular the gaming room entrance. Cameras should also be present at appropriate locations throughout the interior of the premises to act as a deterrent to crime, and assist with police investigations.
- The CCTV shall conform to the policies and standards approved by the Director General, Office Liquor Gaming and Racing. This document provides minimum standards for Closed Circuit Television (CCTV) systems at licensed premises.

- CCTV footage to remain recording whenever the premises is open for business and for half an hour after closure, irrespective of whether or not any entertainment is being conducted.
- The time and date must automatically be recorded on all videotapes/DVD's/CD's, when it is recording. All are to be kept for a period of 30 days before they can be reused or destroyed. Any tape/DVD/CD is to be handed to Police upon request.
- All licensed security personnel are to display their Security licence. The name of security personnel is to be entered into a book by the licensee/manager at the start of their shifts. This book is to be made available to Police upon request for inspection without delay.
- An incident register is to be kept on the premises and any incident involving any staff member and the physical contact, physical restraint or ejection of a member of the public from the premises must be recorded in the register and must include the names of staff involved. This register is to be made available to Police upon request for inspection without delay.

NOISE

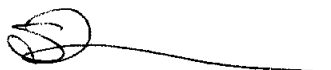
- Thirty (30) minutes prior to closing time, the licensee shall broadcast an audio message that can be heard by all patrons in the licensed premises requesting patrons leave the licensed premises quickly and quietly to maintain the good order of the neighbourhood
- The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00 am and 12:00 midnight at the boundary of any affected residence.
- The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 12:00 midnight and 07:00 am at the boundary of any affected residence.
- Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.
- Interior noise levels, which still exceed safe hearing levels, are in no way supported or condoned by the Director of Liquor and Gaming.

** For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.*

- The licensee shall engage a suitably qualified noise consultant to determine whether the licensed premises complies with the standard noise conditions.
- The licensee shall comply with the consultants recommendations and within a reasonable time implement all noise abatement recommendations made by the consultant.

- When all recommended noise abatement measures have been put in place and the premises has been tested, the licensee shall lodge a certification certificate issued by the noise consultant to indicate the premise now complies with the standard noise conditions.
- There is to be no garbage/bottle/recycling disposal, removal or cleaning outside the licensed premises between 12 midnight and 6:00am the next day.
- The licensee shall install an active noise limiter and ensure it is operational at all times that amplified entertainment is provided in the licensed premises.
- All noise limit potentiometers shall be capable of being locked so that tools or keys are required to make an adjustment to the noise limit threshold.
- The noise limiter shall be contained within a locked secure container or area, or fitted with a locked acrylic cover, to ensure the preset noise limit settings cannot be altered.
- All power points used by live entertainers to power audio amplifier or other noise generating equipment shall be connected to the load side of an approved noise limiter.
- The noise limiter shall switch off power to all of the entertainers audio amplifier equipment if the internal sound level at any point in the entertainment area, should rise above 94dB(A), or other lower limit as specified by the Director of Liquor and Gaming.
- Every door is to be closed when music is played on the premises.
- Windows to the premises shall have locks fitted to ensure that patrons cannot re-open.
- From 06:00 pm on Friday and Saturday all external doors and windows shall be closed.

Regards



Scott Robinson
Licensing Supervisor
Sutherland LAC

SUTHERLAND LOCAL AREA COMMAND
Licensing Section

Cnr Flora Street and Glencoe Street, Sutherland 2232

Telephone 02 9542 899 Facsimile 02 9542 0709 E/Net 58899 E/Fax 58709 TTY 9211 3776 (Hearing/Speech impaired)

ABN 43 408 613 180

Architectural Review Advisory Panel

Proposal:

Alterations and Additions to a Registered Club Including Extending Trading Hours of Club Central Menai

Property:

44-60 Allison Crescent MENAI NSW 2234

Applicant:

Bergstrom Architects P/L

File Number:

DA11/0668

The following is the report of the Architectural Review Advisory Panel Meeting held on 11 August 2011 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

"2. Consideration of Development Application No. 11/0668 – Alterations & Additions to a Registered Club at 44-60 Allison Crescent, Menai

Council's David Jarvis, Greg Hansell and Michael Hornery outlined the proposal for the Panel, including providing details of Council's relevant codes and policies.

Tom Bergstrom and Mike Walker addressed the Panel regarding the aims of the proposal and the constraints of the site.

The proposed alterations and additions largely consist of an internal reconfiguration and aesthetic upgrade to provide an improved level of amenity to the existing club. The internal reconfiguration has resulted in the bistro terrace being relocated to the eastern side of the building and function room terraces and alfresco gaming being relocated to the western edge of the building. In its deliberations the Panel focussed on the external consequences of the proposed works. Difficulties were encountered in evaluating aspects of the proposal due to the lack of detail in the drawings. Landscaping will be particularly important but the landscape details were quite deficient.

Further consideration of the following issues is required:

Context, Scale & Density

The existing club is of a scale and density that relates to the surrounding shopping/community precinct. There is a noted contrast in scale with the adjacent residential dwellings located on Allison Crescent however this transition is tempered by a busy road and a dense landscaping buffer.

The proposed alterations and additions maintain the scale and density of the existing building.

Built Form

The detail treatment of the bistro terrace is unclear in the documentation provided. The applicant explained that the terrace consists of fixed glazed screens up to 6m high - glazed louvers are incorporated in the top portion of the screens. A series of canvas awnings have been used to provide a roof that could be retracted to allow the terrace roof to be completely open. Waterproofing of this space was noted as being problematic.

Relocation of the bistro terrace to the eastern face of the building increases the potential for visual and acoustic privacy issues with the existing residential dwellings located on Allison Crescent. However visual privacy is protected by the existing landscaped buffer located between the club and the residents. The applicant advised that the glazed screens enclosing the terrace had been developed in response to an acoustic study to ensure potential noise issues are also minimised. It was accepted by the Panel that the acoustic issues will be fully evaluated as part of the assessment.

Due to the large extent of fixed glazing enclosing the bistro terrace, excessive solar loads within the terrace on summer mornings may result. It is recommended that further detail studies of the terrace be undertaken to develop an effective shading/ventilation strategy. It is suggested that some lower level openings within screens could be used to help control the terrace environment, but only if they could be added without reducing the acoustic performance of the screen to an unacceptable level. Openings could be utilised in the morning when excessive solar access may be an issue and closed in the afternoon when patronage of the terrace is higher and excessive solar gain is not an issue.

Again, treatment of the alfresco gaming room is unclear in the documentation provided. As explained by the applicant, a series of pivoting doors are located at the western edge of the gaming area and an openable roof provided at the eastern edge. This configuration has been adopted in response to the regulatory requirements for external gaming areas. As far as possible, the goal is to cater for guests who wish to smoke and drink while gambling.

The western face of the alfresco gaming room creates an edge to the existing public walkway adjoining the site. A large blank wall that fully encloses the gaming area is currently proposed to form the interface with the walkway. The wall creates a hard edge to the walkway that provides no opportunity for casual surveillance or soft landscaping. The treatment of this area should be developed to address the walkway in a more considered manner.

It is suggested that semi transparent openings be provided within the wall that shield the activities taking place within the alfresco area but give a sense that the space is occupied. Consideration should also be given to providing a modest strip of planting between the wall and the walkway. Options for different forms of doors were discussed so that wasted space is eliminated and this will allow this wasted space to be converted to landscaping.

Amenity

Detail development of the proposal's interface with the laneway is required to ensure the quality of the adjoining public walkway is not diminished.

Safety and Security

In its current form the western wall presents a security hazard that can be overcome.

The treatment of the proposal's interface with the public walkway must be conducive to creating a pedestrian friendly environment. Care must be taken to maintain casual surveillance of the walkway.

Resource, Energy & Water Efficiency

Consideration should be given to potential excessive solar loads within the Bistro terrace as outlined above (see building form).

Landscape

Little information has been provided regarding the proposed landscaping. More detailed information is required before the proposal is presented to the Joint Regional Planning Panel to document the proposed planting in and around the terraces and the children's play area. There seems to be a conflict between the sprinkler door opening and the planter adjacent the 'Kid's Play' area. This level of resolution is required for DA documentation.

The blank wall to the public domain has been previously mentioned: a better landscape response is required here - a small landscape strip to reduce the bulk of this wall could be easily achieved.

Social Dimensions

The proposed alterations and additions will improve the quality of this heavily patronised facility.

Aesthetics

Insufficient information has been provided to make detailed comments on the aesthetic success of the proposal. Certainly, the western wall is poor but it could be significantly improved. Further detailed information documenting the treatment of the bistro terrace and the alfresco gaming area should be provided. This may explain how a satisfactory solution has been achieved.

Recommendation/Conclusion:

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."

Colleen Baker
ARAP Coordinator

25 August 2011

Internal Memorandum

To: Greg Hansell - Development Assessment Officer

From: David Ackroyd - Manager Communities Unit

Date: 5th September 2011

File Ref: DA11/0668

Subject: Development Application No. DA11/0668

Description: Alterations and Additions to a Registered Club including Extending Trading Hours of Club Central Menai

Property: 44-60 Allison Crescent, Menai

Greg,

Please see below comments from the Community Services Unit regarding this application.

Access

An Access Audit has been provided for this proposal by ILC Access, dated 8 July 2011.

The report is comprehensive and it is recommended that the areas within the report highlighted as non-compliant and recommendations become conditions of consent.

Signage and Tactile Indicators must be installed to comply with AS1428.4.

Crime Prevention

Current Crime Risk

Club Menai is located in a low crime area of the Sutherland Shire.

The suburb of Menai has been identified as a hotspot location in the Sutherland Shire for vandalism and graffiti offences. According to Council's Graffiti Management System, Menai is ranked 5th out of all other suburbs in the Sutherland Shire for the amount of graffiti removed in square metres by Council's Graffiti Removal Officers during the 2010 calendar year. In 2010, Council removed 1052sqm of graffiti throughout the suburb of Menai.

The community has raised concerns to Council relating to the level of anti-social behaviour occurring in the Menai CBD area. Based on Council's Customer Request Management System (CRMS), the following crime issues have occurred at Club Menai or immediate surrounds:

- 1 x incident regarding the Club Menai and Child Care Centre signs being vandalised (reported on 30/09/08).
- 1 x letter regarding anti-social behaviour by youths at the reserve between club Menai and Menai Basketball Courts as well as a further incident on the 07/09/10 at Menai High School.
- 1 x email requesting for trees to be planted along Menai Road and walkways to prevent people walking from Menai to the Bangor Tavern committing acts of vandalism (reported on 09/08/09).

Crime risk should the proposed development be approved

It is likely that the crime risk will increase as a result of granting approval to this premise due to:

- The extension of trading hours increases the amount of time people can consume alcohol on the premise which is likely to have negative implications on the social amenity including increasing the existing level of graffiti, vandalism and alcohol-related anti-social behaviour occurring in the Menai area.

Crime prevention comments**1. Extension of trading hours**

On page 36 of the Statement of Environmental Effects, the applicant states the operating hours will be extended from 12 midnight to 1:00am on Thursday, from 1:00am to 3:00am on Fridays and Saturdays and from 10:30pm to midnight on Sundays.

Council adopted Development Control Plan Amendment 7 at its meeting on the 14 March, 2011 (refer to EAP135-11 and also background reports EAP053-11 and EAP197-10). This DCP amendment came into effect on Tuesday 12th April 2011. The proposed development application has been classified as a registered club operating in an intermediate activity area of the Menai Central Business District. Based on table 7.b.2 this venue can operate indoor areas until 11:00pm (base hours) with the maximum operating hours being until 12 midnight (extended trading hours); and outdoor areas until 10:00pm (base hours) and 11:00pm (extended trading hours). The applicant has requested to operate beyond the extended trading hours noted in the Development Control Plan.

It is recommended that the applicants request to extend the operating hours is refused on the basis it does not comply with Council's adopted Development Control Plan for late night trading premises and is likely to contribute to increase alcohol-related crime and anti-social behaviour in the Menai area.

2. Surveillance

The applicant's use of curved walls for example near the male and female toilets in the main foyer area assists to improve sightlines.

Vegetation planted in the garden beds adjoining the bistro terrace and kids play area must remain below the height of the retaining wall. This will ensure sightlines from the terrace to the carpark and vice versa.

The carpark is open which provides good opportunities for natural surveillance. However, the applicant should install a new door to the stairway to ground level. The door should be made from a transparent material that heightens opportunities for surveillance.

3. Access control

The applicant must ensure that all fire escapes are designed to restrict entry from exterior areas into the building. Fire egresses should also be alarmed at all times to reduce concealment opportunities.

All doors and windows leading to exterior space, particularly those that can be accessed from public space on ground level, must be fitted with appropriate access control devices. All access control devices must meet or exceed Australian Standards.

It appears that people can gain entry to the male and female toilets from a singular access point located in the gaming room. Male and female toilets should be accessible from separate entry points to remove excuse making opportunities. The toilets should be redesigned to incorporate an entry point into the female toilets which is separate from the entrance to the male facilities on the gaming room side.

The fence adjoining the terrace located on the western side of the premise must 1.8m or higher to restrict people from being able to climb over the fence to gain entry into the premise.

4. *Basement car park*

No formal pedestrian route has been included on the plans. Inclusion of formal pedestrian routes should be considered by the applicant. All pedestrian routes in the carpark must be lit to meet or exceed AS 1158.3.1.

The applicant should also include directional signage highlighting the pedestrian route into the venue.

Basement garage doors/security shutters are to be designed and installed so that they cannot be readily manually over run.

5. *Security*

To maintain the amenity, safety, security and reduce the potential negative impacts on the residential properties surrounding the club, the applicant must organise for security officers to patrol the area within a 50m radius of the venue at a minimum. Security officers are to move along any patron who is loitering in the area or impacting negatively on the neighbourhood amenity. The area must include the pedestrian thoroughfare along the western side of the venue as well as the Allison Crescent frontage.

According to the security staff schedule detailed on page 39 of the Statement of Environmental Effects the applicant intends to have:

- 2 x security officers working between 12 midnight and 1:00am on Thursday nights;
- 2 x officers between 10pm and 12 midnight, 3 x security officers working between 12midnight and 2am decreasing to 2 x officers between 2am and 3am then 1 x security officer between 3am and 4am on Friday and Saturday nights;
- 2 x officers between 10pm and 12 midnight and 1 x security officer between 12 midnight and 1am on Sundays;

The applicant must ensure there is 1 x security guard for every 100 patrons and that security staff are working until the last patron leaves the immediate vicinity of the area.

All security guards must hold a current security licence.

The applicant has not detailed in their Plan of Management (PoM) that the club has installed a CCTV camera system however it was evident on a site visit that cameras are used. Security systems and CCTV cameras must be installed by a licensed security professional and meet Australian Standard 4806. Lighting sources around cameras must be compatible with requirements for the CCTV system. CCTV cameras must be of a quality that allows for the identification of people engaging in anti-social or criminal activities. All CCTV cameras must be in working conditions at all times. The PoM must include the operating practices the applicant intends to implement to ensure the CCTV system is effective and in working condition at all times.

6. *Environmental Maintenance*

The plans provided indicate a number of large blank walls particularly on the eastern side. The applicant must ensure any graffiti on the premise is removed within 24 hours of it being reported to the Clubs Management or staff member.

7. *Lighting*

All communal areas, pedestrian routes, and entry and exit points must be adequately lit to meet AS 1158.3.1, with particular emphasis on the reduction of pools of light and dark and facial recognition at 15 metres

Lighting and CCTV cameras must be compatible.

Lighting must be in working condition between dusk until dawn.

8. Late Night Transport

There are minimal safe late night transport options available to patrons in the Menai area. The club indicates on page 37 of the Statement of Environmental Effects that the applicant will provide a courtesy bus service for members from 6:00pm to closing on Friday and Saturdays, and from 6:00pm to 1:00am on Thursdays according to demand. All safe late night transport options either provided by the club or otherwise should be promoted to club patrons.

9. Amenity of the neighbourhood

It is likely that the applicant's decision to move the function area from the eastern side of the premise to the western side of the building will minimise the level of noise impacting on the residential premises along Allison Crescent that are located adjacent to the club.

The applicant states on page 39 of the PoM that patrons will be reminded to leave quietly through use of internal and external illuminated signage, internal public address announcements, message bands on internal TV sets and the external LED sign. In addition security officers will be patrolling the area surrounding the premise. This should be a condition of consent.

10. Plan of Management (PoM)

The applicant should update the PoM taking into consideration the following points:

- This applicant should detail the procedures and practices they will implement to ensure:
 - The responsible service of alcohol is achieved and intoxication on the premises is prevented.
 - Intoxicated persons are refused entry into the venue.
 - A person who has been previously banned from the venue does not gain access to the premise
 - Minors are accompanied by an adult whilst on the premise.
- The applicant should provide detail about the processes they intend to implement to ensure the cameras remain in working condition at all times, the footage from the cameras are stored appropriately, and the frequency in which the footage will be monitored.
- The applicant should provide additional information about how the staff and security are to respond to an intoxicated person being on the venue, or quarrelsome and anti-social behaviour.

Recommendation

The development as submitted is not supported. The extension of operating hours should be refused on the basis that:

- It does not comply with Council's adopted Development Control Plan for late night trading premises.
- The extension of trading hours is likely to have negative impacts on the amenity of the neighbourhood including increasing the level of alcohol-related crime and anti-social behaviour.

The Communities Unit does not object to the design changes detailed in the proposed plans.

Conditions should the application be approved

It should be a condition of consent that:

- Vegetation planted in the garden beds adjoining the bistro terrace and kids play area must remain below the height of the retaining wall.
- All fire escapes are designed to restrict entry from exterior areas into the building. Fire egresses should also be alarmed at all times to reduce concealment opportunities.
- All doors and windows leading to exterior space, particularly those that can be accessed from public space on ground level, must be fitted with appropriate access control devices. All access control devices must meet or exceed Australian Standards.

- All communal areas, pedestrian routes and entry and exit points must be lit to meet or exceed AS 1158.3.1, with particular emphasis on the reduction of pools of light and dark and facial recognition at 15 metres.
- Exterior lighting must be in working condition between dusk and dawn.
- Directional signage must be installed in the carpark to highlight the pedestrian route into the venue.
- Basement garage doors/security shutters are to be designed and installed so that they cannot be readily manually over run.
- The door into the carpark from the stairs should be made from a transparent material to heighten opportunities for surveillance.
- The toilets located between the main foyer and gaming room must be redesigned to incorporate an entry point into the female toilets which is separate from the entrance to the males on the gaming room side.
- Security officers to patrol the area within a 50m radius of the venue. Security staff must patrol the area until the last patron leaves the vicinity of the venue.
- Applicant must ensure there is 1 x security guard for every 100 patrons.
- All security guards hired must hold a current security licence.
- Security systems and CCTV cameras must be installed by a licensed security professional and meet Australian Standard 4806.
- Lighting sources around cameras must be compatible with requirements for the CCTV system.
- CCTV cameras must be of a quality that allows for the identification of people engaging in anti-social or criminal activities.
- All CCTV cameras must be in working conditions at all times.
- The applicant must ensure any graffiti on the premise is removed within 24 hours of it being reported to the Clubs Management or staff member.
- Safe late night transport options must be provided and promoted to the patrons.
- The actions listed by the applicant on page 39 of the PoM (i.e. patrons will be reminded to leave quietly through use of internal and external illuminated signage, internal public address announcements, message bands on internal TV sets and the external LED sign. In addition security officers will be patrolling the area surrounding the premise) must be implemented.
- Club Menai's revised PoM (as indicated at point 10) must be implemented.

If you would like more information or to discuss further, please contact me on 9710 0524.

Yours faithfully

David Ackroyd
Manager Communities Unit