

North Sydney Leagues Club Ltd
C/- Design Collaborative
Suite 304/105 Pitt Street
SYDNEY NSW 2000

D78/16
GM (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
(AS AMENDED)**

**Notice to Applicant of Determination of Request
to Modify a Development Consent**

Pursuant to Section 96 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **78/16** and registered in Council's records as Application No. **78/16/3** relating to the land described as **50 Ridge Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 6 January 2017, has been determined in the following manner: -

To delete conditions I1, I5, I10, I12, I13, I14 and I15 and insert in lieu thereof the following new conditions namely:

Hours of Operation/Patron Numbers

I1. The normal hours of operation and maximum patron numbers are:

- 7am to 12 midnight, Monday to Saturday.
- 7am to 10pm, Sunday.
- the Outdoor Area is to cease use at **10pm**.
- a maximum of 600 patrons between 7am and 9pm, 7 days per week.
- a maximum 400 patrons between 9pm and midnight for the Club, Monday to Saturday and 9pm to 10pm Sundays.
- Anzac Day, no opening time but subject to normal hours of operation for closing and maximum patron numbers.
- the Outdoor Area to operate with a 250 patron limit between 9pm and 10pm, 7 days.

Except as amended or restricted by the following:

The Club may operate for special event days with:

- A maximum of 900 patrons until 9.30pm.

- A maximum of 600 patrons between 9.30pm and 12.30am (the following day).
- A maximum of 400 patrons between 12.30am and 2.00am (the following day)

Definitions

“Outdoor Area” is the area of the most northerly bowling green covered and used for drinking/dining and shown on survey plan from LTS Lockley, Ref No 42549DT, Sheet 1 of 2 **and the area between greens 2 and 3.**

“Special event days” are New Year’s Eve.

Upon expiry of the permitted hours:

- (a) all restaurant service (and entertainment) must immediately cease;
- (b) no person shall be permitted entry; and
- (c) patrons on the premises must leave within the following 15 minutes of any change to the number of patrons required by the conditions of consent.

(Reason: To ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

Plan of Management

- I5. The management of the premises shall be conducted in accordance with the Plan of Management prepared by Design Collaborative Pty Ltd, dated **October 2017**, except Section 2.2 (hours); Section 2.3 (capacity) and **Section 5.1 (number and deployment of security)** and where otherwise amended by the conditions of this consent.

(Reason: To ensure the ongoing operation of the premises is in accordance with the terms of this consent)

Security

- I10. At any time **after 6pm that** there are more than 150 patrons at the Club, the licensee must ensure at least one security guard is deployed to continuously patrol and monitor the patron queue and the 50 metre vicinity of the Club.

On any day when the Club trades past 10:00pm the Club is to provide 1 security guard to monitor and patrol **the driveway entrance** on Ridge Street **after 6pm. A second security guard is to be positioned at the end of the driveway (beginning of carpark) from 9pm onwards.** Security is to actively ensure that patrons do not disturb the quiet and good order of the neighbourhood.

At any time **after 6pm that** there are more than 150 patrons at the Club, the licensee must ensure at least two security guards for the first 100 patrons and a ratio of 1 security guard per 100 patrons thereafter.

(Reason: To protect neighbourhood amenity)

The conditions attached to the original consent for Development Application No. 78/16 by endorsed date of 6 January 2017 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **the undersigned**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 of the Environmental Planning and Assessment Act 1979 (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (b) Pursuant to Section 96AB, an applicant is able to request Council to review its determination. An application for a review under Section 96AB of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 81A(2) (a) of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b1)(i) of the Act.
 - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 96 of the Environmental Planning & Assessment Act, 1979 (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 96 of the Environmental Planning & Assessment Act.

DATE

Signature on behalf of consent authority
GEOFF MOSSEMENEAR
EXECUTIVE ASSESSMENT PLANNER