



Our Reference: NCA/6/2011
Contact: Liam Frayne
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Manager – Key Sites
Metropolitan and Regional Projects North
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

9 December 2014

Dear Sir/Madam

Attention: Mr Matthew Rosel

**MP 09_0167 Mod 4 – Modification to Approved Mixed Use Development
45 – 47 Macquarie Street and 134 – 140 Marsden Street, Parramatta**

I refer to your invitation for comment with respect to the section 75W modification applying to the subject site.

We have reviewed the submitted details and provide the following response with respect to this application:

- It is noted that the cost of works for the modified proposal is \$171,600,000 in the QS report prepared by Newton, Fisher, and Associates Pty. Ltd. This represents an increase of \$9,900,000 from the most recent amount advised (\$161,700,000). It is requested that Section 94A contributions, and if necessary relevant conditions, be adjusted to reflect this change in cost.
- Council's Environmental Health Officer requested the following conditions be imposed on any modified consent (to address possible noise from the roof top bar:

The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy,*
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background*

(LA90) noise level in the absence of the noise under consideration by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

Reason: *To prevent loss of amenity to the area.*

The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the venue.

Reason: *To protect the amenity of the surrounding neighbourhood*

Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

Reason: *To prevent loss of amenity to the area.*

- Council's Traffic and Transport Investigations Engineer has found the proposal to be satisfactory subject to the following:
 - (a) Bollards are installed on the shared area adjacent to all disabled parking spaces in the development;
 - (b) The layout and configuration of bicycle parking/racks comply with AS 2890.3-1993;
 - (c) Clear sight lines are provided for vehicles exiting the site from Hunter Street in accordance with Figure 3.3 of AS 2890.1.
- Council's Urban Designer has commented as follows:
 - (a) There appears to be no overshadowing impacts on major surrounding public domain areas including Parramatta and Centenary Square, however the proposal will increase shadowing of the sites on the south side of Hunter Street. It is

requested that this be assessed to ensure that the extent of shadowing does not unreasonably impact on the amenity of properties to the south.

(b) The approved south elevation has a distinction between the expressed verticality of the tower and the lower south wing. In contrast, the modified south elevation lacks compositional clarity given the distinction between the taller and shorter elements has been diminished. It is requested that consideration be given by an urban designer/architect as to how this issue might be resolved.

(c) It is unclear what identified public benefit there is to justify a further increase in height and density from the approved proposal (e.g. increase contribution to affordable rental housing). The applicant should be requested to demonstrate that the proposal will bring with it additional public benefit as part justification as to the increase in scale of the otherwise already substantial development.

- With respect to the proposed bar, Council's Community Crime Prevention Officer requested inclusion of the following conditions:

The supply and/or sale of alcohol is not permitted until consent has been obtained from Office of Liquor Gaming and Racing. Such consent must be submitted to Council prior to occupation of the premises.

Note: (if General Bar) Any licence obtained from the Office of Liquor Gaming and Racing is not to permit takeaway liquor sales or the provision of gaming prior to further approval being obtained from Council.

Reason: To protect the amenity of the area.

The operation of the bar is to be limited to between 7.00a.m and 12.00a.m 7 days.

Reason: To identify hours of operation.

No person wearing any form of clothing, jewellery or other accessory, displaying or indicating by form of wording, colours, logo, symbol or otherwise that they are members of or are in any way associated with; (Bandidos, Black Uhlands, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix, Rebels, Hells Angels, Scorpions, Notorious) or any declared organisation as defined in the Crimes (Criminal Organisations Control)

Act 2012 any be allowed entry into, or be permitted to remain on the licensed premises.

Reason: *To discourage use of the premises for illegitimate conduct.*

The licensee is to be an active member of the Parramatta Liquor Accord. This means the licensee is obliged to attend at least 75% of all meetings of the accord annually.

Reason: *To assist in the strategic management of licensed venues in the Parramatta CBD.*

Council has no in principle objection to the proposed modification. If the Department is of a mind to approve the application, it is requested that full consideration be given to the matters outlined above during the assessment of the application.

If you would like further clarification on any of the matters raised, please contact Liam Frayne in Development Services on 9806-5595.

Regards

A handwritten signature in black ink, appearing to read 'Liam Frayne', is positioned above the printed name.

Liam Frayne
Senior Development Assessment Officer – Planning