

Notice of decision SSD 7014 MOD 5

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	4.55(2) Modification Application
Application number and project name	SSD-7014 Mod 5: Increase in the maximum allowable number of people for the level 12 rooftop bar from 200 to 260.
Applicant	GL Investmentco Pty Ltd
Consent Authority	Minister for Planning

Decision

The Executive Director under delegation from the Minister for Planning] has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979 (the Act)*, granted consent to the modification application.

A copy of the instrument of modification is available at <https://www.planningportal.nsw.gov.au/major-projects/project/10606>

A copy of the Department of Planning & Environment's assessment report is available at <https://www.planningportal.nsw.gov.au/major-projects/project/10606>

Date of decision

5 June 2019

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*
- the objects of the Act
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting the modification are as follows:

- Benefits - the modification would provide a range of benefits, including the simulation of the night-time economy within a responsive regulatory environment
- Consistent with NSW Government Policy – the project is permissible with development consent
- Impacts can be managed - any impacts on the community can be appropriately managed to an acceptable level, in accordance with applicable NSW Government policies and standards
- Community views considered - the issues raised by the community during consultation and in submissions have been considered and adequately addressed
- Public interest – weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 4 April 2019 until 17 April 2019 (14 days) and received three submissions, including one objection.

The Department also undertook the following consultation activities:

- exhibition on the Departments website, at Service NSW and at Council's offices
- advertised the proposal in the Central Courier on 4 April 2019.

The key issues raised by the community and considered in the Department's Assessment Report and by the decision maker is the acoustic impact.

Issue	Consideration
Acoustic Impact	
• The proposal will result in noise impacts to residents. • The rooftop bar needs to ensure compliance with the existing post occupation noise conditions of the development consent.	• The application was supported by a noise impact assessment which concluded that with the bar operating at an increased capacity of 260 persons, it would not exceed the noise criteria identified in the post occupation noise Conditions F21 to F27 of the SSD Approval and will not result in noise impacts to residents. • The development has been operating in accordance with the requirements of the existing post occupation noise conditions of the SSD approval as no complaints have been received by the Applicant or the Department's Compliance Team regarding noise impacts.
	<i>Recommended Conditions/Response</i> • No changes to the conditions are recommended, as existing conditions (Conditions F21 to F27) will ensure noise impacts are effectively managed and an appropriate level of amenity is maintained to adjoining residents