

ASSESSMENT REPORT

OLD CLARE HOTEL BLOCK 3A, CENTRAL PARK, CHIPPENDALE MP 11_0089 MOD 3

1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval (MP 11_0089) for the redevelopment of the Old Clare Hotel at Block 3A, Central Park, in the City of Sydney local government area (LGA). The request has been lodged by Cirillo Planning Trust (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to expand the use of a roof top bar so it can be used by members of the public and to establish restrictions on its use including hours of operation and the maximum number of patrons. The proposal also seeks approval to construct a single storey roof structure to minimise noise emissions from the use of the roof top bar.

2. SUBJECT SITE

The Central Park site (previously known as the Carlton & United Breweries Site) is located on the south-western edge of the Sydney CBD. The site has a total area of approximately 5.8 hectares and is bound by Abercrombie Street to the west, Regent Street to the east, Broadway to the north and Wellington Street to the south.

The Central Park site comprises several, high density mixed use and residential buildings (**Figures 1 and 2**).

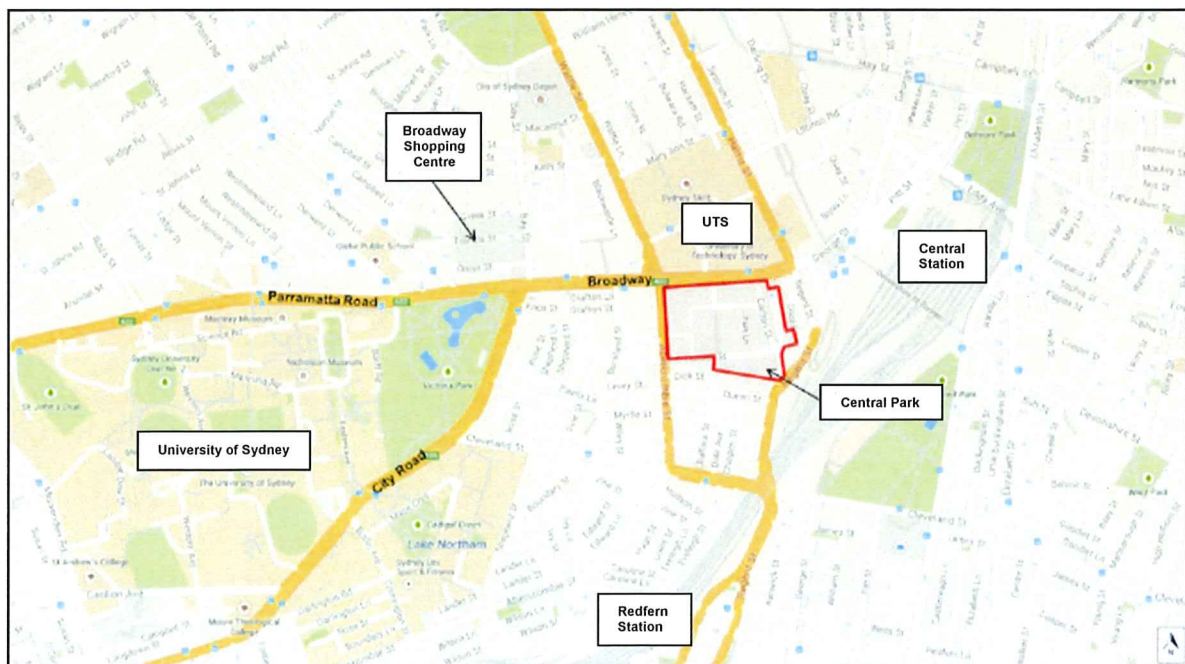


Figure 1: Central Park site location (Base source: Nearmap)

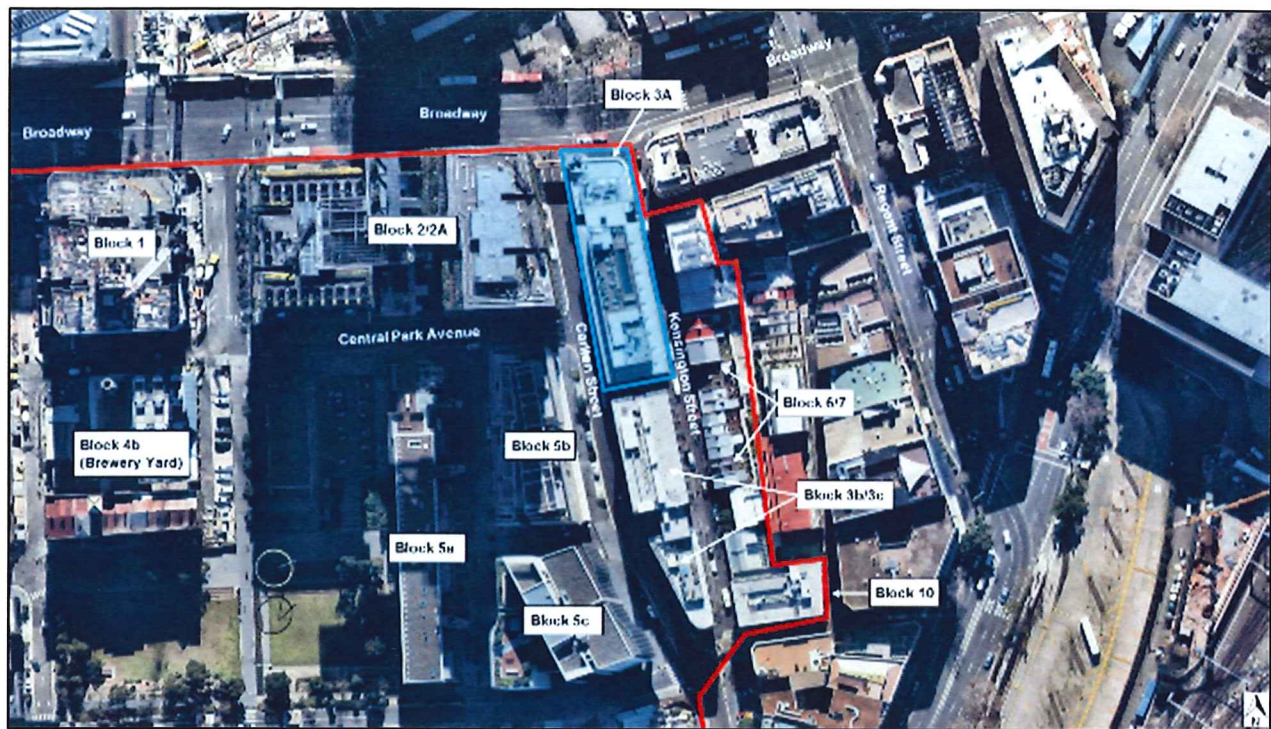


Figure 2: Site location (highlighted blue) within the Central Park site (outlined red) (Base source: Nearmap)

Block 3A is located in the north-east corner of the Central Park site. The site is bounded by Broadway to the north, Carlton Street to the west, Kensington Street to the east and Block 3B to the south (**Figure 2**). The site contains the refurbished Old Clare Hotel and Administration Building. The buildings are listed as local Heritage Items under the Sydney Local Environmental Plan 2012 (SLEP).

The refurbished Old Clare Hotel and Administration Building, together comprise a 60-bed boutique hotel and associated facilities. The roof level of the building (subject of this modification) includes a pool and bar area. (**Figures 3 - 4** and **Figures 6 - 7** in **Section 7.3**).



Figure 3: View east from an apartment within 3 Carlton Street (Block 2/2A) overlooking the roof top pool and bar of the Old Clare Hotel (Source: Submission by owners of Strata Plan 88765)

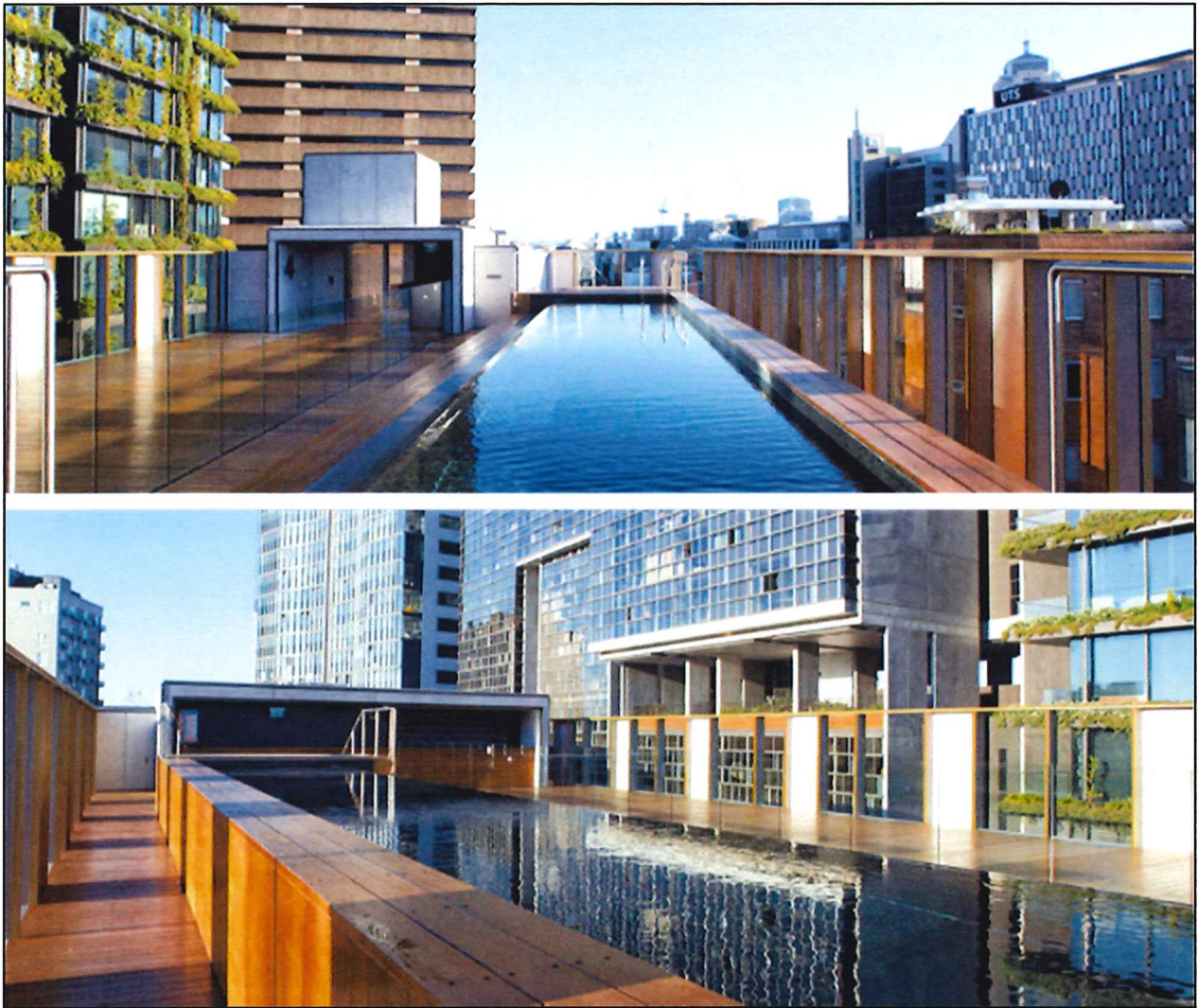


Figure 4: View north (top) and south (bottom) of the existing Old Clare Hotel roof top pool and bar (Source: Proponent's application)

The neighbouring blocks within the Central Park precinct, to the west and south of the site, comprise high density, mixed-use residential and student accommodation developments. The blocks to the east of the site comprise low-rise, commercial buildings as well as a six storey mixed-use residential building fronting Broadway. The nearest residential properties and their relationship to the site are shown at **Figure 5** (see **Section 7.2**).

3. APPROVAL HISTORY

3.1 Concept Approval

On 9 February 2007, the then Minister for Planning approved a Concept Plan (MP 06_0171) for redevelopment of the site for a residential, commercial, retail uses and public open space development (Concept Approval). Key aspects of the Concept Approval (as modified) include:

- maximum 255,550 square metres (m²) gross floor area (GFA), including a maximum 195,985 m² of residential and minimum 59,515 m² of non-residential
- a new park (6,000 m²) and open space areas
- a contribution of \$32 million for the provision of affordable housing within the locality
- retention of 33 heritage items associated with the former brewery and the adaptive reuse of existing buildings.

The Concept Approval established the framework for the assessment of subsequent detailed applications within the Central Park Precinct and has been modified on 12 occasions.

3.2 Project Approval

On 5 April 2013, the then Executive Director, Development Assessment Systems and Approvals, granted Project Approval (MP 11_0089) for:

- construction of a boutique hotel comprising:
 - 60 hotel rooms
 - a total GFA of 4,595.90 m²
 - 1,098 m² of food and drink premises, including three restaurants and a lounge
 - conference and meeting facilities, staff offices and amenities
 - a rooftop deck and pool
 - storage and loading facilities
- a single storey addition to the Old Clare Hotel and a two-storey addition to the Administration Building
- construction of a new, glazed link between the two buildings to create a hotel foyer/entry space.

The Project Approval includes three restaurants at lower levels, and a bar on the roof top. The Project Approval did not include the fit-out or operation of the restaurants or bar. The roof top bar was approved to be used by hotel guests only.

The proposal has been modified on two occasions (**Table 1**).

Table 1: Summary of modifications to the Project Approval

MOD No.	Summary of Modifications	Approved By	Approval Date
MOD 1	Internal alterations at basement to second floor levels, relocation of the roof top pool, increase pool canopy by 100 mm and modification of external facades.	Executive Director, Development Assessment Systems and Approvals	1 March 2014
MOD 2	Modification to the timing of the implementation of façade heritage conservation works.	Acting Executive Director Infrastructure & Industry Assessments	26 May 2015

The Department is currently assessing a separate modification application for the site (MP 11_0089 MOD 4), which proposes alterations to the basement of the Old Clare Hotel for a day spa.

3.3 Development Approval

On 1 March 2014, the City of Sydney Council (Council) approved a development application (DA) 2014-1509 for the fit-out of the three restaurants, including the following hours of operation and patron capacities (see Table 2).

Table 2: Restaurant hours of operation and patron capacities

Restaurant	Hours of Operation	Patron Nos.
1 Administration Building	<ul style="list-style-type: none">• 6:00 am to midnight Mondays to Saturdays• 6:00 am to 10:00 pm Sundays	132
2 Administration Building	<ul style="list-style-type: none">• midday to midnight seven days a week	66
3 Old Clare Hotel	<ul style="list-style-type: none">• midday to midnight seven days a week	52

Both the Project Approval and the DA include conditions to control the acoustic impacts of the premises.

4. PROPOSED MODIFICATION

On 18 November 2016, the Proponent lodged a section 75W modification application (MP 11_0089 MOD 3) seeking approval to:

- establish the following restrictions to the operation of the roof top bar:
 - hours of operation between 7.00am and 10.00pm, seven days a week
 - sale of alcohol only between midday and 10.00 pm, seven days a week
 - capacity of 150 patrons, including hotel and walk-in guests
 - management of the operation of the roof top bar in accordance with a Plan of Management (PoM)
- construct a 98 m² single storey roof structure and an 8.3 m² single storey extension containing three toilets on the existing roof top pool terrace.

The modification is requested on the basis that:

- establishing the hours of operation, patron capacity and management of the approved roof top bar would provide certainty for operation of the use, and minimise operational impacts on neighbouring residential amenity
- the proposed roof structure would reduce noise impacts from the use of the roof top bar and reduce overlooking of neighbouring residential apartments.

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A to the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Planning Assessment Commission (the Commission) may determine the application under delegation as there are more than 25 public submissions in the nature of objections.

6. CONSULTATION

6.1 Consultation

The Department made the modification application publicly available on its website and referred the application to Council. Letters were also sent to notify adjoining owners/occupiers about the proposed modification.

Council initially objected to the proposed modification on the following grounds:

- the proposed roof structure would exceed the approved building envelope height, and its height and solidity would add visual bulk to the building
- the use of the roof top pool terrace should only be for guests of the hotel.

Council confirmed it would withdraw its objection if amendments were made to the construction, design and materials of the roof structure to reduce its visual impacts. Council also requested additional information relating to the license and PoM.

There were 28 public submissions received on the proposal, including a petition with 50 signatures, a video showing the roof top pool terrace in use and photographic submissions. Key issues raised in public submissions are summarised in **Table 3**.

Table 3: Summary of the public submissions to the to the proposal

Issue	Proportion of submissions
Adverse noise impacts from proposed use and hours of operation	85.7%
The previous use of the roof top resulted in adverse noise impacts	53.6%
Privacy and view loss impacts	32.1%
Increase in anti-social behaviour	17.9%
An earlier closing time should be imposed	10.7%
The roof structure will not reduce noise impacts	7.1%
Compliance with Building Code of Australia (BCA)	7.1%
Overshadowing of lower level apartments	7.1%
The roof top should only be used by hotel guests	3.6%

6.2 Response to Submissions

On 28 March 2017, the Proponent provided a Response to Submissions (RtS) (**Appendix A**) containing further information and clarification of the key issues raised by Council and in public submissions.

The RtS included a revised PoM and a response to the urban design issues raised by Council. The RtS suggested approval be granted subject to conditions to improve the urban design, including:

- soffit finish to be light grey gloss
- skylights to be added to the western edge of the roof and the roof 40% glazed to facilitate sky views from the public domain
- provision of most slender vertical supports possible within the constraints of the BCA.

The Department made the RtS publicly available on its website and referred the RtS to Council.

Council considered the RtS and raised no further concerns with the design of the roof top addition. It recommended operational conditions, addressing:

- hours of operation and sale of liquor as proposed
- operation of the bar in accordance with the PoM
- behaviour of patrons and protection of neighbourhood amenity
- restriction on noise from glass removal
- use of plastic drink glasses.

No additional submissions were received from the public.

7. ASSESSMENT

The Department considers the key issues associated with the proposed modification are:

- noise impacts
- urban design impacts.

All other issues are considered at **Table 5 (Section 7.3)**.

7.1. Noise impacts

The modification seeks to establish the following measures and restrictions on the operation of the roof top bar to manage potential noise and amenity impacts:

- hours of operation between 7.00 am and 10.00 pm, seven days a week
- hours of service of alcohol between midday and 10.00 pm, seven days a week
- capacity of 150 patrons, including hotel and walk-in guests
- a PoM, including management and mitigation measures to ensure the bar is operated in an appropriate manner and manages/mitigates its impacts on neighbouring residential amenity
- the construction of a roof structure, including acoustic insulation.

Concerns were raised in public submissions about the noise impacts associated with the use of the roof top bar, including:

- the previous unauthorised use of the bar area, resulted in significant noise impacts
- the effectiveness of the roof structure in mitigating noise
- the proposed hours of operation would impact neighbours' sleep and should be reduced
- potential for increase in anti-social behaviour.

In support of the application, the Proponent submitted an Acoustic Assessment of the potential noise impacts on nearby sensitive receivers. The Acoustic Assessment identifies the nearest sensitive receivers (see **Figure 5**) are:

- R1 – 28 Broadway (residential)
- R2 – 8 Park Lane (residential)
- R3 – 9 Kensington Street (residential/student)
- R4 – 16-18 Broadway (residential)
- R5 – 1-5 Dwyer Street (residential)
- R6 – Goold Street (residential)
- COM1 – Tenancies on Kensington Street (commercial)

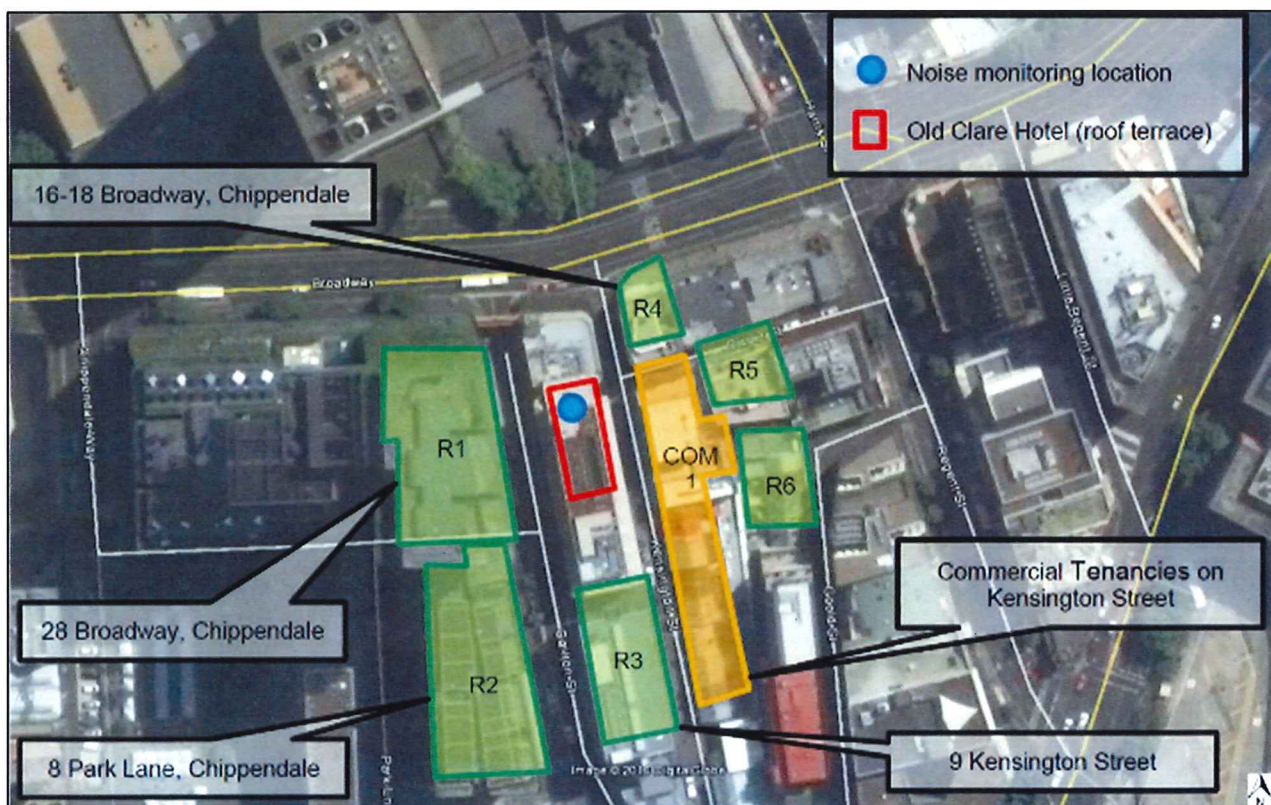


Figure 5: Key sensitive and nearby receivers potentially impacted by the proposal (Base source: Proponent's application)

The Department considers the Acoustic Assessment has appropriately identified the sensitive receivers potentially affected by the proposal.

The Acoustic Assessment analysed the impact of the proposal against the Council's Conditions of Consent for Entertainment Venues which has adopted the Office of Liquor Gaming and Racing (OLGR) noise criteria for licenced premises. These conditions essentially set limits on the amount of noise generated in each octave band. Before midnight this is determined as being 'background + 5 dB' and after midnight it is 'background + 0 dB'. Monitoring was also undertaken to determine the background noise levels applicable to nearby sensitive receivers. The results of the Acoustic Assessment are outlined at **Table 4**, and compared with criteria required by the Council's condition for each octave band frequency.

Table4: Acoustic Assessment analysis, predicted L₁₀ sound pressure level at key receivers (non-compliances shown in red)

Ref.	Address	Overall L ₁₀ at 1/1 Octave Band Centre Frequencies (HZ)										Complies
		31.5	63	125	250	500	1k	2k	4k	8k		
Residential Daytime External Criteria		58	58	67	56	57	55	53	49	42	31	
R1	28 Broadway	45	32	26	44	34	40	39	39	35	30	Yes
R2	8 Park Ln	41	28	26	41	31	36	35	35	30	25	Yes
R3	9 Kensington St	43	25	26	38	32	38	38	38	34	30	Yes
R4	16-18 Broadway	46	26	26	39	33	39	40	41	38	38	Largely
R5	1-5 Dwyer St	31	21	26	31	21	25	24	25	22	18	Yes
R6	Goold St	44	24	26	37	30	36	37	39	37	34	Largely
Commercial External Criteria		56	56	55	54	55	53	51	47	40	29	
COM1	Kensington St	34	28	26	38	29	32	29	26	23	20	Yes

As indicated at **Table 4**, the Acoustic Assessment predicts noise impacts would be largely below the noise criteria. There would be two noise exceedances at sensitive receivers R4 and R6. However, those exceedances are minor and the Acoustic Assessment confirms they would be unlikely to be audible above prevailing ambient noise, which is dominated by road traffic noise and mechanical plant noise from surrounding premises.

Nonetheless, the Acoustic Assessment recommends the following additional mitigation measures (as conditions of approval) to further improve the noise environment:

- the maximum reverberant sound pressure level for music within the bar area should be limited to 65 dBA
- the roof structure should be enclosed at each end with glazing, designed to be airtight to prevent leaking of sound, and constructed using appropriate absorptive materials.

Council recommends the following conditions to ensure the proposal does not have an unacceptable impact on residential amenity:

- hours of operation and sale of liquor as proposed
- operation of the bar in accordance with the PoM
- behaviour of patrons and protection of neighbourhood amenity
- restriction on noise from glass removal
- use of plastic drink glasses.

Department's Consideration

The Department considers the Acoustic Assessment demonstrates the proposed use of the roof top bar is unlikely to result in significant acoustic impacts on surrounding residences, as the proposed roof top structure would appropriately shield nearby residents from noise emissions.

The Department notes noise exceedances have only been predicted in the 8 kHz octave range. These exceedances are considered to be minor and are not expected to be audible at this location. Further, the Department notes noise at this frequency can be well attenuated by window glazing. For example

a 6mm laminate glass (the minimum expected in surrounding buildings) would reduce noise by around 50 dB in the 8 kHz Octave. Therefore, a closed window would be expected to completely mitigate the highest predicted noise of 38 dB of in the 8 kHz frequency band.

The Department also considers restricting the hours of operation until 10 pm will ensure there will be no impacts during the more sensitive night time period. The management and mitigation measures contained within the POM would ensure the bar is appropriately operated to minimise impacts on neighbouring residential properties.

While the Department accepts the findings of the Acoustic Assessment, the Department appreciates the previous use of the rooftop bar resulted in numerous noise complaints, and there is significant concern from immediate neighbours about the potential noise impacts from its use.

The Department notes the Late-Night Trading Management Guidelines in the Sydney Development Control Plan 2012 (the DCP) provide guidance for managing impacts from late night trading premises. In particular, the DCP recommends base trading hours for outdoor areas to 8 pm, with extended trading hours permitted to 10 pm on a trial basis, to enable the ongoing performance of a premise and its impacts in neighbourhood amenity to be assessed. The DCP recommends an initial one year trial period, a two year, second trial and a third and subsequent trials of five years.

The Department therefore considers that given the community concern and previous noise complaints from the use of the premises, an initial trial period of trading between 8 pm and 10 pm is appropriate to enable the Department to monitor and assess the performance of the roof top bar and its impacts on neighbours. Accordingly, a condition is recommended to this effect. Following the trial period, another modification would be required to permit a further trial period.

To further protect residential amenity, and ensure the operation of the bar is appropriately managed, the Department recommends a suite of conditions requiring:

- compliance with operational noise limits
- construction and operation in accordance with the recommendations and conclusions of the Acoustic Assessment.
- compliance with hours of operation and patron numbers outlined in the proposal
- Council's recommended operational conditions, including compliance with the PoM to ensure anti-social behaviour can be prevented or managed.

The Department's assessment therefore concludes the potential noise and operational impacts associated with the roof top bar are acceptable and can be appropriately managed and mitigated, subject to the recommended conditions of approval.

7.2. Urban Design

As described above, the proposed roof structure over the existing open terrace is required to provide acoustic protection to residents in apartments to the west of the site. The proposed roof structure (see **Figures 6 and 7**) would be:

- 21 m long, 3.1 m high and 4.6 m wide
- constructed of metal framed glazed walls, acoustic insulation, steel columns, and a metal roof with skylights
- set back 1.5 m from the western edge of the building, behind an existing 1.9 m high, glazed parapet

Concerns were raised about the design of the roof structure, including its height and visual impacts. Council also raised concerns about the proposed design of the roof structure, in particular, exceedance of the height control and impacts on views towards the sky from the public domain.

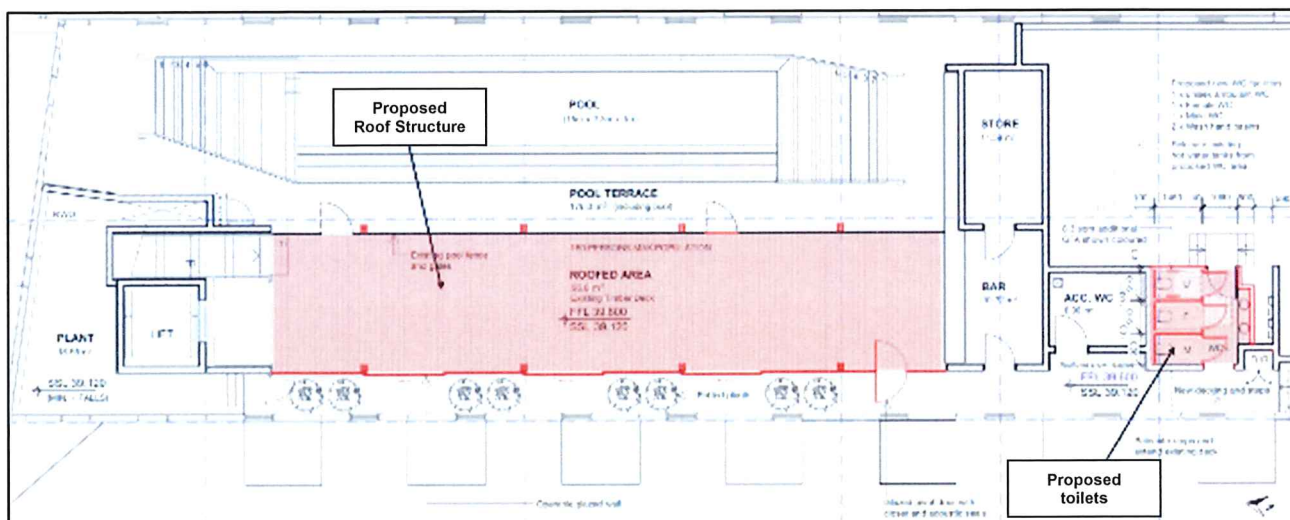


Figure 6: Proposed roof structure and single storey toilets (source: Proponent's application)

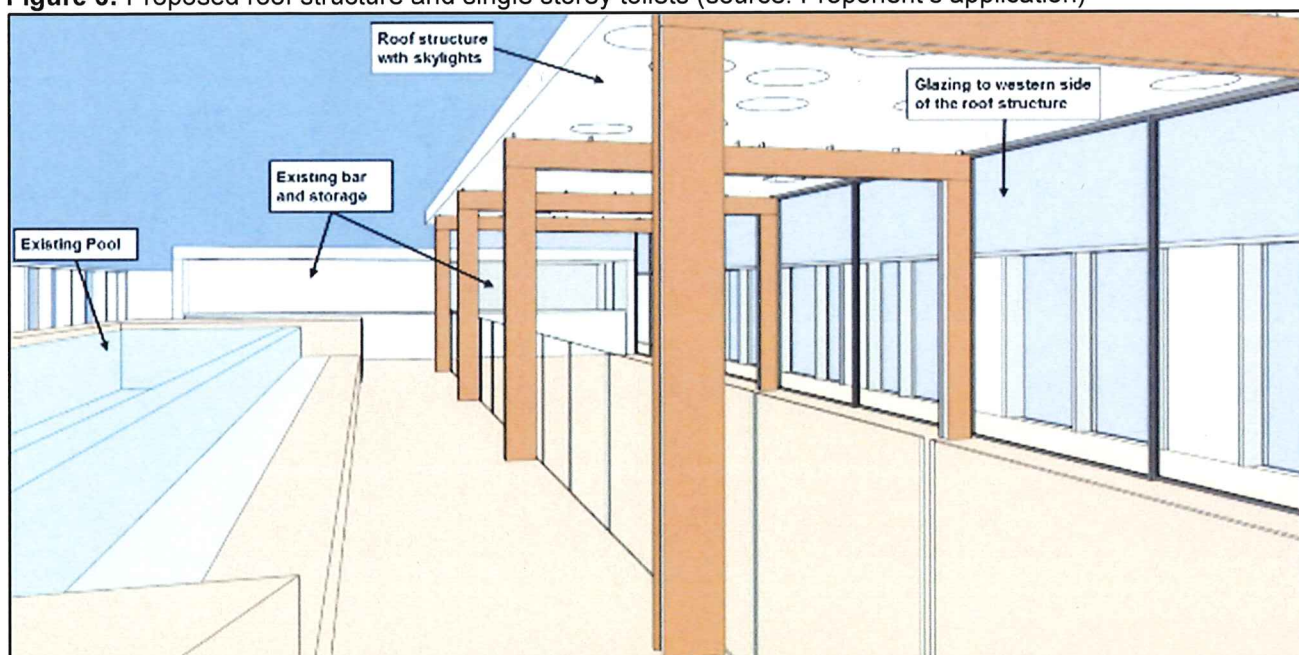


Figure 7: Perspective view of proposed roof structure (source: Proponent's application)

The Proponent provided a Heritage Impact Statement (HIS), which assessed the visual impacts of the proposed structure on the existing building, which is a local Heritage Item. The HIS concluded the roof structure would not have any adverse heritage impacts as it would be located above a recent addition (two additional floors and a roof deck were added to the building as part of the Project Approval) and, therefore, would not have an impact on the remaining heritage fabric of the building. Furthermore, the proposed roof structure has been designed in keeping with the existing alterations, and would have minimal visual impacts as it would not be visible from Kensington Street and only marginally visible from Carlton Street.

However, Council recommended the following changes should be made to the design to further minimise the visual impact of the proposal as viewed from the public domain, including:

- detailing a fine edge to the new roof rather than a deep fascia
- visually separating the roof plane from the wall planes
- minimising the bulk of vertical support structures
- providing a light, reflective soffit cladding, rather than the proposed concrete.

In response, the Proponent suggested the following changes could be made (by condition) to reduce the visual impact of the addition:

- soffit finish to be light grey gloss (as a reflective / mirror finish as suggested by Council would draw attention to the structure and increase visual clutter)
- skylights added to the western one metre edge of the roof is 40 % glazed to facilitate sky views from the public domain (refer to **Figure 7**)
- provision of more slender vertical supports within the constraints of the BCA, with details to be provided at detailed design / Construction Certificate stage.

In response to other Council suggestions, the Proponent notes the roof edge as designed, presents a fine edge detail and would be barely perceptible from the public domain. Further, for acoustic reasons, the roof cannot be physically separated from the walls.

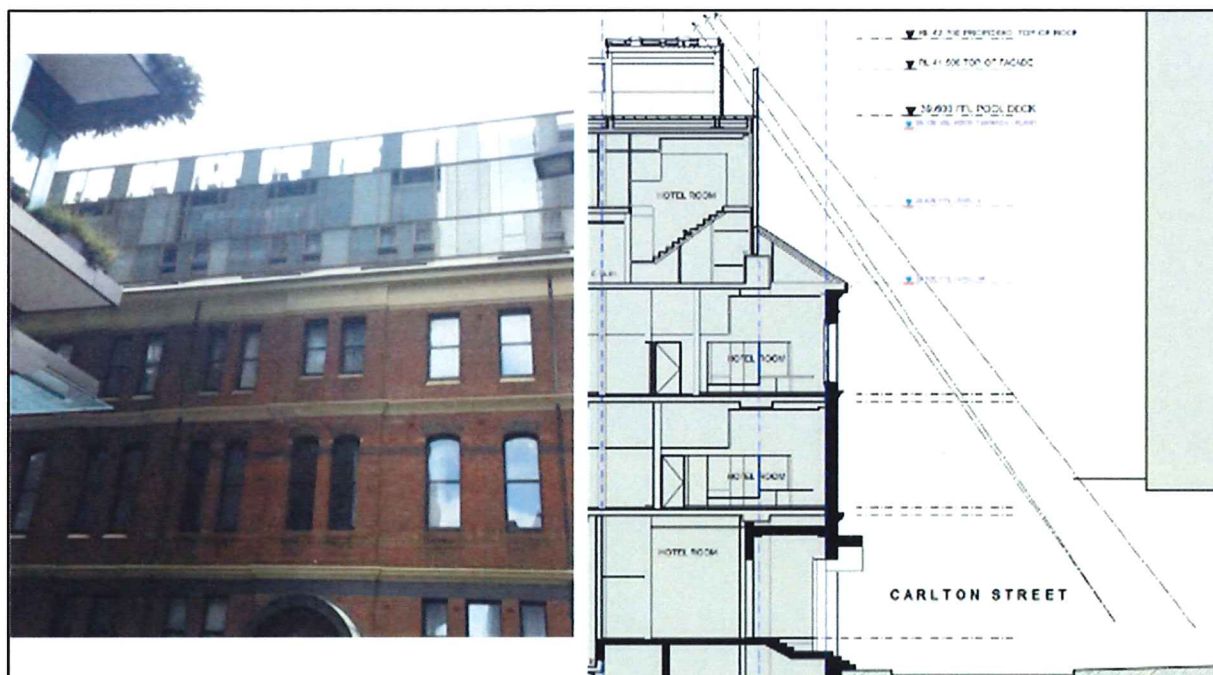


Figure 7: Sky views through the existing parapet (left) and proposed (right), including the proposed roof structure setback and height (Source: Proponent's Rts)

The Proponent noted the proposed roof structure (RL of 42.7), would exceed the approved Concept Plan building envelope height (RL 41.5) by 1.2 m. However, the Proponent notes the exceedance is minor, below the height of the approved lift overrun (which also exceeds the Concept plan height), remains below the height of many surrounding buildings, and therefore meets the objectives of the control.

Following the Proponent's response, Council raised no further concerns with the design or height of the proposed roof structure.

Department's Consideration

The Department considers the proposed roof structure would not result in any unacceptable visual impacts when viewed from the public domain. As demonstrated in **Figure 7**, the structure would be set back 1.5 m from the parapet edge, and would not be highly visible from the footpath on Carlton Street.

The Department agrees the proposed modifications suggested by the Proponent (including the slender vertical supports, light grey soffit finish and skylights) would reduce the massing of the structure and increase views to the sky. Subject to these changes, the Department considers the proposal would have an acceptable appearance when viewed from the public domain. The Department has therefore incorporated these changes into the recommended conditions.

The Department also considers the proposal would not result in any significant heritage impacts, given it would complement a recent addition, be physically separated from the heritage fabric of the building, and would not be visually dominant.

With regard to the height of the proposed structure, the Department considers the variation from the height control (by 1.2 m) is minor and acceptable as the structure would:

- be set back 1.5 m from the building edge, significantly reducing its visibility from the street
- be constructed of visually light-weight materials, including glazing thereby increasing its transparency
- not have an adverse impact on the heritage significance of the building
- be consistent with other existing structures on the roof that exceed the Concept Approval maximum building envelope height by a greater degree (+ 2.7 m).

Overall, subject to the recommended design changes, the Department considers the proposed roof top structure is acceptable as it would not result in any adverse urban design, visual or heritage impacts.

7.3. Other issues

Table 5: Assessment of other issues

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
<i>Consistency with the Concept Approval</i>	<ul style="list-style-type: none"> • The Concept Approval includes the following relevant requirements: <ul style="list-style-type: none"> ○ a maximum GFA of 255,500 m² for the Central Park Precinct ○ a maximum GFA 11,043 m² for Block 3 (with a variation of up to 5% allowed) ○ a maximum building height for Block 3A of RL 41.5 m • The proposal results in a minor increase of 8.3 m² of GFA from the single storey extension containing toilets. The proposed roof structure is not enclosed on all sides and therefore does not contribute towards GFA calculations. • The proposed increase in GFA would result in Block 3 having a total GFA of 11,051.3 m², which is within the 5% variation allowed by the Concept Approval. The negligible change to GFA would not result in the site-wide GFA for Central Park (255,500 m²) being exceeded. • As discussed in Section 7.2, the proposed height of the roof structure is 1.2 m higher than RL 41.5 AHD shown on the 'Roof Plan Maximum Building Height' plan approved with the Concept Approval. However, the proposed exceedance is considered to be acceptable on merit as it is minor and setback from the main building line and would not result in any significant heritage, urban design or visual impacts (Section 7.2), overshadowing or view loss impacts (see below). • Furthermore, when viewed from most accessible public vantage points, the top of the parapet (RL 41.5) will be the perceived highest point of the building. Therefore, notwithstanding the minor height exceedance the objectives of the height control would be met. • The Department also notes there is no requirement for the Project Approval to strictly comply with the Concept Approval, and given the variation is minor and the objectives of the control would be met, the Department considers the proposal remains generally consistent with the Concept Approval. 	No additional conditions or amendments necessary.
<i>Public use of roof top bar</i>	<ul style="list-style-type: none"> • Under the Project Approval, the roof top bar can only be used by hotel guests. The proposed modification seeks to expand the use of the bar so it can also be used by members of the public. • Concern was raised in public submissions that the roof top bar should only be used by hotel guests. 	

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	<ul style="list-style-type: none"> The Department considers the proposed public bar is acceptable given it is consistent with the uses permitted under the Concept Approval, and the local planning controls for the site which permit restaurants and bars. The Department also considers the proposed use is in keeping with the type of uses typically found within this inner city location. The Department therefore considers the proposed public bar can be supported, subject to conditions to ensure potential amenity impacts are appropriately mitigated and managed. 	
<i>Privacy</i>	<ul style="list-style-type: none"> Concerns were raised in public submissions about overlooking from the roof top pool terrace into apartments within the adjacent Central Park Block 2/2A. The Proponent has stated the proposed roof structure would reduce overlooking. The Department notes the proposed roof structure includes clear glazing along its western elevation and therefore apartments level with, or below, the roof terrace could be overlooked. To prevent overlooking, the Department recommends a condition requiring obscured glazing be installed along the western elevation of the roof structure to a height of 1.8 m above floor level. This would ensure overlooking is appropriately minimised while ensuring the structure still achieves a lightweight appearance. 	The Department has recommended a new condition requiring obscure glazing be installed.
<i>Overshadowing</i>	<ul style="list-style-type: none"> Concerns were raised in public submissions about overshadowing of apartments at lower levels of Block 2/2A. The Department notes the roof structure would be 1.2 m higher than the existing glazed parapet on the western façade of the building fronting Block 2/2A. However, it would be set back 1.5 m from the building edge and is unlikely to materially increase overshadowing of neighbouring premises. Any additional shadowing impacts would be minor, and limited to morning shadows in mid-winter. The Department considers the minor increase in overshadowing would not result in unacceptable impacts to neighbours and is reasonable given the site's inner city location. 	No additional conditions or amendments necessary.
<i>View loss</i>	<ul style="list-style-type: none"> Concerns were raised in public submissions about the loss of private views from apartments in Block 2/2A. The Department notes the only apartments potentially affected would be those at the same level as the roof structure. Those apartments currently have views across roof tops and into other tall buildings. The Department acknowledges the roof structure would alter existing easterly views. However, the impacts are considered to be minor, and district views to the north and south would be unaffected. 	No additional conditions or amendments necessary.
<i>Compliance with BCA</i>	<ul style="list-style-type: none"> Concerns were raised in public submissions about BCA compliance. The Proponent has provided a BCA Report, confirming the proposal is capable of meeting BCA requirements. The Department notes Conditions A4, B1, and C3 of the Project Approval require the Proponent to comply with BCA requirements. Accordingly, the Department considers the proposal would comply with the relevant BCA requirements. 	No additional conditions or amendments necessary.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that:

- the proposed use of the roof top as a public bar is a permissible use and consistent with the range of uses envisaged for the site under the planning controls
- the proposal is not expected to result in adverse noise impacts, subject to conditions on strict noise limits, hours of operation, patron numbers and management measures
- a proposed trial period would allow the Department to monitor the performance of the roof top bar during the evening period
- the height and design of the roof structure is acceptable and would not have any adverse visual, heritage or amenity impacts.
- the proposal is considered to remain consistent with the Concept Approval.

The Department considers the proposal is approvable, subject to the conditions of consent outlined within this report. This assessment report is hereby presented to the Commission for determination.

Endorsed by:



Anthony Witherdin
Director
Modification Assessments

Endorsed by:



Anthea Sargeant 13/10/17
Executive Director
Key Sites and Industry Assessments