

Modification of Project Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Stephen O'Connor (Chair)
Member of the Commission



Carol Austin
Member of the Commission



David Johnson
Member of the Commission

Sydney

27 November 2017

SCHEDULE 1

Project Approval: **MP 11_0089** granted by the Executive Director, Development Assessment Systems and Approvals on 5 April 2013

For the following: Construction of a boutique hotel comprising including:

- 60 hotel rooms;
- a total GFA of 4,595.9 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; and
- a single storey addition to the Clare Hotel and a two storey addition to the Administration Building. Construction of a new glazed link between the two buildings to create a foyer and entry space for the hotel.

Proponent: Trustee for the Cirillo Planning Trust

Approval Authority: Minister for Planning

The Land: Block 3A, Central Park, Chippendale (former Carlton United Brewery site)

Modification: **MP 11_0089 MOD 3:** the modification includes:

- establish hours of operation, patron capacity and management of the roof top pool terrace bar
- erection of a single storey roof structure
- erection of a single storey roof top extension containing toilets

SCHEDULE 2

The above approval (MP 11_0089) is modified as follows:

- (a) Schedule 1 Part A – Administrative Conditions A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

A1 Development Description

Development approval is granted only to carrying out the development described in detail below:

- Construction of a boutique hotel comprising:
 - 62 hotel rooms;
 - a total GFA of **4,595.9m² 4605.3m²**;
 - 1,142.8m² of food and drink premises including three restaurants and a lounge;
 - conference and meeting facilities;
 - staff offices and amenities;
 - a rooftop deck and pool; and
 - storage and loading facilities.
- A single storey addition to the Clare Hotel and a two storey addition to the Administration Building.
- Construction of a new glazed link between the two buildings to create a foyer and entry space for the hotel.

- (b) Schedule 1 Part A – Administrative Conditions A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

A2 Terms of Approval

The Proponent shall carry out the project in accordance with the following documentation:

- a) Environmental Assessment and supporting documents prepared by JBA Planning dated November 2012, **as amended by the Section 75W Modification (MOD 1) by JBA Planning dated 15 November 2013;**
- b) Preferred Project Report and Response to Submissions and supporting documents prepared by JBA Planning dated 5 March 2013;
- c) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) otherwise provided by the conditions of this approval.
- d) Section 75W modification application (MP 11_0089 MOD 1), prepared by JBA Urban Planning, dated 15 November 2013
- e) Section 75W modification application (MP 11_0089 MOD 2), prepared by JBA Urban Planning, dated 26 May 2016
- f) **Section 75W modification application (MP 11_0089 MOD 3), prepared by Planning Lab, dated 18 November 2016, as amended by Response to Submissions dated 28 March 2017**

Architectural (or Design) Drawings prepared by Tonkin Zulaikha Greer			
Drawing No.	Rev	Name of Plan	Date
A-001	A	Context Plan	2 November 2012
A-002	A	Site Analysis	2 November 2012
A-003	A	3D Images	2 November 2012
A-100	B	Basement	28 June 2013
A-101	B	Ground Floor	28 June 2013
A-102	B	Level 1	28 June 2013
A-103	B	Level 2	28 June 2013
A-104	B	Level 3	28 June 2013

Architectural (or Design) Drawings prepared by Tonkin Zulaikha Greer			
A-105	B	Level 4	28 June 2013
A-106	B	Pool Deck	28 June 2013
A-107	B	Roof	28 June 2013
A-300	B	Section 01	15 October 2013
A-301	B	Section 02	15 October 2013
A-302	B	Section 03	15 October 2013
A-400	B	East Elevation	15 October 2013
A-401	B	West Elevation	15 October 2013
A-402	B	North Elevation	15 October 2013
A-403	B	South Elevation	15 October 2013
A-700	B	Material Schedule	15 October 2013
Architectural Drawings prepared by Hüppauf Chesterman Architects			
A-100	-	Pool Terrace Floor Plan	17 November 2016
A-101	-	Roof Plan	17 November 2016
A-102	-	Pool Terrace Part Plan	17 November 2016
A-103	-	Roof Part Plan	17 November 2016
A-200	-	Cross Sections	17 November 2016
A-201	-	Long Section / East Elevation	17 November 2016
A-202	-	Detail Cross Section	17 November 2016
A-300	-	West Elevation	17 November 2016
SK-01	-	View 1 From Lift	17 November 2016
SK-02	-	View 2 From Deck	17 November 2016
SK-03	-	View 3 From Pool	17 November 2016
SK-04	-	Privacy Film Study	14 November 2017
Survey Drawings prepared by Degotardi, Smith and Partners			
30826A38	A	Sheet 1	24 October 2012
Stormwater Concept Drawings prepared by Mott MacDonald			
MMD-313916-C-DR-CD-0003	P1	Concept Stormwater Layout Plan	24 October 2012

- (c) Schedule 2 Part B – Prior to Issue of Construction Certificate, is amended by the insertion of new condition B23 as follows:

B23 Amendment of the roof structure

The roof structure approved by modification application MP 11 0089 MOD 3 shall be amended:

- a) in accordance with the recommendations of the Acoustic Assessment prepared by Parsons Brinckerhoff, dated 22 September 2016;**
- b) to relocate skylights to the western side of the roof to increase its transparency up to 40% as viewed from Carlton Street level, provided this does not adversely reduce the acoustic qualities of the structure;**
- c) the western elevation of the structure is to be constructed of fixed glazing, with no openings;**
- d) to incorporate a light grey gloss finish to the soffit;**
- e) to provide more slender vertical support beams;**
- f) to provide translucent privacy film to the western glazed elevation in accordance with drawing SK04.**

Amended plans illustrating the above changes are to be submitted to and approved by the certifier prior to the release of a construction certificate.

- (d) Schedule 2 Part B – Prior to Issue of Construction Certificate, is amended by the insertion of new condition B24 as follows:

B24 External Walls and Cladding Flammability

The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority must:

- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.

- (e) Schedule 2 Part F – During Operations, is amended by the insertion of the new conditions F9 to F16 as follows:

F9 Hours of Operation of the Rooftop Bar

The hours of operation of the roof top bar are restricted to between 7.00am and 8.00pm seven days a week. The hours of the sale of alcohol are restricted to between midday to 8.00pm seven days a week.

F10 Extended Hours of Operation

Notwithstanding the hours of operation stipulated by condition F9 the use (including sale of alcohol) may operate between the following extended hours of operation for a trial period of 1 year from the date of issue of the Occupation Certificate:

- 8.00pm and 10.00pm Monday to Sunday (inclusive).

The Department is to be informed in writing of the date of commencement of the trial extended hours.

After the initial one year period, the hours of operation shall revert to the approved hours of operation pursuant to condition F9.

A further application may be lodged to continue the extended hours outlined above not less than 30 days before the end of the trial period. The Department's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

F11 Plan of Management

Prior to occupation, the Plan of Management (PoM), prepared by The Old Clare Hotel and submitted with the response to submissions shall be updated to include:

- a) a copy of the House Policy (alcohol)
- b) the licensee/manager signature/endorsement

A copy of the updated POM shall be provided to Council and the Department. The use must always be operated in accordance with the updated POM.

F12 Copies of Consents and Management Plans

A full and current copy of all current development consents for the operation of the licensed premises, and the Plan of Management, Noise Management Plan must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

F13 Operation in Accordance with the Acoustic Assessment

The operations of the roof top bar must, at all times, comply with the requirements and recommendations of the Acoustic Assessment prepared by Parsons Brinckerhoff, dated 22 September 2016.

F14 Noise Limits

The L₁₀ (15 minute) noise level emitted from the rooftop bar must not exceed the levels in the table below, in any Octave Band Centre Frequency (31.5 Hz to 4 kHz inclusive) when assessed at the boundary of any affected residence between 7am and 10pm.

Location		L ₁₀ (15 minute)								
All Residential Receivers	Hz	31.5	63	125	250	500	1k	2k	4k	8k
	dB(A)	58	57	56	57	55	53	49	42	38

F15 Noise from Glass Removal

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

F16 Neighbourhood Amenity

- a) Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage shall be in bold letters not less than 25mm in height on a contrasting background.**
- b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.**

F17 Use of Plastic Vessels – Rooftop Bar

Plastic vessels are to be used in the service of all liquor and or other drinks to prevent any potential glass injury to patrons utilising the swimming pool area and bar area. Any wine/champagne bottles are to be placed in a neoprene cover before service to a customer.

F18 Noise

Within 3 months of commencing operation of the roof top bar, or at a time as agreed with the Secretary, the Proponent must submit to the Department a Noise Audit of the roof top bar. The audit must:

- a) be carried out by a suitably qualified and experienced acoustic consultant;**
- b) audit the roof top bar whilst it is in operation, including operating at full capacity;**
- c) validate the noise levels via noise monitoring against the noise limits in Condition F14;**
- d) include a summary of any noise related complaints and any actions taken to address those complaints;**
- e) review the management practices of the roof top bar against best industry practice;**
- f) include an action plan that identifies and prioritises additional noise mitigation measures that may be necessary to reduce noise levels;**
- g) if additional noise mitigation measures are recommended, provide a further program of monitoring and reporting.**

End of Modification (MP 11_0089 MOD 3)