



Report to Sydney West Central Planning Panel

SWCCP reference	2018SWC079
DA No.	805/2013/C
Date of receipt	8 May 2018
Proposal	Modification to Parramatta RSL to increase hours of operation
Street address	2 Macquarie Street, Parramatta NSW 2150
Property Description	Lot 362 in DP 752058
Applicant	Castle Hill RSL
Owner	Castle Hill RSL
Submissions	Five
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• State Environmental Planning Policy (State and Regional Development) 2011• Parramatta Local Environmental Plan 2011
Recommendation	Approval
Council Officer	Jonathan Cleary, Senior Development Assessment Officer

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report ? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard has been received, has it been attached to the assessment report ? N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? No

Conditions

Have draft conditions been provided to the applicant for comment ? No

1. Executive summary

This report considers an increase in the operating hours of the Parramatta RSL to 7am-4am, 7 days a week.

The modification application, as lodged, included an increase in the number of gaming machines from 145 to 200. On 18 July 2018, the applicant confirmed the deletion of this aspect from the modification application.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments generally supports an increase in the hours of operation on a trial basis. The application is considered satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Approve the modification application subject to the amended condition in Schedule 1 of Attachment B.

2. Key issues

- a. Acoustic Impacts;
- b. Social Impacts;
- c. Crime Prevention.

3. Site context

The site is located in the north-western corner of Macquarie Street and O'Connell Street on the western fringe of the Parramatta CBD. The site is generally rectangular in shape and has frontage to both Macquarie Street (154.485m) and O'Connell Street (70.79m). The site has an area of 11,121m².



Figure 1: Location of the site within the Parramatta CBD. Source: GeoCortex

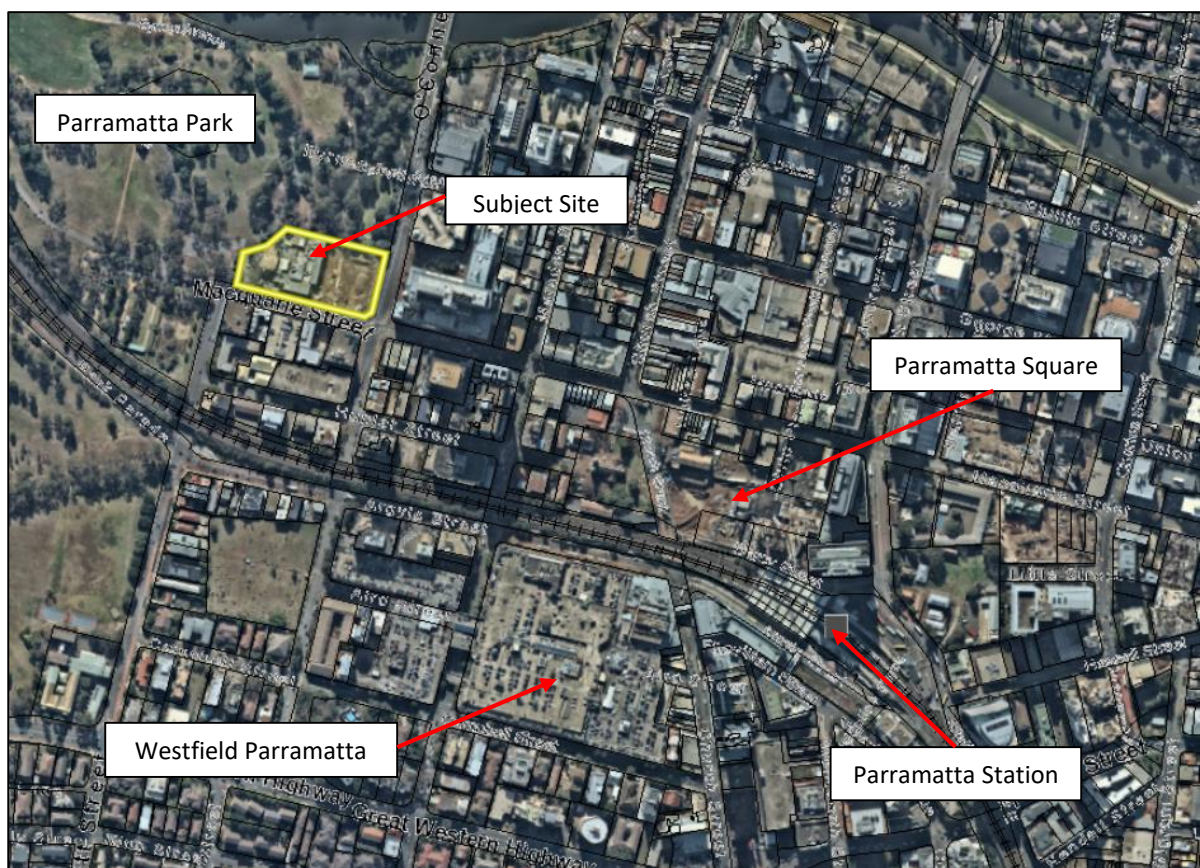


Figure 2: Aerial View of Site Context. Site outlined in Yellow. Source: GeoCortex

The site currently accommodates the Parramatta RSL Club, with its clubhouse building located on the western portion of the site. The bowling greens have been demolished to accommodate construction of the new Parramatta RSL.

There is minimal vegetation located on the site with some mature and larger trees in the south-western car parking area and smaller trees/shrubs within the southern boundary (i.e. along Macquarie Street). Other mature trees are located directly adjacent to the north-western and northern boundary of the site within Parramatta Park. There are a number of electricity easements (underground mains and electricity substations located on the western and north-western side of the site.

The site adjoins Parramatta Park, which is a world heritage listed item. Nearby land uses include commercial premises, shop top housing and car parking facilities.

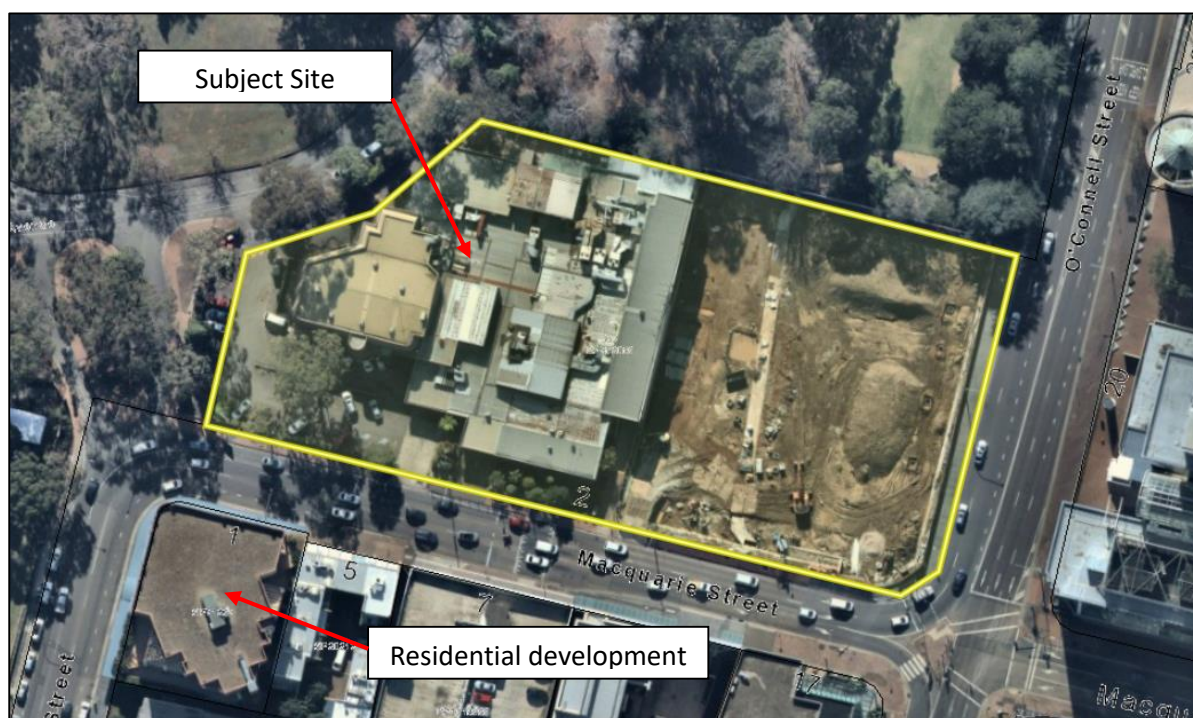


Figure 3: Aerial view of the site and nearby residential development. Source: GeoCortex

4. Approved Development

On 13 May 2015, DA/805/2013 (Ref: 2013SYW019) was determined by the Sydney West Joint Regional Planning Panel for the *demolition of existing buildings and removal of bowling greens*. Approval is also sought for construction of a two storey club over 3 levels of basement carparking.

Condition No. 118 of the consent states:

“118. The hours of operation of the club shall be restricted to:

Day	Time
Monday	10am to 11pm
Tuesday	10am to 11pm
Wednesday	10am to 11pm
Thursday	10am to 12 midnight
Friday	10am to 1am
Saturday	10am to 1am
Sunday	10am to 11pm

Reason: *To confirm the details of the application.*

On 16 November 2015, Council refused DA/805/2013/A which sought the deletion of the Section 94A Contributions.

On 29 August 2016, Council approved DA/805/2013/B which sought to replace the Section 94A Contributions with a Voluntary Planning Agreement for contributions to specific projects and improvements.

4. Background

On 8 May 2018, DA/805/2013/C was lodged with City of Parramatta to modify two aspects of the development:

1. Modify condition No. 109 to increase the number of gaming/poker machines from 145 to 200; and
2. Modify Condition No. 118 to increase the hours of operation to 7am till 4am, 7 days a week.

The application was advertised for a 21-day period from 16 May 2018 to 6 June 2018 in accordance with the Parramatta DCP 2011.

On 26 June 2018, correspondence was sent to the applicant raising in-principle concerns with the application as lodged with respect to Social Impacts, Acoustic Impacts, and no details of any physical works.

On 10 July 2018, a meeting was held between Council officers and the applicant to discuss the previous correspondence. The applicant indicated that the increase in gaming machines would no longer be pursued as part of this application.

On 12 July 2018, demographic data was forwarded to the applicant to assist in their preparation of an amended Social Impact Assessment.

On 17 July 2018, an addendum to the Acoustic Report was submitted to Council.

On 18 July 2018, confirmation was received from the applicant that the subject modification application would no longer seek an increase in gaming machines.

On 26 July 2018, an addendum to the Statement of Environmental Effects was submitted to Council.

On 27 July 2018, an addendum to the Social Impact Assessment was submitted to Council.

5. The proposal

The modification application as lodged, sought the following condition changes:

Condition 109:

109. The maximum number of gaming/poker machines on the site shall not exceed ~~one hundred and forty five (145)~~ **two hundred (200)**. Any increase in the number of machines shall be subject to ~~further Development Application to Council~~ **separate approval under the Gaming Machines Act 2001.**

Condition 118

118. The hours of operation of the club shall be restricted to:

Day	Time
Monday	40am to 11pm
Tuesday	40am to 11pm
Wednesday	40am to 11pm
Thursday	40am to 12 midnight
Friday	40am to 1am
Saturday	40am to 1am
Sunday	40am to 11pm

7am to 4am, Monday to Sunday. All outdoor areas of the club shall be restricted from club patrons between 1am to 7am, Monday to Sunday

As mentioned above, on 18 July 2018, the applicant confirmed that the increase in gaming machines in no longer being sought.

On 13 August 2018, the applicant proposed a reduction in the hours of operation as follows:

Day	Time	Trail Extension for 12 months
Monday	7:00 am – 12:00 midnight	12:00 midnight -1:00 am
Tuesday	7:00 am – 12:00 midnight	12:00 midnight -1:00 am
Wednesday	7:00 am – 12:00 midnight	12:00 midnight -1:00 am
Thursday	7:00 am – 1:00 am	1:00 am – 4:00 am
Friday	7:00 am – 2:00 am	2:00 am – 4:00 am
Saturday	7:00 am – 2:00 am	2:00 am – 4:00 am
Sunday	7:00 am – 12:00 midnight	12:00 midnight -1:00 am

6. Public notification

The application was advertised for a 21-day period from 16 May 2018 to 6 June 2018. In response, five (5) submissions were received raising the following issues:

- Noise for longer periods;
- Additional traffic generation;
- Increases in problem gambling rates;
- Increased access to alcohol.

7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions No

8. Environmental Planning and Assessment Act 1979

Does Section 1.7 (Significant effect on threatened species) apply ? No

Does Section 4.10 (Designated Development) apply ? No

Does Section 4.46 (Integrated Development) apply ? No

Are submission requirements within the Regulations satisfied? Yes

9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs A detailed assessment is provided at
Attachment A.

10. Parramatta Local Environmental Plan 2011

The following table is a summary assessment against the LEP. A detailed evaluation is provided at **Attachment A.**

Table 1: LEP compliance

<i>Comment or non- compliances</i>	
Zones	<ul style="list-style-type: none">• RE2 – Private Recreation
Definition	<ul style="list-style-type: none">• Registered Club
Part 2 Permitted or prohibited development	<ul style="list-style-type: none">• Permissible in the zone
Part 4 Principal development standards	<ul style="list-style-type: none">• Proposed modifications are to operating hours only. No physical changes proposed.
Part 5 Miscellaneous provisions	<ul style="list-style-type: none">• Proposed modifications are to operating hours only. No physical changes proposed that would affect Part 5.
Part 7 Additional local provisions	<ul style="list-style-type: none">• Proposed modifications are to operating hours only. No physical changes proposed that would affect Part 7.

11. Parramatta Development Control Plan 2010

The following table is a summary assessment against this DCP. A detailed evaluation is provided at **Attachment A**.

Table 2: DCP compliance

<i>Comment or non- compliance</i>	
4.3.3 Parramatta City Centre	Acceptable increase in hours of operation subject to trail period.

12. Response to SCCPP briefing minutes

The matter has not been briefed to the SCCPP previously.

Conclusion

The proposed modification to increase the hours of operation is acceptable with respect to the social and economic benefits and impacts on the residents and visitors to the Parramatta CBD.

RECOMMENDATION

- A. That the Sydney Central City Planning Panel modify development consent DA/805/2013 for *demolition of existing buildings and removal of bowling greens*. Approval is also sought for construction of a two storey club over 3 levels of basement carparking to include modifications comprising the extension of operating hours on land at Lot 362 in DP 752058, 2 Macquarie Street, Parramatta NSW 2150 for a period of five (5) years from the date of the original Notice of Determination subject to the following modification:

118. The hours of operation of the club shall be restricted to:

Day	Time
Monday	10am to 11pm 7:00am – 12:00 Midnight
Tuesday	10am to 11pm 7:00am – 12:00 Midnight
Wednesday	10am to 11pm 7:00am – 12:00 Midnight
Thursday	10am to 12 midnight 7:00am – 4:00am
Friday	10am to 1am 7:00am – 4:00am
Saturday	10am to 1am 7:00am – 4:00am
Sunday	10am to 11pm 7:00am – 12:00 Midnight

- (a) The above hours of operation is limited to a period not exceeding 12 months from the date of occupation of the Club. At the end of this period, the hours of operation of the Club must revert to the following:

Day	Time
Monday	7:00am – 11:00pm
Tuesday	7:00am – 11:00pm
Wednesday	7:00am – 12:00 Midnight
Thursday	7:00am – 1:00am
Friday	7:00am – 2:00am
Saturday	7:00am – 2:00am
Sunday	7:00am – 12:00 Midnight

The Council may, upon receiving an application under Section 4.55 of the Environmental Planning and Assessment Act 1979, prior to the 12-month period, provide permanent operating hours reflective of those the subject of the initial 12-month trial.

Any application under Section 4.55 of the Act should be made to Council should be made to Council at least 90 days prior to the end of the 12 month trial period to allow adequate processing/assessment of the application, noting that the modification may be determined by the Regional Panel.

- (b) Prior to the commencement of the trial period, the proponent shall undertake consultation with residents immediately neighbouring the site to inform them of the extended hours of operation. The letter must include the following details:

- i. The trial period and process;
- ii. Who and how to make contact to seek further information;
- iii. Offer of interpreter services;
- iv. Information provided in Hindi, Mandarin, and Tamil Languages at a minimum.

The proponent should contact the City of Parramatta Social Outcomes team for assistance in the preparation and distribution of the abovementioned letters.

- (c) The noise from the premises shall not exceed the criteria laid down by the Liquor Administration Board as follows:

- i. "The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz- 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence. The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz- 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.
- ii. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.
- iii. Interior noise levels which still exceed safe hearing levels are in no way supported or condoned by the Liquor Administration Board.
- iv. This is a minimum standard. In some instances the Board may specify a time earlier than midnight in respect of the above condition.

*For the purpose of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises"

- (d) During the first December to February period, within the trial period at a time when patronage levels are likely to be at their maximum, an acoustical assessment is to be carried out by an appropriately qualified person nominated by the consent holder and approved by the City of Parramatta Council, in accordance with the Liquor Administration Board Noise Criteria and submitted to the City of Parramatta Council for consideration.

- i. The acoustical assessment is to assess whether patron noise emitted from the licensed premises (including outdoor areas) comply with the LAB noise criteria.
- ii. The consent holder is to pay the costs of the acoustical assessment. The consent holder is not to be informed of the times testing is to be carried out for the assessment.
- iii. This report should include but not be limited to, details verifying that the noise control measures are effective in attenuating noise to an acceptable noise level.

- iv. The testing must be undertaken for a period of at least one week and must also state the number of patrons in the premises at the time of testing.
- v. Finally, the report must also specify any further noise attenuation measures that may be required in the case that offensive noise is being caused in order to mitigate impacts. The property owner will be required to implement these measures. Should these measures require any additional works to be carried out at the Club, details are to be submitted to Council for approval.

Reason: To manage the impacts of the development.

119. The courtesy bus service operated by the Club shall be extended till close of business, 7 days a week.

Reason: To manage the impacts of the development

120. The service of alcohol must cease at least 30 minutes prior to the operational closing time.

Reason: To manage the impacts of the development

121. The proponent shall prepare a fee schedule for the Parramatta RSL function centre hire aligned with the City of Parramatta's 'Delivery Program and Operational Plan, Part 4 – Fees and Charges 2018/19' including the following:

- (a) For-profit organisations, commercial operators and government agencies pay market rate; and
- (b) Concession rates for not-for-profit organisations with government funding set at 50% of the market rate, and at 25% of the market rate for those with no government funding

Reason: To provide additional public benefit

122. Security staff employed by the Club must patrol the area from the front entrance of the club to the intersection of Macquarie and O'Connell street to the east, and Pitt and Hunter Street to the south on both side of the road at the close of trade.

Reason: To ensure patrons disperse and leave the vicinity of the club to minimise noise and disturbance to neighbouring residences.

123. The Club management must maintain a mobile telephone service (that is, a phone service capable of being answered without being connected to a fixed line) and ensure that this phone service is switched on and that it is able to be answered in order to receive telephone calls from residents when the Club is trading and for a period of 30 minutes after the Club's closure:

- (a) The Club management must, around 1 December in each calendar year, letterbox drop local residents and business with a business card with the number of the telephone service; and
- (b) The mobile number must be made available on the club website and exterior entrance of the club.

Reason: To provide more transparency in incident reporting.

124. The Licensee must maintain a Complaints Diary, in addition to any Incident Register, recording details of any complaint received by management or staff from any local resident or local business in respect of the operation of, or patrons of the Club, whether those patrons are on or have left the Club (provided that they are within sight of the patrol routes along the nominated public roads.
- (a) In receiving any such complaint, the Licensee or a staff member who receives any such complaint is entitled to ask the complainant for information to demonstrate that persons said to have been patrons of the Club, but have left the Premises, might be identified as having attended the Club as patrons thereof;
 - (b) The Complaints Diary must be made available to for inspection by any authorised officer of the NSW Officer of Liquor, Gaming and Racing, the City of Parramatta Council or the NSW Police Force for inspection upon request;
 - (c) The Complaints Diary must be kept for a period of at least four years;
 - (d) A copy of the most recent quarter's entries in the Complaints Diary must be forwarded to the City of Parramatta Council quarterly for the attention of the Crime Prevention Officer.

Reason: To accurately record incidents.

NSW Police Force – Parramatta Police Area Command Conditions of Consent

1. The management of the premises must engage a person who holds a current class 2A security licence to prepare a plan of management ("plan") for the licensed premises.
2. The plan should be systems based and adopt a continuing approach to address:
 - (a) Compliance with licence conditions and liquor and gaming laws.
 - (b) The responsible service of alcohol.
 - (c) Minimising disturbance to the neighbourhood particularly addressing effective management of patrons:
 - i. Who are intoxicated, violent, quarrelsome and disorderly,
 - ii. Queuing to gain entry to the premises, and
 - iii. Within and departing the premises.
 - (d) Effective management and deployment of venue staff particularly addressing:
 - i. Maintaining an incident register,
 - ii. Security and patron safety,
 - iii. Crime scene management procedures, and
 - iv. Induction and training.
 - (e) Appropriate responses to concerns as they arise from the Parramatta Police Area Commander or residents affected by the operation of the licensed premises, and
 - (f) All of the current Parramatta Liquor Accord's conditions or strategies implemented by the accord.
3. The plan should be updated from time to time as required or with a transfer of licensee, but only:
 - (a) With the agreement of the Parramatta Police Area Commander, and
 - (b) On the advice of a person who holds a current 2A security licence.

4. A copy of the plan must be served on the Parramatta Police Area Commander and the Director of Compliance at the Liquor and Gaming NSW:
 - (a) Within six weeks of the imposition of this condition, and
 - (b) Within 14 days of any variation to the plan.
5. A copy of the current plan must be maintained at the licensed premises and made available for immediate inspection by members of the NSW Police Force or Inspectors from the Office of Liquor, Gaming and Racing.
6. The management of the premises must comply and operate the premises in accordance with the Plan of Management approved by the Parramatta Police Area Command at all times.
7. The business authorised must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this development consent.
8. The licensee must not permit any person to enter the premises, or to remain on the premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying:
 - (a) the name of any of the following motorcycle-related and similar organisations: 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, Mongols, Notorious, Muslim Brotherhood Movement; or any “declared organisation” within the meaning of the Crimes (Criminal Organisation Control) Act 2009.
 - (b) the colours, club patch, insignia or logo of any such organisation, or
 - (c) the “1%” or “1%er” symbol, or
 - (d) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in point 1 (a).
 - (e) any incident where a person is refused entry or removed from the premises in relation to this condition must be recorded in the incident register.
9. The licensee must maintain a closed-circuit television system on the premises in accordance with the following requirements:
 - (a) the system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
 - (b) recordings must be in digital format and at a minimum of 15 frames per second,
 - (c) any recorded image must specify the time and date of the recorded image,
 - (d) the system’s cameras must cover the following areas:
 - i. all entry and exit points on the premises,
 - ii. the footpath immediately adjacent to the premises,

- iii. all publicly accessible areas (other than toilets) on the premises.
10. The licensee must also:
- (a) keep all recordings made by the CCTV system for at least 30 days, and
 - (b) ensure that the system is accessible by at least one member of staff at all times it is in operation, and
 - (c) Provide any recordings made by the system to a police officer or inspector within 24 hours. Should you wish to discuss, or required any further information in relation to this matter, please contact our office on 9633 0652.
11. Immediately after the person in charge of the Licensed Premises become aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:
- i. Take all practical steps to preserve and keep intact the area where the act of violence occurred
 - ii. Retain all materials and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by the NSW Police
 - iii. Make direct and personal contact with the Local Area Command or his/her delegate and advise the Commander or delegate of the incident and
 - iv. Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.



ATTACHMENT A- PLANNING ASSESSMENT

SWCCP reference 2018SWC079

DA No. 805/2013/C

1. Overview

This Attachment assesses the relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act, as noted in the table below:

Table 1 : Matters for Consideration

<i>Provision</i>	<i>Comment</i>
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 2 below
Section 4.15(1)(a)(ii) - Draft planning instruments	Not applicable
Section 4.15(1)(a)(iii) - Development control plans	Refer to section 3 below
Section 4.15(1)(a)(iiia) - Planning agreements	Refer to section 4 below
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 5 below
Section 4.15(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 4.15(1)(b) - Likely impacts	Refer to section 6 below
Section 4.15(1)(c) - Site suitability	Refer to section 7 below
Section 4.15(1)(d) – Submissions	None received
Section 4.15(1)(e) - The public interest	Refer to section 8

The following internal and external referrals were undertaken:

Table 2: Referrals

Social Outcomes	No objections
Environmental Health - Acoustic	No objections
Crime Prevention	No objections

Police – Licencing officer	No objections
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2. Environmental planning instruments

The modification application is to amend the approved hours of operation only and would not affect compliance with the relevant State Environmental Planning Policies as assessed under the original application. The following is provided for consideration:

2.1 State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is a modification application to a registered club with an initial capital investment value of over \$30 million pursuant to Schedule 7 of the SEPP and must be determined by the Sydney Central City Planning Panel.

2.2 The Hills Local Environmental Plan 2012

Zoning and permissibility

The Site is zoned RE2 – Private Recreation.

The proposed modification would not affect the definition of the proposal being a ‘*registered clubs*’ which continues to be permissible with consent in that zone.

The original application, approved under the Parramatta City Centre LEP 2007, relied on existing use rights to enable development. The Parramatta LEP 2011 includes ‘*registered clubs*’ as a permissible use.

Zone objectives

Clause 2.3(2) requires the consent authority to have regard to the zone objectives when determining a development application. The objectives for the RE2 zone are:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To identify privately owned land used for the purpose of providing private recreation, or for major sporting and entertainment facilities which serve the needs of the local population and of the wider Sydney region.*

The approved development meets the objectives of the zone, being a reconstruction of an existing registered club providing private recreation which serves the needs of the local population.

The proposed modification does enables greater access to entertainment facilities which serves the needs of the local population.

Therefore, the proposal meets the objectives of the RE2 – Private Recreation zone.



Figure 4: Extract of LEP Zone Map. Source: Geocortex

Remaining provisions

The proposed modification would not alter compliance with the remaining clauses of the Parramatta LEP 2011 as considered under the original application.

3. Parramatta Development Control Plan 2011

The proposed modification relates to the increase in the hours of operation only and would not affect compliance with the remainder of the Parramatta DCP 2011. A merit discussion of the proposal is provided below:

Hours of Operation

The hours of operation for the club are summarised below:

	Existing	Approved	Proposed
Monday	10am – 11pm	10am - 11pm	7am – 4am
Tuesday	10am – 11pm	10am - 11pm	7am – 4am
Wednesday	10am – Midnight	10am - 11pm	7am – 4am
Thursday	10am – 1am	10am - Midnight	7am – 4am
Friday	10am – 2am	10am - 1am	7am – 4am
Saturday	10am – 2am	10am - 1am	7am – 4am
Sunday	10am – Midnight	10am - 11pm	7am – 4am

The application was accompanied by a list of nearby venues and their posted operating hours:

OPERATING HOURS THROUGHOUT PARRAMATTA:

Venue	Address	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Parramatta Leagues Club	1 Eels Place, Parramatta	9:00am-6:00am	9:00am-6:00am	9:00am-6:00am	9:00am-6:00am	9:00am-6:00am	9:00am-6:00am	9:00am-6:00am
Wool Pack Hotel	19 George Street, Parramatta	7.30am-12:00am	7.30am-12:00am	7.30am-12:00am	7.30am-4:00am	7.30am-4:00am	9:00am-4:00am	10:00am-12:00am
Commercial Hotel	2 Hassall Street, Parramatta	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 6:00am	9:00am – 4:00am	10:00am – 12:00am
Collector Hotel	100 George Street, Parramatta	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 6:00am	9:00am – 6:00am	9:00am – 12:00am
The Crown Hotel	295 Church Street, Parramatta	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 12:00am
Rose & Crown Hotel	11 Victoria Road, Parramatta	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 12:00am
Tollgate Hotel	625 Church Street, Parramatta	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 6:00am	9:00am – 5:00am	10:00am – 12:00am
Albion Hotel	135 George Street, Parramatta	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 6:00am	9:00am – 6:00am	9:00am – 12:00am
Royal Oak Hotel	387 Church Street, Parramatta	10:00am – 12:00am	10:00am – 12:00am	10:00am – 12:00am	10:00am – 12:00am	10:00am – 3:00am	10:00am – 3:00am	10:00am – 12:00am
PJ Hotel	74 Church Street, Parramatta	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 6:00am	9:00am – 6:00am	9:00am – 12:00am
The Vauxhall Inn	284/286 Parramatta Road, Granville	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 4:00am	10:00am – 6:00am	9:00am – 6:00am	9:00am – 12:00am

Figure 5: Operating hours of hotels and clubs in Parramatta CBD. Source: URBIS 2018.

In support of the increase in hours of operation, the applicant submitted a Social Impact Assessment and noted the following:

Morning Trade

- The extended morning trade (7am-10am) would allow the Club to facilitate morning functions by corporate and community groups, as well as military and remembrance services.
- The increased morning hours would not increase access to electronic gaming machines as the mandatory shut-down period for the machines extends from 4am till 10am, 7 days a week. See Figure 6 for an extract of the licence issued to the Parramatta RSL:

Gaming machine shutdown hours		
Day	Start Time	End Time
Monday	04:00 AM	- 10:00 AM
Tuesday	04:00 AM	- 10:00 AM
Wednesday	04:00 AM	- 10:00 AM
Thursday	04:00 AM	- 10:00 AM
Friday	04:00 AM	- 10:00 AM
Saturday	04:00 AM	- 10:00 AM
Sunday	04:00 AM	- 10:00 AM
Public holiday	04:00 AM	- 10:00 AM

Figure 6: Extract of Electronic Gaming Machine Licence indicating shutdown hours.

Night time Trade

- *The Club's late night operating hours seek to provide an alternative option to other venues.*
- *It provides opportunities for sections of the community and workforce to come to the Club and enjoy a more relaxed environment.*
- *Although the current operating hours do not align with the proposed extended hours on occasions the Club has been operating in the early morning period and late-night period – without incident.*
- *An inspection of the Club's files over the past few years has identified no letters of complaint from either Council, Police, the Independent Liquor and Gaming Authority, nor residents or businesses within the surrounding area. This correlates with no complaints being registered on Council's files and the excellent record and relationship the Club enjoy with licencing and local Police.*
- *The site is located within the corner of the broader Parramatta Park and accordingly is somewhat isolated from sensitive receivers from an acoustic perspective.*
- *The Club's proposed extension of operations is entirely acceptable when considering other land-night venues within the Parramatta CBD. See Figure 5 above.*

In consideration of the increase to the hours of operation, the proposal was assessed by Council's Social Outcomes team, Crime Prevention Officer, and Environmental Health Officer:

Social Outcomes

The review of the proposal as lodged, i.e. with both an increase in hours and gaming machines, concluded that "*the potential negative impacts of this proposal are likely to potential positive impacts for the local community*", noting the following:

- The NSW Office of Liquor and Gaming has identified the SA2 (Parramatta CBD) has being classified as a 'Band 2' area or 'medium risk' area. This are also boarders a significant area of 'Band 3' or 'high risk area. It is likely that residents of the Band 3 area already access the Parramatta RSL Club and its services and facilities;
- Electronic gaming machines and associate problem gambling are known to create significant financial, psychological and social issues for some members of the community and their families and as well generates significant costs to the broader community;

- The community of the Parramatta CBD and the broader City of Parramatta have a number of the environmental, cultural and demographic characteristics that are associated with risks of problem gambling, including, but not limited to, a high level of cultural and linguistic diversity, a high number of people within the age bracket of 18-34 years old, and some community members experiencing social-economic disadvantage.

In summary, the increase in the number of gaming machines, coupled with the increased hours of operation, was not supported.

Following the submission of the amended Statement of Environmental Effects and Social Impact Assessment to delete reference to the increase in gaming machines, the application was reconsidered by Council's Social Outcomes team concluding that the positive impacts of the proposal include:

- Increased opportunities for venue hire in the Parramatta CBD. The ideal rate of community facility provision is 80sqm/1000 people. The Parramatta CBD currently has 33sqm/1000 people. The CBD requires additional affordable, high quality, and multi-purpose community facility space.
- Increased opportunities for entertainment and recreation, delivering a vibrant Night Time Economy for the Parramatta CBD. Council strives for spaces and places that are diverse, welcoming and provides great experiences; and
- Generating increased employment opportunities. The continued operation of this development will generate increased employment opportunities within the CBD.

Council's Social Outcomes team continues to recognise the potential negatives from the increased access to alcohol and gambling. To offset these potential negatives, additional conditions of consent are recommended dealing with the following:

- a) That the extension to hours be granted on a trial basis;
- b) That further community consultation be undertake with nearby households to provide information and where to direct complements or complaints;
- c) Detailed records of all incidents be kept on site and forwarded to Council at the end of the trail period;
- d) A social planner undertake a review of the operation of the club toward the end of the trail period;
- e) That the courtesy bus service be extended till the close of business each day;
- f) That the service of alcohol cease at least 30 minutes before closing;
- g) That access to Gambling and Financial Counselling be provided and appropriately sign posted;
- h) That a fee schedule for the hiring of the function centre be prepared aligned with the City of Parramatta's 'Delivery Program and Operation Plan'.

In addition to the above, Council's Social Outcomes team recommends that the City of Parramatta make a submission to the Office of Liquor and Gaming to limit access to the electronic gaming machines to the club's substantive hours.

Environmental Health - Acoustics

Council's Environmental Health Officer reviewed acoustic report prepared for the original proposal prepared by *Acoustic Logic* reference 20180003.1/1602A/R1/JL dated 7 February 2018 and raised the following deficiencies with the report:

- The report appears to under-predict the impact of night time noise;
- The report only makes reference to the slamming of patron car doors as the noise source;
- The report makes a comparison with a similar club between from 9pm-10pm however does not address the night hours (10pm onwards).

An amended acoustic report was prepared to address these concerns and was reconsidered. The acoustic environment created by the development is generally supportable subject to additional conditions of consent generally dealing with the following:

- a) Restriction on live music in the outdoor seating areas;
- b) Limitations on access to the outdoor seating areas;
- c) Sound level limiting devices to be installed; and
- d) Ongoing acoustic monitoring to ensure that the projected acoustic levels are achieved and if required, further acoustic mitigation measures are to be installed and/or implemented.

Crime Prevention

A review by Council's Community Crime Prevention (CCP) Officer of the amended proposal was undertaken. Council's CCP Officer is generally supportive of an increase in the hours of operation of the Club on a trial basis, noting the following:

- The Club has shown over many years to be well managed with no adverse impacts on the area;
- The City of Parramatta, and more specifically the Parramatta CBD, is in need of a range of late night venues to cater for the growing population;
- The extension of trading hours will not materially affect the incidence of problem gambling due to the number of available alternative venues.

Council's CCP Officer recommends additional conditions of consent generally dealing with the following:

- a) Specific noise level limits;
- b) Operational requirements for dispersing patrons upon exiting the Club;
- c) Implement a reporting service for residents to make compliments or complaints;
- d) Letter drop nearby residents to inform them of the service;
- e) Maintenance of a Complaints Diary which is forwarded to Council each quarter.

NSW Police:

The Parramatta Policy Area Command Licencing Unit reviewed the increase in the hours of operation and raises no objections subject to additional conditions of consent generally dealing with the following:

- a) An updated Plan of Management;
- b) General restrictions on patrons entering the club;
- c) Specific actions required by the manager of the premises in the event of an act of violence.

Planners Response

The existing club, as operating, benefits from extended hours of operation when compared to the 2013 approval.

The extension of the hours of operation of the club to allow operation from 7:00am is supported, acknowledging that the existing Electronic Gaming Machine licence imposes a minimum shut down period till 10am each day. The morning trade would also allow for community or corporate groups to hire spaces for morning/breakfast functions.

In this instance, an increase in the substantive hours of operation to be in line with the operational club is supported i.e.

	Approved under DA/805/2013	Supported substantive hours
Monday	10:00am – 11:00pm	7:00am – 11:00pm
Tuesday	10:00am – 11:00pm	7:00am – 11:00pm
Wednesday	10:00am – 11:00pm	7:00am – 12:00 Midnight
Thursday	10:00am – 12:00 Midnight	7:00am – 1:00am
Friday	10:00am – 1:00am	7:00am – 2:00am
Saturday	10:00am – 1:00am	7:00am – 2:00am
Sunday	10:00am – 11:00pm	7:00am – 12:00 Midnight

Any further increase in the hours of operation would be on a trial basis for 12 months, at which point, the proponent would be required to submit another application to extend the trial or seek the extension to hours in perpetuity.

Given the track record of the Castle Hill RSL (owner) in managing the existing venue, a further extension, on a trial basis, is supported as follows:

	Supported substantive hours	Trial Hours
Monday	7:00am – 11:00pm	11:00pm – 12:00 Midnight
Tuesday	7:00am – 11:00pm	11:00pm – 12:00 Midnight
Wednesday	7:00am – 12:00 Midnight	No extension
Thursday	7:00am – 1:00am	1:00am – 4:00am
Friday	7:00am – 2:00am	2:00am – 4:00am
Saturday	7:00am – 2:00am	2:00am – 4:00am

Sunday	7:00am – 12:00 Midnight	No extension
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The above trial hours provide consistency in the closing hours of the Club during most weekdays and protecting the amenity of the nearby residential developments while providing the full extension during the weekends.

4. Planning agreements

The proposed modification would not affect any planning agreements affecting the development.

5. Environmental Planning and Assessment Regulation 2000

The proposed modification would not affect the developments compliance with the Regulations.

6. Likely impacts

As addressed above, the potential positive social and economic benefits of the extension of operating hours is supported subject to additional conditions of consent to further offset the potential negative impacts.

7. Site suitability

The site is considered suitable for the proposed modification application.

8. Public interest

The application was notified in accordance with the Parramatta DCP 2011 from 16 May 2018 till 6 June 2018. In response, five submissions were received, including a submission from Western Sydney Local Health District, raising the following concerns:

1. Noise

The submissions raise concerns with respect to noise generated by the use of the club for the extended hours.

In consideration of this concern, the following Land and Environment Court cases are addressed:

Vinson v Randwick Council [2005] NSWLEC 142

In the above case, the Court considered the impact upon the community of extended trading hours and outlined the planning principles to be considered which states:

Principles for the assessment of an extension or intensification of a use which may have an adverse impact on residential amenity, such as a hotel, are:

First, is the impact of the operation of the existing use on residential amenity acceptable?

If the answer is no, then an extension or intensification, would be unacceptable unless there is no overall increase in impact or there are measures proposed which would mitigate the existing impact.

Second, if the answer is yes, is the impact of the proposed extension or intensification still acceptable?

In answering the first question, it is not sufficient to assume that a use operating in compliance with its approval has an acceptable impact.

Given the consistent nature of the objectives, the answer to the first question is no; the modification to extend the trading hours of the Club is unacceptable unless there is not overall increase in impact or there are measures proposed which would mitigate the potential impact.

The case goes on the outline further questions to be considered.

In amplification of the broad principles set out in Randall, the planning principles for testing an application for licensed premises to extend trading hours, increase permitted patron numbers or for additional attractions such as music or other entertainment require addressing the following questions:

What are the adverse impacts of the present trading hours, permitted number of patrons and permitted activities?

Evidence of anti-social behaviour at or linked to the premises taken from records such as the police COPS system and/or other police records and/or diaries kept by local residents is preferable to generalised anecdotal evidence that cannot be tested by the applicant against any records kept by the operator of the premises.

A similar position applies to complaints about other amenity impacting behaviour such as noise from people on the premises or its plant and equipment; noise from entertainment provided on the premises or the noise necessarily arising from patrons such as car doors, engines starting or late-night conversations in residential streets in the vicinity. Demand for on-street parking may also be relevant.

In assessing the likely adverse impact of increased trading hours, permitted number of patrons or permitted activities for licensed premises, the objectors' fears of adverse impacts, no matter how genuinely felt, are relevant only to the extent that there is a reasonable probability that impacts will occur.

The evidence put forward by the applicant is that noise coming from the premises will be below the maximum permitted levels. However, the Club is located adjacent to residential areas on the CBD fringe and that the proximity of the hotel to residences potentially exacerbates the impact of intoxicated patrons leaving the premises in the early hours.

The additional operational conditions of consent requiring more stringent management of patrons exiting the Club and the trial period of the extension of time would provide the Club an opportunity to practically demonstrate that the extended trading hours could be appropriately managed.

2. Traffic

The submissions raise concerns with respect to an increase in traffic generation from the extended trading hours.

The submitted traffic and parking report concludes that the additional traffic generated by the patronage at the club during the morning and evening extended trading hours could be accommodated within the existing road network without issue.

Subject to conditions of consent for additional management procedures to ensure patrons exit in an appropriate manner, the additional traffic generation is acceptable.

3. Increased Electronic Gaming Machines

The submissions raise concerns with respect the increase in electronic gaming machines (EGMs).

The application no longer includes the increase in EGMs. The social impacts of the increases trading hours has been addressed above.

8.1 Western Sydney Local Health District

The Western Sydney Local Health District Centre for Population Health (CPH) submitted an objection to the proposal for both the increase in EGMs and extended trading hours.

Council's Community Crime Prevention Officer has provided a response to the CPH submission:

- The submission from CPH states it bases its objection on the evidence relating to the negative impacts of problem gambling and alcohol-related harm. However, its analysis of the statistical data which forms the bases of its objection is inaccurate, particularly in respect of alcohol related crime.
- The CPH quotes from a *Bureau of Crime Statistics and Research* (BOSCAR) study published in 2001 which indicates that the rate of liquor offences in Parramatta is significantly higher than the NSW average (over twice as high). However, in the intervening seventeen years, the management and understanding of alcohol related crime and strategies to mitigate such crime has advanced significantly.
- The 'liquor offences' quoted in the BOSCAR study relate to any liquor bases offence including:
 - *Consume alcohol in alcohol-free zone*
 - *Consume/possess alcohol in public by minor*
 - *Licensing legislation offence:*

- *Offence by licensee/employee/secretary*
- *Offence by minor*
- *Offence by customer (not minor)*
- *Supply liquor to juvenile*
- *Offence against registered clubs' legislation*

The category of 'liquor offences' is of little utility in assessing the impact of the proposal as the available evidence suggests that the Parramatta RSL is an excellent operator and Council's CCP is unaware of any breaches by the Club.

- A comparison has been undertaken of 'liquor offences' compared to other suburbs with larger visitor numbers; Parramatta (2150), Sydney (2000), North Sydney (2060), and Penrith (2760). A filter was applied to include night time offences (6pm – 6am). The data shows that the rate of offences dropped 34.9% over 5 years compared to an average drop of 9.0% across NSW over the same period. It is acknowledged that the comparison to the NSW average is partially flawed due to the data encompassing rural, regional, and urban centres with diverse communities, population densities, and rates of local crime.

Incidents of Liquor offences occurring during Nights from April 2013 to March 2018

	To March 2018	Year to March 2014		Year to March 2015		Year to March 2016		Year to March 2017		Year to March 2018	
Postcode	Trend: 5 year	Count	Rate	Count	Rate	Count	Rate	Count	Rate	Count	Rate
New South Wales	Down 9.0% per year	11504	154.7	9436	125.1	8401	109.7	8189	105.8	8222	106.2
2000	Stable	1085	4005.0	724	2560.1	903	3077.8	1203	4013.3	795	2652.2
2060	Stable	87	610.4	126	866.3	210	1422.5	129	862.9	177	1183.9
2150	Down 34.9% per year	195	673.8	180	585.5	138	429.6	76	230.4	40	121.3
2750	Stable	47	105.1	35	77.5	44	96.6	39	85.0	33	71.9

- To provide a more relevant measure for alcohol related crime, a comparison of alcohol related assaults and alcohol related disorderly conduct offences during the night was undertaken for the same five-year period as above with the same suburbs:
 - In respect of Alcohol Related Disorderly Conduct (Offensive Language), there has been an 84.1% drop in offences since between April 2014 and March 2018. However, as the actual number of incidents is below 20, BOCSAR does not calculate the percentage change. Likewise, there has been a 53.4% drop in Offensive conduct incidents in the same period. Alcohol related assaults at nights have dropped 17.8% per year during the same period, or 48% overall.
 - In respect of Alcohol Related Disorderly Conduct (Offensive Conduct), there has been an 81.6% drop in offences since between April 2014 and March 2018. However, as the actual number of incidents is below 20, BOCSAR does not calculate the percentage change.
 - In respect of Alcohol Related Assaults, there has been a 17.8% drop in offences per year since between April 2014 and March 2018 compared to a drop in the state average of 6.2% per year over the same period. Alcohol related assaults at nights have dropped 48% overall in the five years to March 2018.

Incidents of Alcohol Related Disorderly conduct (Offensive language) occurring during Nights from April 2013 to March 2018											
	To March 2018	Year to March 2014		Year to March 2015		Year to March 2016		Year to March 2017		Year to March 2018	
Postcode	Trend: 5 year	Count	Rate	Count	Rate	Count	Rate	Count	Rate	Count	Rate
New South Wales	Down 13.6% per year	2257	30.3	1973	26.1	1741	22.7	1465	18.9	1310	16.9 "
2000	Down 23.0% per year	88	323.4	74	262.2	62	210.9	46	153.5	34	113.4
2060	n.c.	8	56.3	4	27.5	1	6.8	2	13.4	3	20.1
2150	n.c.	61	209.5	32	103.6	34	106.1	19	57.6	11	33.3
2750	n.c.	19	42.5	15	33.2	14	30.8	16	34.9	11	24.0
..											
Incidents of Alcohol Related Disorderly conduct (Offensive conduct) occurring during Nights from April 2013 to March 2018											
	To March 2018	Year to March 2014		Year to March 2015		Year to March 2016		Year to March 2017		Year to March 2018	
Postcode	Trend: 5 year	Count	Rate	Count	Rate	Count	Rate	Count	Rate	Count	Rate
New South Wales	Down 15.1% per year	4853	65.3	3927	52.0	3392	44.3	3018	39.0	2620	33.9
2000	Down 19.7% per year	453	1669.0	297	1049.5	310	1056.7	252	840.7	208	693.9
2060	n.c.	19	133.4	23	158.5	26	175.9	21	140.5	19	127.1
2150	n.c.	47	161.8	33	106.6	16	49.8	18	54.6	10	30.3
2750	n.c.	31	69.2	15	33.2	28	61.4	25	54.5	12	26.2
Incidents of Alcohol Related Assault occurring during Nights from April 2013 to March 2018											
	To March 2018	Year to March 2014		Year to March 2015		Year to March 2016		Year to March 2017		Year to March 2018	
Postcode	Trend: 5 year	Count	Rate	Count	Rate	Count	Rate	Count	Rate	Count	Rate
New South Wales	Down 6.2% per year	20112	270.4	17845	236.5	16621	217.0	16259	210.1	16171	208.9
2000	Stable	868	3200.6	774	2734.4	838	2861.3	805	2685.6	844	2815.7
2060	Stable	27	189.9	33	226.5	35	236.4	50	334.4	51	341.1
2150	Down 17.8% per year	200	690.9	151	491.6	127	396.4	94	285.0	104	315.3
2750	Stable	162	362.1	171	378.7	172	378.1	164	357.5	160	348.7

In summary, although the concerns of the CPH are valid with respect to their concerns relating to an increase in access to alcohol and electronic gaming machines, the statistics used to support their concerns are flawed and over represent alcohol related issues in Parramatta.

9. Public interest

9.1 Draft Greater Sydney Regional Plan and (Revised) Draft Central City District Plan

The *Greater Sydney Regional Plan* has been prepared by the Greater Sydney Commission to manage growth and change and guide infrastructure delivery over the next 40 years. The Plan sets a strategy for accommodating Sydney's future population growth and identified the need to deliver 817,000 new jobs and 725,000 new homes by 2036.

The Greater Sydney Commission will use the District Plans to inform Council's plans, guide assessment of local planning proposals, and information the delivery of infrastructure within the district. The City of Parramatta has been grouped with Blacktown, Cumberland, and The Hills Councils.

The proposed development is consistent with the *Greater Sydney Regional Plan* as it would provide opportunities for greater employment within the Parramatta CBD.