

<b>DATE OF DETERMINATION</b>	Wednesday 5 September 2018
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor, Paul Mitchell, Peter Brennan and Cr Sameer Pandey
<b>APOLOGY</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Mantra Parramatta, Corner Parkes Street and Valentine Avenue, Parramatta on Wednesday 5 September 2018 opened at 4.05pm and closed at 5.42pm.

#### **MATTER DETERMINED**

Panel Ref – 2018SWC079 - LGA – City of Parramatta, DA805/2013/C AT 2 Macquarie Street, Parramatta (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

#### **REASONS FOR DECISION**

The Panel determines this application to modify the approved development for the following reasons:

1. This is an application to modify the hours of operation of the Club and the Panel is satisfied that the development as modified will be substantially the same as that originally approved.
2. The modified development, with the conditions imposed which include a trial period, should have no adverse impacts on the neighbourhood. Following the trial period the applicant will need to make a further application if it requires hours of operation beyond the base hours approved in this application (as defined in Condition 118(a)).
3. The modified development will extend the availability of club facilities to members and guests, and thus have some beneficial social outcomes.

#### **CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report and conditions modified at the meeting below:

## AMENDED 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. **On a temporary basis,** the hours of operation of the club shall be restricted to:

Day	Time
Monday	<del>10am to 11pm</del> 7:00am – <del>12 midnight</del> <b>1:00am</b>
Tuesday	<del>10am to 11pm</del> 7:00am – <del>12 midnight</del> <b>1:00am</b>
Wednesday	<del>10am to 11pm</del> 7:00am – <del>12 midnight</del> <b>1:00am</b>
Thursday	<del>10am to 12 midnight</del> 7:00am – 4:00am
Friday	<del>10am to 1am</del> 7:00am – 4:00am
Saturday	<del>10am to 1am</del> 7:00am – 4:00am
Sunday	<del>10am to 11pm</del> 7:00am – <del>12 midnight</del> <b>1:00am</b>

- (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 (the base hours) 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

**After the 12 months trial period the base hours will apply unless a further application is made to extend.**

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.

**During the trial period, outside areas are not to be used after midnight, Monday to Saturday and after 10pm on Sundays.**

**Between the hours of 1am and 4pm the operation of the Club shall be restricted to the areas outlined in the Late Night Operational Plan in the Urbis Addendum to the Statement of Environmental Effects.**

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 State Planning Panel.

**The application must be accompanied by a Social Impact Assessment (SIA). The SIA must be in accordance with City of Parramatta's 'Social Impact Assessment Guidelines', August 2013. The SIA shall include a review of relevant information acquired as a result of the trial period and identify and mitigate against any social impact likely to be experienced at this venue. This SIA is to include information in relation to:**

- i. Any liquor offences occurring in the vicinity of the venue;**
  - ii. Any other instances of crime, including assault in the vicinity of the venue;**
  - iii. Any information related to the impact of gambling including numbers of self-reported exclusions;**
  - iv. A register of complaints relating to disturbances or impacts arising from the operation of the club, especially during the extended operating hours;**
  - v. A report on the frequency and types of uses occurring in the venue's function spaces.**
- (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 **12:00pm** 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- BkHz inclusive) between **12:00pm** 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 **not to occur**.

\*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 Club shall supply a courtesy bus service until 1am on Thursday, Friday, and Saturday, during the trial period, and after 1am to 4am on those days will provide transport assistance.**

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. 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.


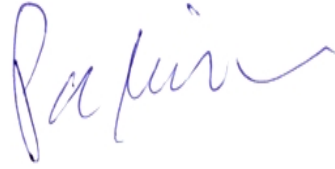


122. The Club management must maintain a mobile telephone service (that is, a phone service capable of being answered without being connected to a fixed line) and ensure that this phone service is switched on and that it is able to be answered in order to receive telephone calls from residents when the 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.
123. 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. **The Plan is to be approved by the Club's Board of Directors prior to the extended of hours' commencement.**
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 reviewed and updated **annually** 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 8 (a) and (c).
  - (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.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Paul Mitchell
 Peter Brennan	 Sameer Pandey

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC079 - LGA – City of Parramatta, DA805/2013/C
2	PROPOSED DEVELOPMENT	Modification to Parramatta RSL to increase hours of operation
3	STREET ADDRESS	2 Macquarie Street, Parramatta
4	APPLICANT/OWNER	Castle Hill RSL
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) modification application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Parramatta Local Environmental Plan 2011</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: Nil <ul style="list-style-type: none"> <li>Parramatta Development Control Plan 2010</li> </ul> </li> <li>Planning agreements: Nil <ul style="list-style-type: none"> <li><i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> </ul> </li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>

7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report – August 2018</li> <li>• Written submissions during public exhibition: 5</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – Peter Strudwick</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site Inspection, final briefing and Public meeting – 5 September 2018</li> </ul> Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Mary-Lynne Taylor, Paul Mitchell, Peter Brennan and Cr Sameer Pandey</li> <li>○ <u>Council assessment staff</u>: Jonathan Cleary</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Submitted with council report