

**NSW Planning Assessment Commission Determination
Old Clare Hotel Block 3A Central Park Modification
(MP 11_0089 MOD 3)**

27 November 2017

The Planning Assessment Commission has granted consent to the modification application (MP 11_0089 MOD 3) from Cirillo Planning Trust to modify the Project Approval to expand the use of a rooftop bar, establish restrictions on its use and construct a single storey roof structure, subject to conditions of consent. The decision follows the public meeting held in Sydney on 15 November 2017.

In reaching this decision, the Commission carefully considered whether the proposed modification is within the scope of section 75W, the relevant matters for consideration under the *Environmental Planning and Assessment Act 1979* (EP&A Act), concerns raised by the community at the public meeting and public submissions, and the Department of Planning and Environment's assessment report.

The Commission is satisfied that the proposed modification is within the scope of section 75W of the EP&A Act, and considers that the modification does not fundamentally change the intent of the existing approved development. The Commission concurs with the Department that the proposed modification is appropriate given the rooftop bar is an approved and permissible use, and consistent with a range of uses envisaged under the relevant state and local planning controls for the site.

The Commission concluded that the proposed roof structure will assist in mitigating noise emissions impacting on neighbouring residences. The Commission notes minor exceedances in the 8kHz frequency octave band, however it is satisfied that noise at this frequency would be inaudible.

The Commission supports the application of translucent privacy film to the western façade as it believes this would address privacy impacts and concerns raised in public submissions.

The Commission agrees with the Department's recommended conditions and has made some minor changes following requested amendments from the proponent and in consultation with the Department. In addition, the Commission imposed a condition requiring the applicant to undertake a noise audit within three months of operating under this modified consent to enable any issues to be identified early and rectified by hotel management.