



**STATEMENT OF ENVIRONMENTAL EFFECTS  
TO ACCOMPANY A DEVELOPMENT  
APPLICATION FOR A CHANGE OF USE OF  
THE GROUND LEVEL AND LEVELS 1 AND 2  
FROM RETAIL/OFFICE PREMISES TO A PUB  
AND ASSOCIATED ALTERATIONS TO (AND  
FITOUT OF) THOSE LEVELS TO FACILITATE  
THE CHANGE OF USE**

**20 SMITH STREET, PARRAMATTA**

**Prepared for Brompton Group  
On behalf of Solotel Group**

**By  
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Job No. 22-085  
SEE Final  
October 2022



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# 1. INTRODUCTION

## 1.1 Overview

Solotel Group (“the Applicant”) intends to transfer the hotel liquor licence from the Albion Hotel at 135 George Street to 20 Smith Street in the Parramatta CBD. This Statement of Environmental Effects (“SEE”) has been prepared as part of a DA for a change of use of the ground level and Levels 1 and 2 of the existing commercial office building at 20 Smith Street (“the site”) from retail/office premises to a pub and for associated alterations to (and fitout of) those levels to facilitate the change of use including raising the podium to be more in context with the massing of the podium/ street frontage heights of the two neighbouring buildings. Alterations are also to be made to the basement car park and to the two car parking levels in the podium to integrate new vertical circulation (lifts and stairs). The proposal also includes a relocation of the commercial office tower lobby (to the east) from the corner of Smith Street and George Street to the George Street frontage.

The new pub, still to be known as the Albion, will comprise a public bar, lounge bar, kitchen, outdoor terrace, and patron and staff amenities at ground level with lounge/dining areas, bars, outdoor terraces, kitchen, patron and staff amenities and a nightclub on Level 1, with a nightclub mezzanine on Level 2 and with associated lounge, bar and outdoor terrace along with patron amenities, voids over the Level 1 space below and a plant/ equipment area.

The Applicant is a highly experienced owner and operator of licenced food and drink premises, including the following pubs:-

- Barangaroo House, Barangaroo;
- Golden Sheaf, Double Bay;
- Regent Hotel, Kensington;
- Public House, Petersham;
- Sackville Hotel, Rozelle;
- Marlborough Hotel, Newtown;
- Bank Hotel, Newtown;
- Courthouse Hotel, Newtown;
- Bridge View Hotel, Willoughby;
- Edinburgh Castle, Sydney CBD;
- Clock Hotel, Surry Hills;
- Albion Hotel, Parramatta;
- Opera Bar, Circular Quay;
- Paddo Inn, Paddington;
- Darlo Bar, Darlinghurst;
- Kings Cross Hotel, Kings Cross;

- Goros, Surry Hills; and
- The Erko, Erskineville.

## 1.2 Purpose of Statement of Environmental Effects

The purpose of this SEE is to:-

- describe the site to which the DA relates;
- describe the characteristics of the surrounding locality and in particular adjoining and adjacent development;
- describe the proposal;
- define the statutory planning framework within which the DA is to be assessed and determined; and
- assess the proposal in light of all the relevant heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

## 1.3 DA Documentation

A Certificate of title and a deposited plan for the site are provided in **Appendix 1**. A survey plan is provided in **Appendix 2**. Architectural Plans are provided in **Appendix 3**. Landscape Plans are provided in **Appendix 4**. A Stormwater Drainage Concept Plan is provided in **Appendix 5**. An Architectural Design Statement is provided in **Appendix 6**. An Acoustic Assessment is provided in **Appendix 7**. A Plan of Management is provided in **Appendix 8**. A Social Impact Assessment is provided in **Appendix 9**. A CPTED Report is provided in **Appendix 10**. A Waste Management Plan is provided in **Appendix 11**. A Traffic Impact Assessment is provided in **Appendix 12**. A Fire Engineering Report is provided in **Appendix 13**. A Fire Engineering DA Support Letter is provided in **Appendix 14**. An Interim Letter to Council regarding Fire Dampers is provided in **Appendix 15**. A BCA Report is provided in **Appendix 16**. An Access Report is provided in **Appendix 17**. An NCC 2019 Amendment 1 Section J Deemed to Satisfy Assessment is provided in **Appendix 18**. A Hazardous Materials Risk Assessment is provided in **Appendix 19**. A DCP Compliance table is provided in **Appendix 20**.



## 2. THE SITE

### 2.1 Location

The site is located at the south eastern corner of the intersection of Smith Street and George Street (see **Figure 1**).

### 2.2 Real Property Description and Ownership

The site comprises Lot 31 in DP 804472 as shown on **Figure 2** and is owned by Smith Street Consolidated Pty Ltd. A certificate of title and deposited plan for the site are provided in **Appendix 1**.

### 2.3 Area and Frontages

The site has an area of 2,017m<sup>2</sup> with frontages of 38.68m and 38.33m to George Street and Smith Street respectively.

### 2.4 Improvements

Erected on the site is a multi-storey commercial office building containing around 7,352m<sup>2</sup> of NLA and 9,117m<sup>2</sup> of GFA. The building has a three level podium (comprising ground level retail and office space and two above-ground parking levels) with 8 office levels above and one basement parking level below. The existing external materials include fixed aluminium glazing, compressed fibre cement panels and metal cladding.

The ground floor level and Levels 1 and 2 of the existing building contain 2,864m<sup>2</sup> of GFA.

There are 3 ground floor tenancies but only one presents an active edge to the street frontage (i.e. the newsagent).

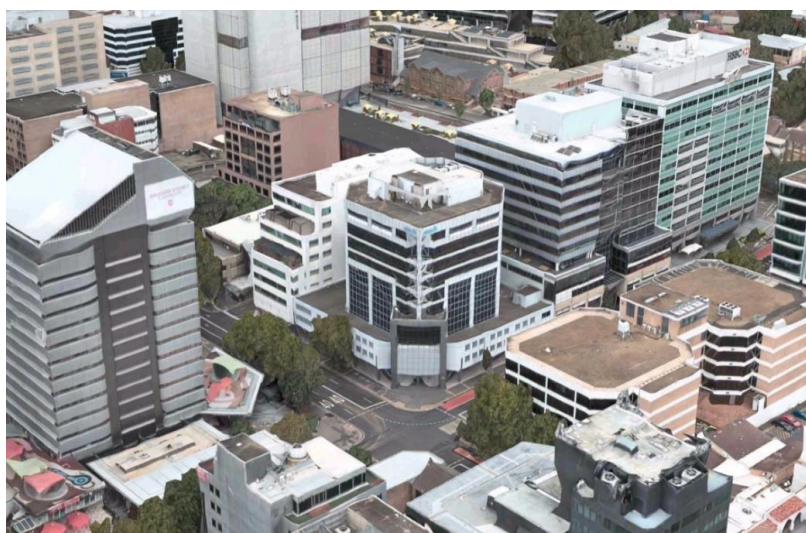


Photo 1: Oblique aerial view of the site from north-west

The existing office building on the site is an example of the ‘international style’ with no identity or sense of place, a strong geometric form, poor street activation and interaction, fixed, recessed and reflective glazed facades and street level, a staid façade composition for the podium and for the 8 office levels and repetitive car park podium massing with narrow ground level colonnades along the two street frontages. The openings in the external walls of the podium parking levels are covered with dense perforated metal screens. Additionally, the office lobby is recessed on a corner entry with a blank corner façade addressing the street. Visibility into the commercial office tower lobby is poor.

The existing building also makes no contribution to the day time or night time streetscape.

## 2.5 Access and Parking

The site has vehicular access from the north east corner of the site, off George Street. Car parking is located in the basement level, and in the two above-ground car parking levels which contain 48, 43, and 45 spaces respectively. The site provides a total of 182 car parking spaces.

## 2.6 Recent Development History

The site’s recent development history, as shown on Council’s DA tracker for the period 2001 to date, is shown below.

Application No.	Description	Lodgement Date	Status
DA/536/2010/A	Section 96(1a) Modification to an approval for business identification signage. The modification includes changes to the design of the signage.	23/07/2013	Approved
DA/304/2011	Proposed office space refurbishments to level 2.	12/05/2011	Withdrawn / No Decision
DA/306/2011	Internal office space refurbishment to Level 2 of a commercial building.	12/05/2011	Approved
DA/828/2010	Refurbishment of part of the ground floor and part of the 7th floor of a commercial building.	20/10/2010	Approved
DA/536/2010	Business identification signage.	7/07/2010	Approved
DA/822/2009	Erect new signs to replace existing in line with new corporate banding	24/11/2009	Approved

DA/285/2005	Removal of two existing signs and construction of two new signs	12/04/2005	Approved
DA/1174/2001	Replace four existing signs with three new signs.	25/06/2001	Approved
DA/1175/2001	Fitout and use of the ground floor section of sale, service & repair of mobile phones.	25/06/2001	Approved

## 2.7 Well

Visible from a window in the ground floor façade at George Street is a display of a brick well. The notice on the display states: -

*“This historic well once provided drinking water for the “Hawkesbury Settler” hotel which had been built on this site prior to 1817. The hotel, which had changed its name to “The Babes in the Wood” by 1829, occupied this site until its demolition sometime between 1878 and 1882. It was replaced by a grand Victorian house which remained until about 1960.*

*In 1989, Prospect Electricity, at that time owners of the property, sponsored an archaeological excavation of the site. The excavation uncovered this well which was constructed from hand made clay bricks. The well was dismantled and reconstructed here in its original form to provide a permanent historical record for the people of Parramatta.”*

The well is proposed to be relocated to the ground floor corner terrace of the new pub where it will still be visible from the street.

### 3. THE SURROUNDING LOCALITY

The site is located in the commercial core of the Parramatta CBD, the Greater Sydney Region's second metropolitan centre. The immediate and wider contexts of the site are illustrated on the aerial photographs in **Figures 3A** and **3B**, respectively. Nearby on the site of the Council's former Horwood Place car park, the new Parramatta CBD Sydney Metro West station is under construction. The Metro is due to commence operations in 2030.

To the north of the site, on the opposite side of George Street, is 100 George Street a 15 storey commercial office building with ground level food and drink premises and a tertiary education establishment.

To the east of the site is a 9 storey commercial office building at 79 George Street. It has a 5 storey podium with the 6<sup>th</sup> and 7<sup>th</sup> storey setback around 4.2m from the George Street frontage and with the upper levels above that setback a further 4.2m or thereabouts. This building extends to the common side boundary with the site. It has windows on the boundary above the roof of the podium on the site. The boundary windows do not benefit from any easement for light or air.

To the south of the site is 18 Smith Street a 13 storey commercial office building with a 5 storey podium. The podium extends to the common side boundary with the site. It has windows on the boundary above the roof of the podium of the building on the site. The boundary windows, fitted with drenchers, do not benefit from any easement for light or air.

To the west of the site, beyond Smith Street, are twin 6 storey commercial office buildings. Behind these buildings is the 'Roxy Arcade' at 73 George Street and then the vacant Roxy Theatre.

The Parramatta CBD is undergoing rapid redevelopment with high rise offices having been, and currently being, constructed, particularly at Parramatta Square adjacent to the station (see Photo 2 below with the subject building in the foreground).



Photo 2: Oblique aerial view looking south with the subject site in the centre foreground.

When the Sydney Metro West station is complete, TfNSW will carry out over-station development in the form (mainly) of commercial office buildings, greatly adding to the work force in this part of the CBD.

Additionally, work is nearing completion on the Parramatta Light Rail which runs along nearby Macquarie Street, one block south of the site. It is due to commence operations in 2023.

## 4. PROPOSAL

### 4.1 Overview

The proposal is for a change of use of the ground level and Levels 1 and 2 of the existing building from retail/office premises to a pub and associated alterations to (and fitout of) those levels to facilitate the change of use. The basement car park and the two levels of parking in the podium are to be generally maintained except where modifications are needed for the design needs of the proposed new pub. The proposal includes raising the height of the podium to around 18.0m to be more in context with the street frontage heights of the two neighbouring commercial buildings and relocation of the commercial office tower lobby.

Architectural DA plans are provided in **Appendix 3**. Landscape plans are provided in **Appendix 4**. Stormwater concept plans are provided in **Appendix 5**. A Design Statement, prepared by the project architect, is provided in **Appendix 6**.

The hotel liquor licence for the pub is to be transferred to the site from the Albion Hotel at 135 George Street where it has been a presence since 1924. The Albion Hotel is around 500m to the west of the site. (Before 1924 there had been a hotel on the current Albion Hotel site since 1882). The existing Albion Hotel has been owned by interests associated with the Applicant since 1986 and includes a night club, a beer garden and other typical pub features. The new pub will be operated by Solotel Group, a highly experienced and successful owner and manager of licenced premises (see Section 1 for details of other Solotel venues).

### 4.2 Design Intent

The design intent includes improving the presentation of the podium, repositioning and improving the commercial office lobby and generally better activating the south eastern corner of the intersection of George Street and Smith Street.

The project architect has identified the following building design outcomes: -

- *a building with a singular identity, whilst providing separate entries to the dual activities of the building whole, commercial above with hospitality podium levels below;*
- *creation of an interesting street scape where the building is activated with the street and is readably associated with hospitality, but which provides a grand commercial entry;*
- *the design seeks to address the current anonymity of the existing 'international style', to create a identifiable building with a rich fabric, proportional to its context.*

The proposal seeks to deliver an international quality, multi-faceted hospitality venue with space for live music performance, which will appeal to a wide cross-section of the local worker and resident communities. The proposal also seeks to: -

- create apertures and entries directly onto the street;

- bring the building line forward to the boundary at the ground level and on Levels 1 and 2;
- create a unique building form from the existing structure at street edge levels with an identity and purpose;
- engage with the street corner;
- provide clear entries directly from the street;
- provide an active and passive light presence in the street at night which will identify it as a unique hospitality venue;
- add greenery to the streetfronts;
- capitalize on the site's good solar access;
- use landscaping to soften the built form;
- use landscaping to provide amenity for pedestrians and pub patrons;

The proposal will assist in promoting the Parramatta CBD as a thriving night time destination.

Further details of the design intent are set out in the architect's Design Statement for the Albion Hotel relocation in **Appendix 6**.

## **4.3 Level-by-level description**

### **4.3.1 Basement Car Park**

The basement car park will continue to be used for parking. The proposal includes the demolition of:

- the existing fire stairs; and
- the grease arrestor room.

The proposal includes the construction of:

- new fire escape stairs;
- a new grease arrestor;
- hospitality venue passenger lifts; and
- a new pump room.

The number of parking spaces will reduce from 60 to 47.

### 4.3.2 Ground floor

The ground floor of the new pub will comprise a public bar, lounge bar, kitchen, covered outdoor terrace and patron and staff amenities. Alterations to the existing ground floor include the demolition of:

- existing fire stairs;
- sections of slab;
- sections of internal partition walls;
- car parking gate;
- glazed partition walls at frontage;
- column cladding;
- podium columns,
- fire escape passage; and
- hydraulic plant room.

The proposal includes construction on the ground floor of:

- new fire escape stairs;
- hospitality venue passenger lifts;
- a louvred façade with signage;
- a new commercial office lobby with wheelchair lift;
- coffee cart at entrance to commercial lobby;
- raised platform for art installation;
- fire escape passage;
- carparking security roller gate;
- end of trip facilities;
- hospitality venue goods lift;
- sliding fire door, sprinkler, and hydrant booster assembly cabinet;
- new bar and associated works;
- new amenities and associated works;
- staff facilities;
- mechanical riser;
- building void with planting
- building awning; and
- covered outdoor terrace and display of the historic well.

### 4.3.3 Carpark Level 1

The use of the first floor above-ground car park in the podium will continue as a car park. Alterations include the demolition of sections of the slab to accommodate new lifts, stairs, void and mechanical riser, in addition to alterations to the façade and awning.

The number of parking spaces will reduce from 60 to 43.



#### **4.3.4 Carpark Level 2**

The use of the second floor above-ground car park in the podium will continue as a car park. Alterations include the demolition of sections of the slab to accommodate new lifts, stairs, void and mechanical riser, in addition to alterations to the façade treatment.

The number of parking spaces will reduce from 62 to 45.

#### **4.3.5 Pub Level 1**

Level 1 of the new pub will comprise lounge/ dining areas, bars, outdoor terraces, kitchen, patron and staff amenities and a night club. The proposed works to Level 1 to facilitate the change of use to a pub include the demolition of:

- the glass façade;
- internal partition walls;
- sections of the slab;
- doors for the commercial lifts; and
- fire door.

The proposal includes construction on Level 1 of:

- new fire stairs;
- hospitality passenger lifts;
- hospitality goods lift;
- bar and associated works;
- amenities and associated works;
- mechanical riser;
- building void;
- façade treatment;
- kitchen and associated works;
- covered outdoor terrace;
- terrace landscaping; and
- sliding panels and doors (operational only in fire mode).

#### **4.3.6 Pub Level 2**

Level 2 of the new pub will comprise a night club mezzanine with associated lounge, bar and outdoor terrace along with patron amenities, voids over the pub's Level 1 space below, and a plant/ equipment area. The proposed works to Level 2 to facilitate the change of use to a pub include the demolition of:

- sections of the existing slab;
- doors to commercial lifts;
- existing fire door to replace with wider door; and
- glass façade.

The proposed construction works on Level 2 include:

- bar and associated works;
- amenities and associated works;
- mechanical riser;
- building void;
- façade treatment;
- Level 2 sound lock;
- covered outdoor terrace; and
- plant room.

#### **4.3.7 New Podium Roof**

Exhaust fan enclosures will be located on the podium roof as shown on Drawing DA 1-1106.

#### **4.3.8 Roof**

A new cooling tower with associated equipment is proposed in the plant enclosure on the south eastern corner of the roof (see Drawing DA 1-1107).

### **4.4 Materials**

Materials include façade, cladding, pre-cast concrete, perforated metal screens and energy efficient glazing.

### **4.5 Awning**

The proposed awning wraps around the building corner and identifies the two major entry points to the building by articulating them with a curvilinear 'eyelid' which creates a double height façade above the entries.

### **4.6 Boundary Treatment**

There are windows in the western boundary wall of 79 George Street and in the northern boundary wall of 18 Smith Street. These windows, which face the podium and tower on the site, do not benefit from any easement for light or air burdening the site. Windows on the side boundaries of CBD sites where not protected by easements for light or air are likely to need to be closed up when development occurs on a neighbouring site to the same height on the boundary. This is what will need to occur as a result of the proposal. Discussions with the neighbouring land owners will be initiated by the Applicant and/or its representatives in this regard. (Clearly, however, the proposal will result in new fire rated walls on the boundary to the height of the new podium roof).

### **4.7 Landscaping**

Details of the proposed landscaping are provided on the landscape works plans in **Appendix 4**. Proposed landscape works include: -

- planting around the external periphery of the ground floor terrace; and

- planting around the external edges of the external terraces on Level 1 and around the exterior of the dining room's north western corner.

## 4.8 Stormwater Concept Plans

Stormwater concept plans are provided in **Appendix 5**.

## 4.9 Gross Floor Area and Floor Space Ratio

As shown on Drawing DA 1-8000 in **Appendix 3** the ground level and Levels 1 and 2 of the existing building contain 2,864m<sup>2</sup> of GFA. As shown on Drawing DA 1-8001 in **Appendix 3** as a result of the proposal these three levels will contain 3,041m<sup>2</sup> of GFA, an increase of 291m<sup>2</sup>.

## 4.10 Height

The proposed development does not change the overall height of the existing building. The only proposed works on the roof involves a new cooling tower in the existing cooling tower enclosure.

The proposal does, however, involve an increase in the height of the podium as a result of extending the office tower floor plate on each of Levels 1 and 2 to the site boundaries. This results in a podium height more compatible with the podium heights of the two adjoining buildings at 79 George Street and 18 Smith Street.

## 4.11 Trading Hours

The proposed pub trading hours will be:

- 5am to 5am Mondays to Saturdays
- 5am to midnight on Sundays

These are the hours permitted by the existing hotel licence which is attached to, but which is to be transferred from, the Albion Hotel to the new pub premises.

## 4.12 Patron Capacity

The proposed patron capacity is:

- Ground floor: 450 patrons
- Levels 1 and 2: 1,200 patrons

## 4.13 Staff

It is anticipated that at peak times there will be 10 staff on the ground level and 24 staff on Levels 1 and 2.

#### **4.14 Plan of Management**

A Plan of Management is provided in **Appendix 8**.

#### **4.15 Waste**

A Waste Management Plan is provided in **Appendix 11**.

#### **4.16 Parking**

The proposal necessitates a reduction in on-site parking from 182 spaces to 135 spaces as a result of the introduction of new patronage lifts, a new pump room, a new goods lift, the creation of voids, the provision of fire stairs, and various other inclusions such as bicycle parking.

#### **4.17 Well**

The well display, presently visible from a ground level window on the George Street frontage will be relocated to the covered external terrace on the ground floor, but close to and visible from George Street.

#### **4.18 BCA, Fire Engineering, Section J and Access**

A fire engineering report is provided in **Appendix 13**. The requirement for BCA deemed-to-satisfy departures to be addressed as a fire engineering Performance Solution is dealt with in **Appendix 14**. Formal confirmation regarding the existing building fire safety measures is provided in **Appendix 15**. A BCA pre-construction certificate capability statement is provided in **Appendix 16**. An access report is provided in **Appendix 17** and a NCC 2019 Amendment 1 Section J Deemed-to-Satisfy Assessment is provided in **Appendix 18**.

## 5. STATUTORY PLANNING CONTROLS

### 5.1 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land to which the DA relates is contaminated.

There is nothing in the land use history of the site which would indicate that it might be contaminated. The risk of contamination is therefore very low. Accordingly, Council can be satisfied that the site is suitable for use as a pub. A Hazardous Materials Report is nevertheless provided in **Appendix 19**.

### 5.2 Parramatta Local Environmental Plan 2011 (PLEP 2011)

#### 5.2.1 Zoning and Permissibility

The site is zoned B3 Commercial Core under the provisions of PLEP 2011 (**Figure 4A**) as recently amended by Parramatta LEP 2011 (Amendment No. 56) which came into effect on 14 October 2022.

#### **Zone Objectives**

Clause 2.3(2) of PLEP 2011 requires that:-

*“(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.”*

The objectives of the B3 Commercial Core zone which apply to the site are set out below: -

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- To encourage appropriate employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*
- To strengthen the role of the Parramatta City Centre as the regional business, retail and cultural centre, and as a primary retail centre in the Greater Metropolitan Region.*
- To create opportunities to improve the public domain and pedestrian links throughout the Parramatta City Centre.*
- To provide for the retention and creation of view corridors.*
- To protect and enhance the unique qualities and character of special areas and heritage values within the Parramatta City Centre.*

- *To protect and encourage accessible city blocks by providing active street frontages, and a network of pedestrian-friendly streets, lanes and arcades.”*

The proposal is relevantly consistent with these zone objectives.

### **Permissibility**

The following development is permissible with consent in the B3 Commercial Core zone:-

*“Backpacker’s accommodation; bed and breakfast accommodation; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hospitals; Hotel or motel accommodation; Information and education facilities; Medical centres; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Tank-based aquaculture.”*

The proposed use is a “pub”. A “pub” is a type of ‘food and drink premises’ which is a type of retail premises. “Retail premises” are defined as a type of “commercial premises”, which as noted in bold above is a land use with consent in the B3 Commercial Core zone.

### **5.2.2 Minimum Lot Size (Clause 4.1)**

No minimum lot size applies to the site. There is no subdivision proposed as part of the proposal.

### **5.2.3 Height of Buildings (Clause 4.3, Clause 7.5)**

The building is not subject to a nominated maximum height in metres, however, it is located in the sun access plane area for Lancer Barracks as shown on the Sun Access Protection Map in the LEP and as such, the consent authority must take into consideration the sun access plane controls in the LEP. There is no proposed change to the existing maximum building height which is well below the sun access plane which applies to this part of the Parramatta CBD.

### **5.2.4 Floor Space Ratio (Clause 4.4, Clause 7.3)**

The FSR limit which applies to the site under Clause 7.3 is 10:1 as the site has an area of more than 1,800m<sup>2</sup>.

The original approved DA documentation for the approved DA for the existing building states that the building has a total GFA of 9,117m<sup>2</sup>, equating to an FSR of 4.5:1. There have only been minor alterations to the building subsequently, and no significant changes to GFA.

The proposal increases the GFA of the building by 291m<sup>2</sup>. Assuming that the GFA as measured when the building was approved has remained unchanged, the proposal results in a total GFA of 9,408m<sup>2</sup>, equating to an FSR of 4.64:1 and an increase in FSR of 0.14:1.

## 5.2.5 Heritage Conservation (Clause 5.10)

As identified on the Heritage Map in PLEP 2011 (see **Figure 4D**), the site is not identified as being a heritage item nor is it in a Heritage Conservation Area.

## 5.2.6 Standards that cannot be used to refuse consent - playing and performing music (Clause 5.20)

This clause states as follows:-

- (1) *The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—*
  - (a) *the playing or performance of music, including the following—*
    - (i) *the genre of music played or performed, or*
    - (ii) *whether the music played or performed is live or amplified, or*
    - (iii) *whether the music played or performed is original music, or*
    - (iv) *the number of musicians or live entertainment acts playing or performing, or*
    - (v) *the type of instruments played,*
  - (b) *whether dancing occurs,*
  - (c) *the presence or use of a dance floor or another area ordinarily used for dancing,*
  - (d) *the direction in which a stage for players or performers faces,*
  - (e) *the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.*
- (2) *The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.*
- (3) *In this clause—*

***licensed premises*** has the same meaning as in the Liquor Act 2007.

The proposal includes live music performances. An acoustic report is provided in **Appendix 7**.

### 5.2.7 Acid Sulfate Soils (Clause 6.1)

The land is on Class 4 Acid Sulfate Soils. No significant additional excavation is proposed, and adjustments of the lower (basement) car parking level to make provision (mainly) for new vertical transport.

### 5.2.8 Active frontage (Clause 7.8)

The site is identified as “Active Frontage” on the Active Frontage Map in the LEP (see **Figure 4I**). Clause 7.8 states: -

*“(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street, public space and river foreshore frontages in Zone B3 Commercial Core and Zone B4 Mixed Use.*

*“(2) This clause applies to land identified as “Active Frontage” and “Civic Link” on the Active Frontages Map.*

*“(3) Development consent must not be granted to the erection of a building, or the change of use of a building, on land to which this clause applies unless the consent authority is satisfied the building will have an active frontage for the part of the ground floor of the building facing the street, river or a public space.*

*“(4) An active frontage is not required for the part of a building used for one or more of the following—*

*(a) entrances and lobbies, including as part of mixed use development,*

*(b) access for fire services,*

*(c) electrical services,*

*(d) vehicular access.*

*“(5) In this clause—*

*Active Frontages Map means the Parramatta Local Environmental Plan 2011 Active Frontages Map.”*

The only active part of the existing site’s frontage to George Street and Smith Street is the commercial office lobby and the newsagent’s shop. The proposal will significantly improve this situation.

### 5.2.9 Floodplain Risk Management (Clause 7.9)

The site forms part of the extensive part of the Parramatta CBD which is coloured blue on the Floodplain Risk Management map in the LEP (see **Figure 4K**).

Clause 7.9 relevantly states: -



*“(3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied the building—*

*(a) contains an area that is—*

*(i) located above the probable maximum flood level, and*

*(ii) connected to an emergency electricity and water supply, and*

*(iii) of sufficient size to provide refuge for all occupants of the building, including residents, workers and visitors, and*

*(b) has an emergency access point to land above the 1% annual exceedance probability event, and*

*(c) is able to withstand the forces of floodwaters, debris and buoyancy resulting from a probable maximum flood event.*

*(4) Subclause (3)(a) does not apply if there is pedestrian access located between the building and land above the probable maximum flood level.*

*(5) In this clause—*

*“annual exceedance probability” has the same meaning as in the Floodplain Development Manual.*

*“Floodplain Development Manual” has the same meaning as in clause 5.21.*

*“Floodplain Risk Management Map” means the Parramatta Local Environmental Plan 2011 Floodplain Risk Management Map.*

*“probable maximum flood” has the same meaning as in the Floodplain Development Manual.”*

The levels of the ground floor remain generally consistent with the existing ground levels.

### **5.2.10 Design Excellence (Division 3 and Clause 7.10 and 7.11, 7.12 and 7.13)**

Division 3 of the LEP applies to development involving the erection of a building or land in the Parramatta City Centre.

Clause 7.11(1) and (2) of the LEP states: -

*“(1) Development consent must not be granted to development to which this Division applies unless the consent authority is satisfied the development exhibits design excellence.*

*(2) In considering whether development exhibits design excellence, the consent authority must consider the following—*

*(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

*(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,*

*I whether the development detrimentally impacts on view corridors,*

*(d) how the development addresses the following—*

*(i) the suitability of the land for development,*

*(ii) existing and proposed uses and use mix,*

*(iii) heritage and archaeological issues and streetscape constraints or opportunities,*

*(iv) the location of any proposed tower, having regard to the need to achieve an acceptable relationship with other existing or proposed towers on the same site or on a neighbouring site in terms of separation, setbacks, amenity and urban form,*

*(v) bulk, massing and modulation of buildings,*

*(vi) street frontage height*

*(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*

*(viii) the achievement of the principles of ecologically sustainable development,*

*(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,*

*(x) the impact on, and proposed improvements to, the public domain,*

*(xi) the impact on any special character area,*

*(xii) achieving appropriate interfaces at ground level between the building and the public domain,*

*(xiii) excellence and integration of landscape design.”*

When considering the above matters, reference should be made, in particular, to the architect’s design statement in **Appendix 6**.

Clause 7.12 applies to certain types of development and provides that a competitive design process is required for such types of development including development “involving a building

that has, or will have, a height above ground level (existing) greater than 40m. The definition of a building in the Environmental Planning and Assessment Act 1979 includes part of a building. In the subject case, the part of the building to which the DA relates is the podium and Levels 1 and 2.

Furthermore, the parapet of the roof of the building is at RL47.07mAHD whereas the adjoining ground level is between RL8.76mAHD and RL8.00mAHD therefore all of the habitable space in the building (i.e. containing the 8 commercial levels above the podium) is less than 40m in height. Only the lift overrun and roof top plant of the existing building exceed the 40m height limit.

Clause 7.12(3) further provides as follows:-

*“(3) A competitive design process is not required if the consent authority is satisfied that—*

*(a) a competitive design process is unreasonable or unnecessary in the circumstances, and*

*(b) the development—*

*(i) involves only alterations or additions to an existing building, and*

*(ii) does not significantly increase the height or gross floor area of the building, and*

*(iii) does not have a significant adverse impacts on adjoining buildings or the public domain, and*

*(iv) does not significantly alter an aspect of the building when viewed from a public place.”*

When referring to Clause 7.12(3) it needs to be noted that these matters are only triggered when a competitive design process is required. For the reasons set out above, a competitive design process is not required for the proposal because the part of the building to which the DA relates is the podium and Levels 1 and 2.

A competitive design process would be unreasonable and unnecessary in the circumstances of the case as the proposal is for alterations and additions to the podium and Levels 1 and 2, there is no increase in height and only a minor increase in GFA, there will be no significant adverse impacts on adjoining buildings or on the public domain and whilst changes are proposed to the podium and Levels 1 and 2, the upper levels of the commercial office tower will remain unchanged.

As the part of the building to which the DA relates has a height of only around 17.0m or thereabouts a competitive design process is not required for the subject DA.

### **5.2.11 Car Parking (Division 4 Clauses 7.14 and 7.18)**

Clause 7.14(5) states: -

*“This Division does not require a reduction in the number of car parking spaces provided in an existing building.”*

The proposal involves a reduction in the number of car parking spaces in the existing building from 182 to 135 which is consistent with the intent of this Division in the LEP to minimise vehicular traffic generated by development in the Parramatta CBD.

Clause 7.15(2) establishes a maximum number of car parking spaces for particular types of development (including existing car parking spaces). Pubs are not separately identified as a particular type of land use, however, “retail premises” are identified. (A pub is a type of “food and drink premises” which is a type of “retail premises”). For a building which has more than 2,000m<sup>2</sup> of “retail premises” and the building containing the retail premises has an FSR of more than 3.5:1 then the calculation of car parking is to be in accordance with the car parking formula in Clause 7.2 of the LEP which is as follows: -

*“(2) In this Part, the car parking formula is —*

$$M = (G \times A) \div (50 \times T)$$

*where—*

*M is the maximum number of parking spaces.*

*G is the gross floor area of certain premises in the building in square metres, as specified in the provision in which the formula is used.*

*A is the site area in square metres.*

*T is the total gross floor area of all buildings on the site in square metres.”*

Applying this formula to the site, whilst noting that Division 4 does not require a reduction in the number of car parking spaces required in an existing building: -

$$M = (3,041 \times 2,017) \div (50 \times 9,117)$$

$$M = (6,133,697) \div (455,850)$$

$$M = 13.4 \text{ spaces.}$$

The maximum number of car parking spaces for “retail premises” would therefore be 13.4 were there not existing spaces over and above this number in the existing building.

Clause 7.18 provides as follows: -

*“If the consent authority is satisfied an existing building has more car parking spaces than are needed by the occupiers of the building, the consent authority may grant development consent to the use of the car parking spaces by persons other than the occupiers of the building.”*

It is not proposed that persons other than occupiers of the building (ie the occupiers of the commercial office premises and the proposed pub) use the parking spaces in the building.

## **5.2.12 Concurrence of Planning Secretary (Clause 7.25)**

Clause 7.25 states: -

*“(1) Development consent to development in Zone B3 Commercial Core must not be granted unless the consent authority has obtained the concurrence of the Planning Secretary.*

*(2) In deciding whether to grant concurrence, the Planning Secretary must consider the following—*

*(a) the impact of the development on—*

*(i) designated State public infrastructure, and*

*(ii) the need for additional designated State public infrastructure,*

*(b) the cumulative impact of the development with other development that has, or is likely to be, carried out in surrounding areas on—*

*(i) existing designated State public infrastructure, and*

*(ii) the need for additional designated State public infrastructure,*

*(c) the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into contributing to designated State public infrastructure.*

*(3) In deciding whether to grant concurrence, the Planning Secretary must also consult the public authorities that the Planning Secretary considers relevant to the development.*

*(4) This clause does not apply to development if all or part of the land on which the development will be carried out is in a special contributions area to which a determination under the Act, section 7.23 applies.*

*(5) In this clause—*

*designated State public infrastructure means public facilities or services that are provided or financed by the State, or if provided or financed by the private sector, to the extent of the financial or in-kind contribution by the State, of the following kinds—*

*(a) State and regional roads,*

*(b) bus interchanges and bus lanes,*

*(c) light rail infrastructure,*

*(d) regional open space,*

*(e) social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.”*

This is a matter for the consent authority.

### **5.3 Parramatta Development Control Plan 2011 (PDCP 2011)**

Provided in **Figures 5A-5H** are maps/diagrams extracted from PDCP 2011. This is the DCP that is currently in force. A new DCP is intended to come into effect to match the amendments made to Parramatta LEP 2011 by Parramatta LEP 2011 (Amendment 56) which came into effect on 14 October 2022. Provided in **Figures 6A-6J** are maps/ diagrams extracted from the draft version of the new DCP which is yet to come into effect.

A compliance table for the existing DCP (as at the date of lodgement of the DA) is provided in **Appendix 20**. An updated compliance table to match the new DCP will be prepared once it comes into effect. Map extracts from the new DCP are provided in **Figures 6A – 6J**.

## **6. ASSESSMENT OF ENVIRONMENTAL EFFECTS**

### **6.1 Section 4.15(1)(a) – Statutory Planning Considerations**

Section 4.15(1)(a) requires the consent authority to take into consideration the following matters:-

*“(a) the provisions of:*

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (iv) (Repealed)*

*that apply to the land to which the development application relates”*

The relevant provisions are addressed below.

### **6.2 Section 4.15(1)(a)(i) – Environmental Planning Instruments**

In relation to **Section 4.15(1)(a)(i)**, the relevant matters are addressed in Sections 5.1 to 5.3 of this SEE.

In relation to **Section 4.15(1)(a)(ii)**, there is no relevant proposed instrument.

In relation to **Section 4.15(1)(a)(iii)**, relevant matters are addressed in Section 5.3 of this SEE.

In relation to **Section 4.15(1)(a)(iiia)**, no planning agreement pursuant to Section 7.4 of the Act is proposed.

In relation to **Section 4.15(1)(a)(iv)**, there are no matters arising out of the proposed development which raise compliance issues with any relevant regulations.

### **6.3 Section 4.15(1)(b): Impacts on the Environment**

Section 4.15(1)(b) requires the consent authority to take into consideration the following:-

*“(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*

### **6.3.1 Impacts on the natural and built environment**

#### **6.3.1.1 Impacts on the natural environment**

The proposal will have no impact on the natural environment as it is located in the Parramatta CBD and involves the change of use of and alterations and additions to the lower floors of an existing commercial office building.

#### **6.3.1.2 Built form impacts**

The proposal will have a positive impact on the existing building’s contribution to the built environment for the following reasons: -

- the ground level street frontages will be better activated;
- the appearance of the lower part of the building will be enhanced;
- the alterations to the height of the podium will make it more consistent with the podium/ street frontage heights of the two adjoining buildings at 79 George Street and 18 Smith Street and with the building opposite at 75 Smith Street on the south western corner of the intersection of George Street and Smith Street; and
- shifting of the commercial office lobby eastwards will make the entrance more direct, whilst enabling the corner to become a more active space.

In relation to the alterations/ additions on Levels 1 and 2 which see these effectively become part of a higher podium, there will be impacts on adjacent side boundary windows in the existing commercial office buildings at 79 George Street and at 18 Smith Street. None of these windows benefit from an easement for light or air. Discussion will be held with the owners of these building as to the implementation of the required construction of the proposal’s new fire-rated side boundary walls.

#### **6.3.1.3 Traffic and Parking Impacts**

The site is in a Central CBD location which is well served by various forms of public transport existing and proposed. The site is within easy walking distance of Parramatta rail station, Parramatta bus interchange, Parramatta river ferry services, the new light rail station in Smith Street and the future Sydney West Metro station on the site of the former Council car park in Horwood Place.

Consistent with Council’s strategic planning intent the number of existing parking spaces in the building is to be reduced from 182 to 135 spaces, a reduction of 47 spaces. No change is proposed to the site’s existing vehicular access arrangement.

A traffic and parking analysis for the proposal is provided in **Appendix 12** of the SEE.



#### **6.3.1.4 Noise Impacts**

As a result of the nature of the proposed change of use, the inclusion of a night club component as part of the new pub, and there being four outdoor terraces an acoustic assessment has been prepared in support of the DA (see **Appendix 7**). It concludes as follows:-

*“An acoustic assessment has been carried out for the proposed inclusion of entertainment and food and beverage uses across the ground, first and second floors of the commercial building at 20 Smith Street, Parramatta.*

*This acoustic. assessment outlines relevant criteria and assessment of potential impacts of the proposed use.*

*The assessment concludes that the development can be designed to comply with established noise criteria. Recommendations are outlined for the various aspects of the development inclusive of physical noise mitigation and operational management measures. These measures should be subject to further detailed design, which is recommended to be carried out by an appropriately qualified acoustic consultant prior to issue of the construction certificate and further certified prior to issue of the occupation certificate.*

*Specific note is however made of the proposed night club operations. The assessment identified exceedance of one low frequency octave band criteria for the proposed music noise levels and building construction. The exceedance is marginal prior to midnight, but more substantial for the midnight to 7am period. The adopted Late night DCP criteria, proposes lower criteria after midnight, primarily for the future proofing of potential hotel developments. If redevelopment of the adjoining sites for such use is unlikely, consideration could be given to adopting the 'Early night' criteria for all time periods at 79 George Street and 18 Smith Street.*

*Consideration to this alternative criterion is sought given the proposed development is focused on providing an entertainment venue that it is understood to be desired in the CBD in keeping with the draft Late Night Trading DCP. The criteria modification is only sought following consideration and inclusion of significant noise mitigation to the building envelope.”*

#### **6.3.1.5 Amenity Impacts**

The proposal will add to the amenity of the area as it will provide increased activation in the CBD, adding to the liveliness and attractiveness of the city centre. The site is well-removed from residentially zoned land residential uses, and will have no negative impacts on residential amenity. Potential adverse amenity impacts will be minimised by the implementation of an effective Plan of Management (see **Appendix 8**).

#### **6.3.2 Social and economic impacts in the locality**

The proposal will have positive social and economic impacts as it will facilitate continuation of the activities permitted by the liquor licence presently attached to the nearby Albion Hotel which is also on George Street. The Albion Hotel has served the Parramatta City Centre community since 1924. The new pub, also to be known as the Albion will continue to serve the same

community as in its existing location but in much improved, contemporary and more centrally located premises which is also better separated from residential uses.

There will be no increase in the number of hotel license in Parramatta as a result of the proposal. The Social Impact Assessment attached in **Appendix 9** concludes as follows: -

*“The key changes which arise as a result of the proposed development include change in the use and intensification of use of the site, the appearance of the site, and time and type of use of part of the site.*

*There is nothing about these changes that is likely to generate any material social impacts.*

*There are no reasons, from a social planning perspective, that would justify refusal of the proposed development.”*

Economic impacts will be positive. There will be increased employment opportunities in both construction and operation. Employment opportunities are likely to increase for residents (and in particular young residents) who live in the area around the city centre.

### **6.3.3 Crime Prevention Through Environmental Design**

A Crime Prevention Through Environmental Design Assessment (‘CPTED’) is provided in **Appendix 10**. It concludes as follows: -

*“The proposed licensed hotel premises at 20 Smith Street, Parramatta has been assessed in terms of potential for crime, and opportunities for application of Crime Prevention Through Environmental Design Principles.*

*Should the recommendations outlined in this report be included in the detailed design and operation of the development, including lighting on all entrances, exits and in the car parking area; inclusion of security features such as CCTV coverage of external areas, entrances and communal areas; territorial reinforcement through clear signage, and areas to clearly differentiate between public and private uses; secure doors; and regular maintenance and repairs on the premises with any damage or graffiti removed promptly, then the proposed development is unlikely to result in any significant risks in terms of crime generation.*

*With the inclusion of the above, and the broader consideration of the CPTED principles in the design of the proposed development, the proposed development is unlikely to result in any discernible impacts in terms of crime rates in the area.”*

## **6.4 Section 4.15(1)(c) – The Suitability of the Site**

Section 4.15(1)(c) requires the consent authority to take into consideration the following:-

*“(c) the suitability of the site for the development”*

The site is suitable for use as a pub. It is located in the Parramatta CBD, a location which is identified for and suitable for commercial activities, food and drink premises, and activities that support the night time economy and which is highly accessible via public transport. The B3 Commercial Core zone is also a location where residential development is prohibited, making it particularly suitable for licensed premises which trade extended hours.

## **6.5 Section 4.15(1)(d) – Submissions**

Section 4.15(1)(d) requires the consent authority to take into consideration the following:-

*“(d) any submissions made in accordance with this Act or the regulations”*

Any submissions made when the DA is notified for public comment will need to be considered by Council in the determination of the application.

## **6.6 Section 4.15(1)(e) – The Public Interest**

Section 4.15(1)(e) requires the consent authority to take into consideration the following:-

*“(e) the public interest.”*

The public interest is best served by the promotion and encouragement of permissible development which is reasonable and appropriate and which fulfils a perceived need without unreasonably impacting on other land uses. The proposal is in the public interest.

## **7. CONCLUSION**

The proposal is for change of use of the ground level and Levels 1 and 2 of the existing building at 20 Smith Street from retail/ office premises to a pub and for associated alterations and additions to (and fit out of) those levels to facilitate the change of use.

The proposal will have no significant impacts on the natural or built environments, will result in the podium being more consistent in height with the built form of the two adjoining buildings, will have positive social and economic impacts, will better activate the south eastern corner of Smith and George Street and will ensure that the locality continues to be served by the hotel licence presently attached to the Albion Hotel, also in George Street which has served the local community since 1924.

The proposal is both reasonable and appropriate when assessed under the relevant heads of consideration listed in Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, and is worthy of favourable consideration by Council.



## **FIGURES**

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## **APPENDICES**

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