

**Item 5.****Development Application - 28 Broadway, Chippendale - D/2022/101**

File No.: D/2022/101

**Summary**

<b>Date of Submission:</b>	18 February 2022
<b>Applicant:</b>	Design Collaborative Pty Ltd
<b>Architect/Designer:</b>	Populous
<b>Owner:</b>	Fortius Broadway No 1 Pty Limited
<b>Planning Consultant:</b>	Design Collaborative
<b>Cost of Works:</b>	\$5,600,000.00
<b>Zoning:</b>	The site is located within the City Edge zone. The proposed development is permissible with consent in the zone.
<b>Proposal Summary:</b>	<p>Development approval is sought for the change of use from a food court and cinema to a new games themed pub and associated fit-out on part Level 2 and Level 3 of Central Park Mall.</p> <p>The premises will be capable of accommodating a total of 1054 patrons across two levels, with Level 2 accommodating 710 persons and Level 3 accommodating 344 persons.</p> <p>The proposed trading hours are between 7.00am and 12.00 midnight Sunday to Thursday, and between 7.00am and 2.00am the following day Friday, Saturday, Public Holidays and the day before Public Holidays.</p> <p>The application also seeks consent for up to 12 functions per year to cater for international Esports competitions, with trading hours between 7.00am and 5.00am.</p>

The application seeks to provide a games themed pub that offers a food and drinks menu, along with a variety of entertainment from board games to computer games in a highly accessible location. No gaming machines as defined in the NSW Gaming Machines Act 2001 are proposed within the premises and no liquor will be sold for consumption off the premises.

The premises will be known as Fortress Sydney, which will be operated by the same team that operated Fortress Melbourne.

The application was notified and advertised for a period of 21 days between 22 February 2022 and 16 March 2022. A total of 1943 properties were notified and one submission received who supports the proposal subject to entry and exit toward Broadway and away from residential areas to the south during later open hours.

The proposal is consistent with the objectives and applicable planning provisions in the Sydney Local Environmental Plan 2005 and the Sydney Development Control Plan 2012. The site is considered an appropriate location for the proposed use, and subject to conditions, the proposed use is unlikely to have adverse impacts on the surrounding locality.

The application is reported to the Local Planning Panel for determination as the application is considered to be a sensitive development that seeks to operate a new hotel (general bar) licence under the Liquor Act 2007.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) State Environmental Planning Policy (Transport and Infrastructure) 2021
- (ii) State Environmental Planning Policy (Biodiversity and Conservation) 2021 (previously Sydney Regional Environmental Plan (Sydney Harbour Catchment 2005))
- (i) Sydney Local Environmental Plan 2005
- (ii) Sydney Development Control Plan 2012

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings

**Recommendation**

It is resolved that consent be granted to Development Application No. D/2022/101 subject to the conditions set out in Attachment A to the subject report.

**Reasons for Recommendation**

The application is recommended for approval for the following reasons:

- (A) The proposal is consistent with the objectives of the City Edge zone under Sydney Local Environmental Plan 2005.
- (B) The use is considered to be in keeping with the character of this location given its predominantly entertainment and retail uses.
- (C) The amended Plan of Management is acceptable.
- (D) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (E) The development, subject to conditions, will not unreasonably compromise the amenity of nearby properties.
- (F) The proposal, subject to conditions, is considered to be in the public interest.

## Background

### The Site and Surrounding Development

1. The site has a legal description of Lot 327 of Deposited Plan 1270348, known as 28 Broadway, Chippendale. It is irregular in shape with area of approximately 13,090sqm. The development is bounded by Broadway to the north, Chippendale Way to the west, Central Park Avenue to the south and Carlton Street to the east.
2. The site is located within a broader development commonly known as Central Park. The development is a mixed-use, high-rise development comprising lower level floors of commercial and residential apartments above. The development will be located within the Central Park Mall, a shopping centre that occupies five levels of the building from basement to level 3, containing various retail shops, food and drink premises, an amusement centre on Level 2 and a cinema on level 3. The main pedestrian access to the mall is located on the ground floor via Broadway to the north and Central Park Avenue to the south.
3. The proposed change of use is located on part Level 2 and Level 3 within Central Park Mall. The existing Level 2 is occupied by food and drink premises and an amusement centre (Time Zone) and Level 3 is occupied by a cinema. The proposal seeks to convert part of the existing food court at Level 2 and part of the cinema at Level 3 into a games theme pub. The new tenancy has a total area of 2,533sqm.
4. The surrounding area is characterised by a mixture of land uses, primarily being commercial, residential, education and tourist and visitor accommodation. To the north of the subject site across Broadway is University of Technology, Sydney. A mixed use building with ground floor retail and residential apartments above is located to the west across Chippendale Way. Further west is the hotel known as Four Points by Sheraton. A variety of commercial uses including The Old Clare Hotel and multiple food and drink premises is located to the east of the subject site. To the south is the open space within the Central Park Precinct, connecting to the Chippendale Green.
5. The site is located in a highly accessible area with the active and public transport network. Central Rail Station and Haymarket Light Rail are located approximately 500 metres from the subject site. The closest bus stop is located approximately 50 metres away on Broadway.
6. The site is not listed as a heritage item nor is it located in a heritage conservation area. A remnant archaeological item associated with the former brewery complex is located within the vicinity of the subject tenancy.
7. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds (floor plate of the development is highlighted in red)

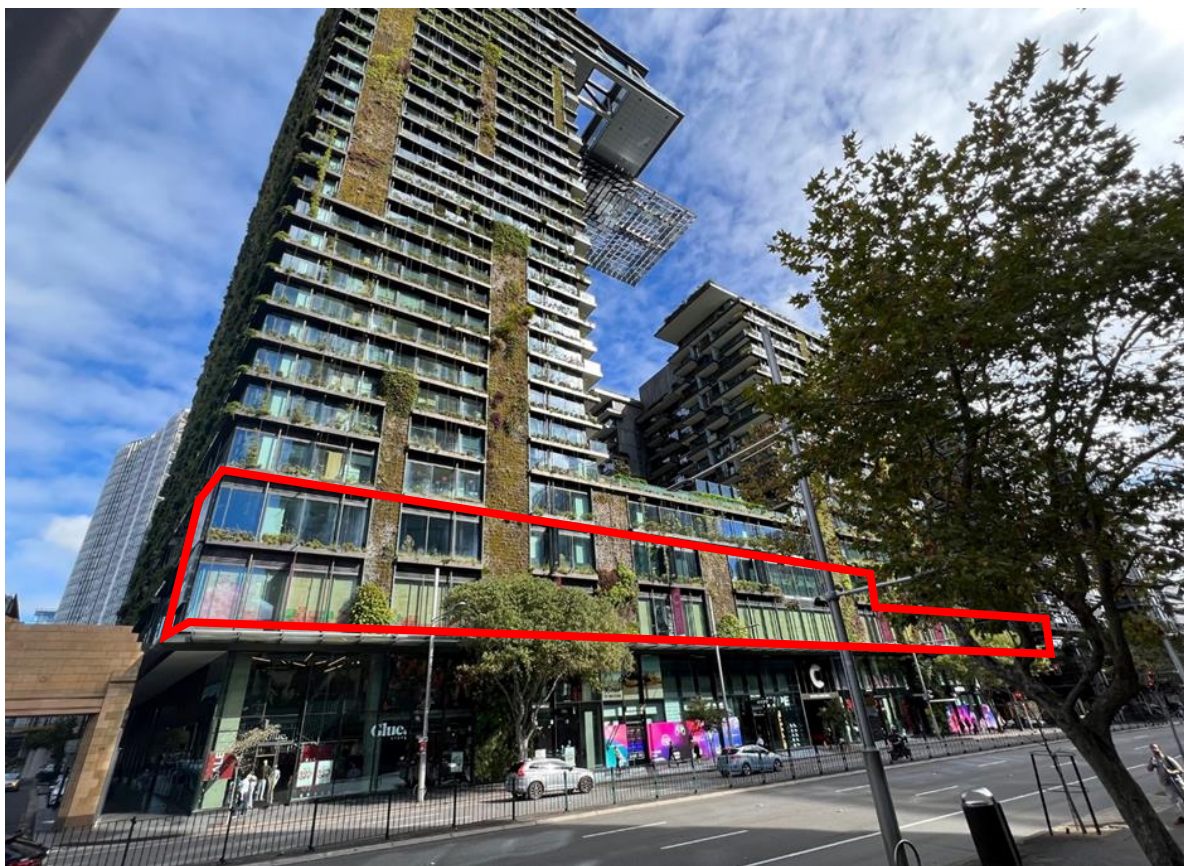
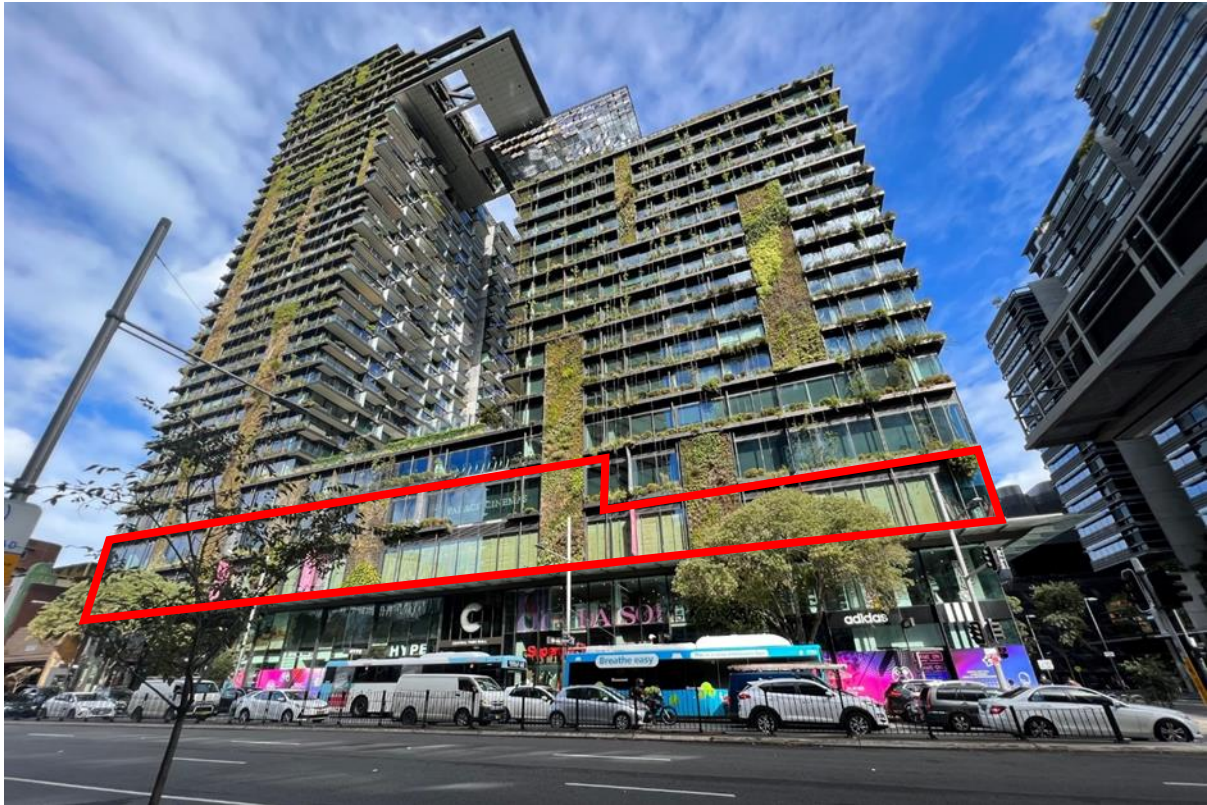
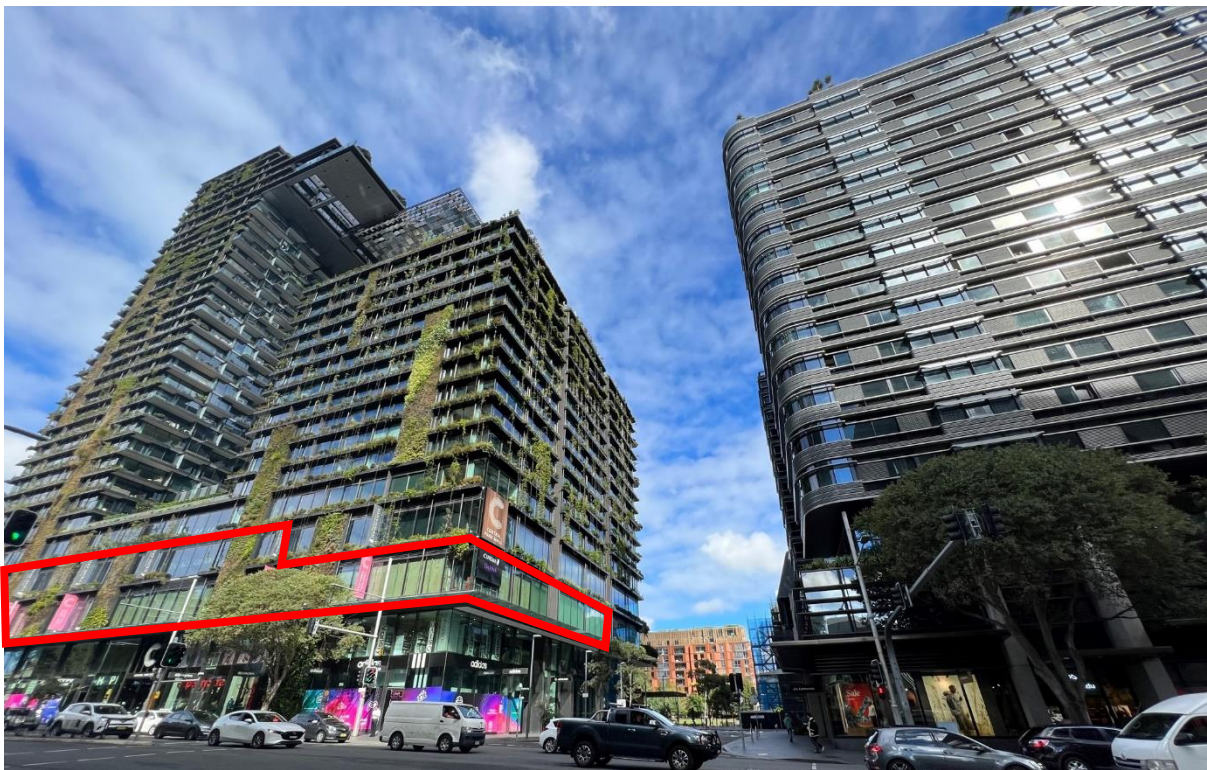


Figure 2: Site viewed from Broadway along Carlton Street, with Level 2 and Level 3 indicated in red



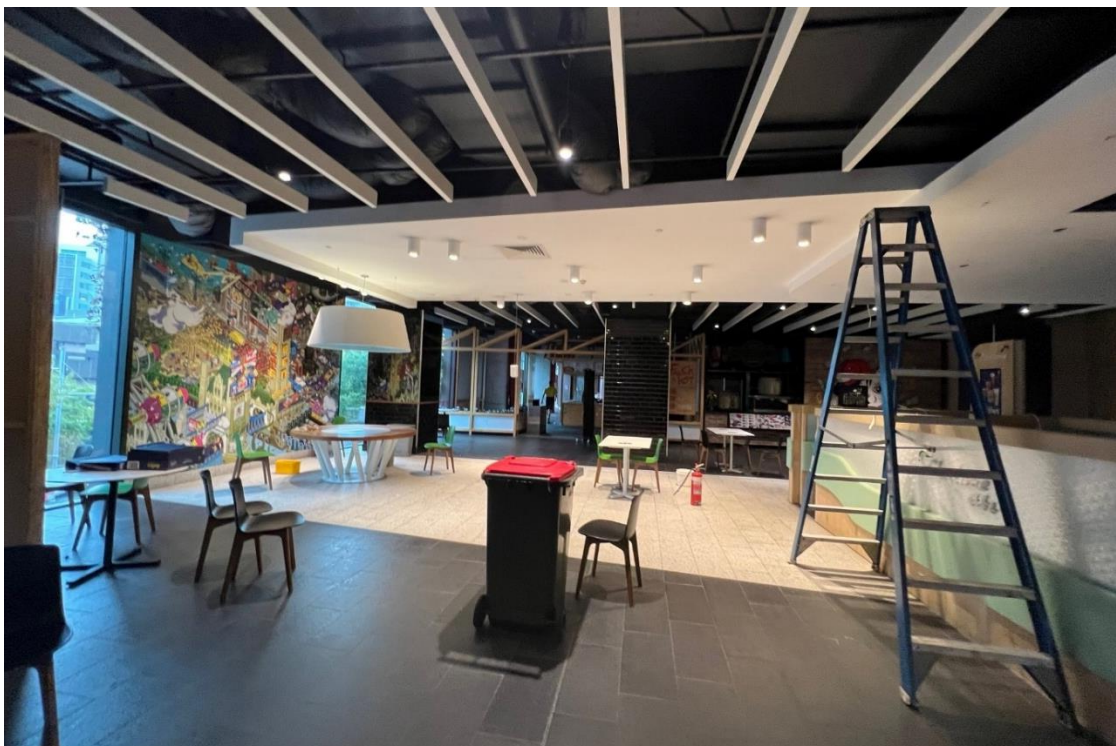
**Figure 3:** Site viewed from Broadway looking south, with Level 2 and Level 3 indicated in red



**Figure 4:** Site viewed from Broadway along Chippendale Way, with Level 2 and Level 3 indicated in red



**Figure 5:** Existing tenancy as viewed from Level 2 of the Central Park Mall, with Level 2 (former food court) and Level 3 (current cinema) indicated in red



**Figure 6:** Existing food court under CDC demolition at Level 2 of the Central Park Mall





**Figure 7:** Existing cinema lounge at Level 3 of the Central Park Mall

### History Relevant to the Development Application

- **D/2012/753** – Development consent was granted on 27 September 2012 for indicative retail uses on basement level through to third floor of Block 2 and Block 2A of One Central Park. Approved hours of operation of 7.00am and 12.00 midnight Monday to Sunday and signage.
- **D/2016/1157** – Development consent was granted on 5 December 2016 for change of use of level 3 of the One Central Park Building to a licensed cinema, also including lounges and bar, and associated alterations and signage.
- **D/2016/1157/A** - Development consent was granted on 1 March 2019 to amending Condition 2 of the consent to enable the 'extended' hours of operation (between 10.00pm and 12.00 midnight, daily) to continue for a further 2 year trial period.
- **D/2016/1157/B** - Development consent was granted on 15 March 2021 to amending Condition 2 of the consent to enable the 'extended' hours of operation (between 10.00pm and 12.00 midnight, daily) to continue for a further 5 year trial period.
- **D/2017/1322** - Development consent was granted on 15 November 2017 for Change of use of the south-eastern corner of Level 2 of the Central Mall as a Timezone family entertainment centre and associated fit-out. The approved trading hours are between 7.00am and 12.00midnight Monday to Sunday.

- **P/2022/575** - A Privately Certified Complying Development was approved on 14 April 2022 for demolition works of tenant fitouts. Penetrations to slab with structural strengthening. Construction of Lift and staircase between Levels 2 and 3.

### Compliance Action

8. The site is not subject to a current compliance action.

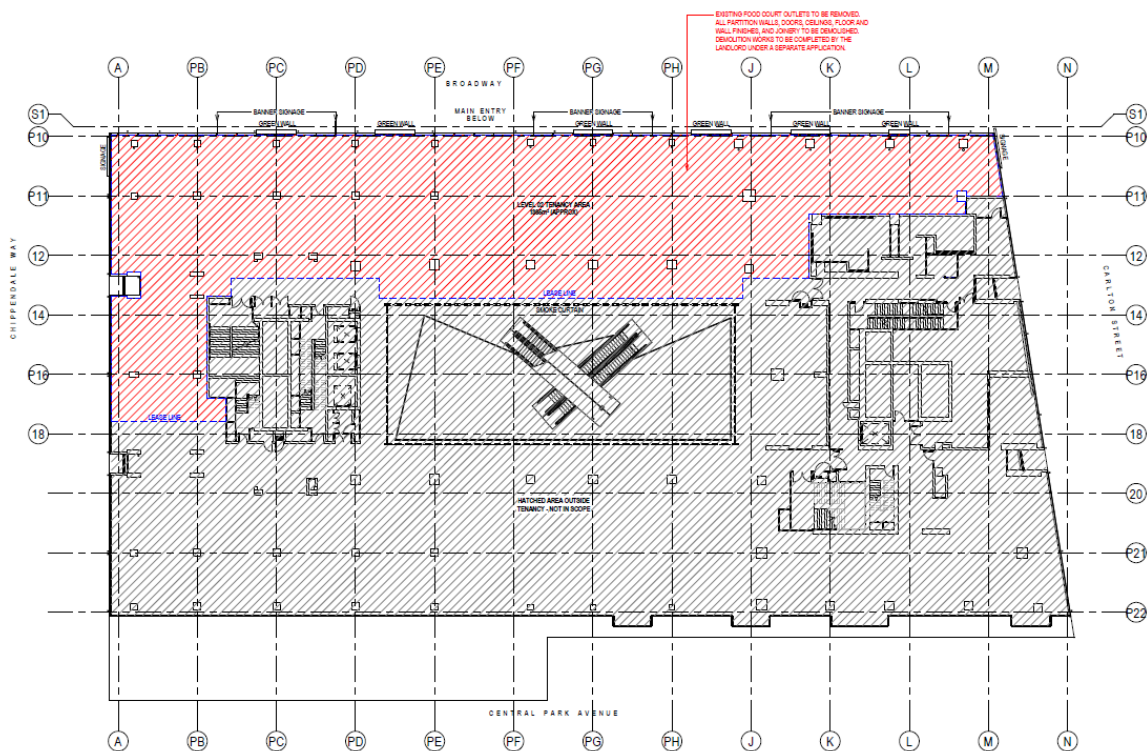
### Amendments

9. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 13 April 2022. Additional information was requested in respect to:
  - (a) amended plans to show the extent of the proposed internal walls behind the external glazing;
  - (b) amended Plan of Management to address the checklist in schedule 3 of Sydney DCP 2013; and
  - (c) additional information to determine if the existing building can meet the required bicycle parking spaces and end of trip facilities in accordance with Section 3.11.3 of the DCP for the proposed change of use.
10. The applicant responded to the request on 22 April 2022, and submitted responses to the requested information.

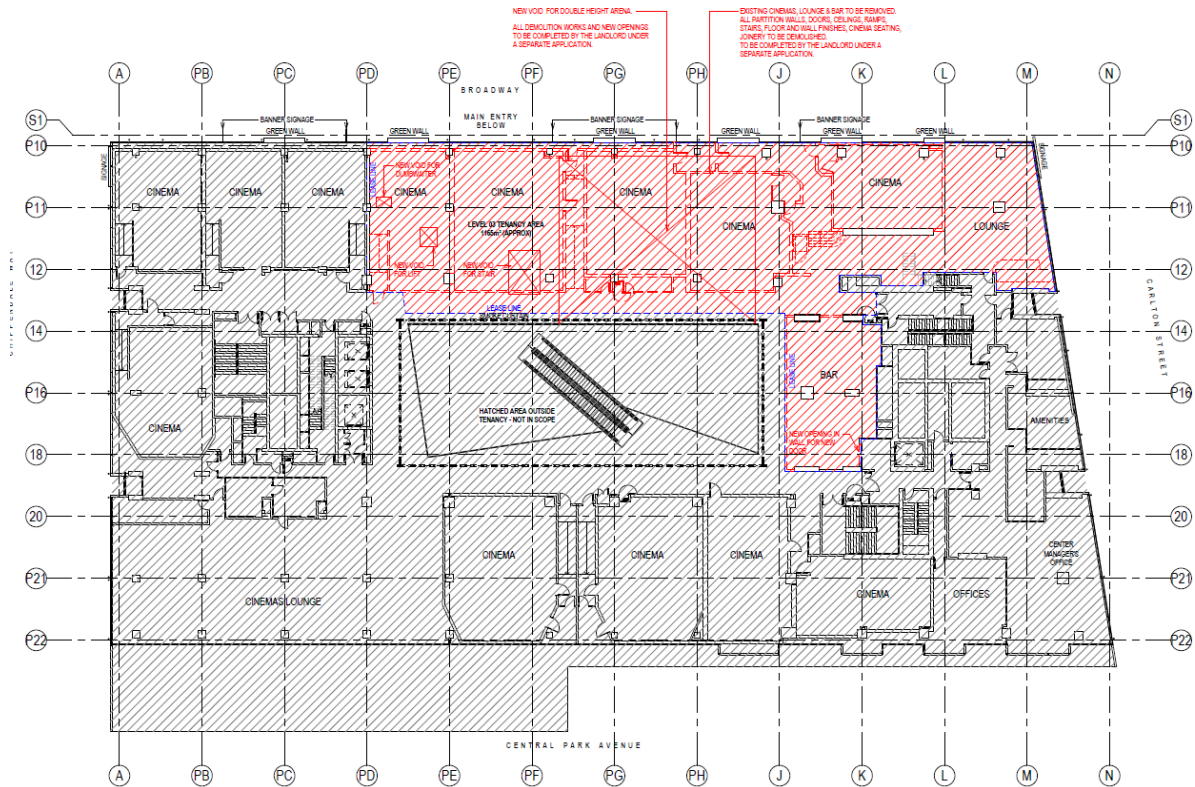
### Proposed Development

11. The application seeks consent for the following:
  - change of use from a food court and cinema to a games themed pub on part Level 2 (former food court) and Level 3 (current cinema) of Central Park Mall;
  - proposed trading hours are between 7.00am and 12.00 midnight Sunday to Thursday, and between 7.00am and 2.00am the following day Friday, Saturday, Public Holidays and the day before Public Holidays;
  - up to 12 functions per year to cater for international Esports competition, with trading hours between 7.00am and 5.00am;
  - fit-out including installation of the bar areas, kitchen, amenities, internal stairs and room partitions to create LAN (Local Area Network) lounge for computer games, an arena for events and eGaming tournament and an arcade for casual gaming; and
  - a patron capacity of 1054 patrons across two levels, with Level 2 accommodating 710 persons and Level 3 accommodating 344 persons.

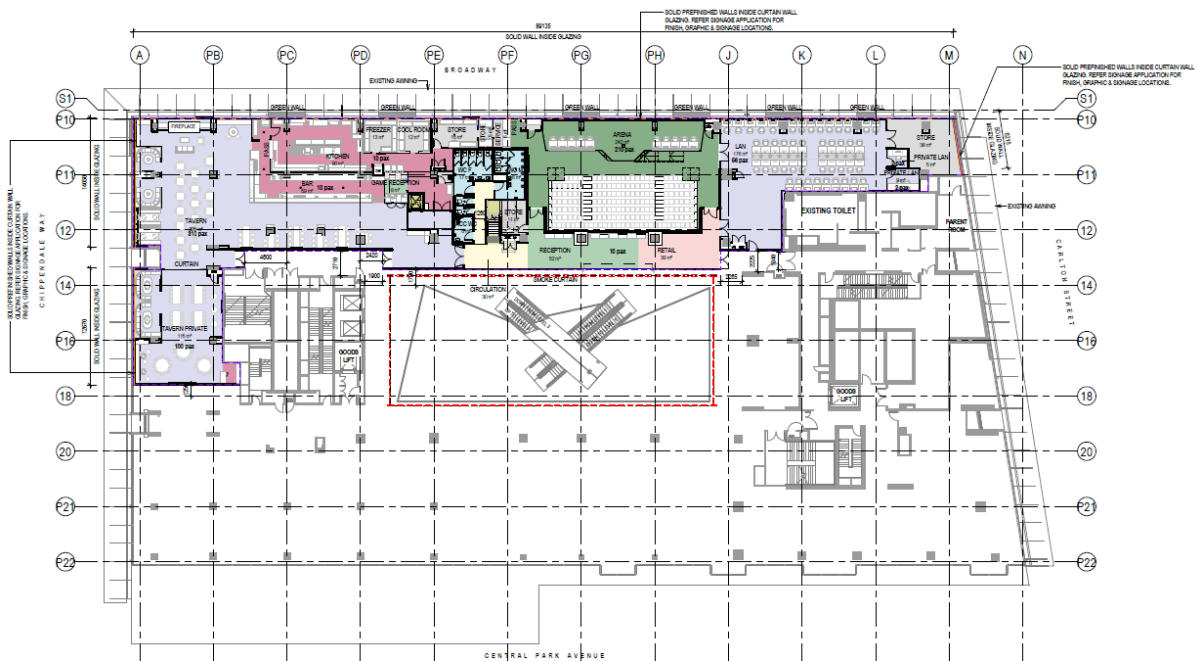
12. The change of use to a pub is to facilitate a more games themed venue that offers food and drinks services along with a variety of entertainment from board games to computer games in a highly accessible location. No gaming machines as defined in the NSW Gaming Machines Act 2001 are proposed and no liquor will be sold for consumption off the premises.
13. The proposed new internal staircase will connect Level 2 and Level 3, providing internal access to patrons does not need to access through the common areas of the shopping centre.
14. Plans and elevations are provided below.



**Figure 8:** Level 2 Demolition Scope (Demolition work to be completed by the landlord under a separate application)



**Figure 9:** Level 3 Demolition Scope (demolition work to be completed by the landlord under a separate application)



**Figure 10:** Proposed floor plan - Level 2

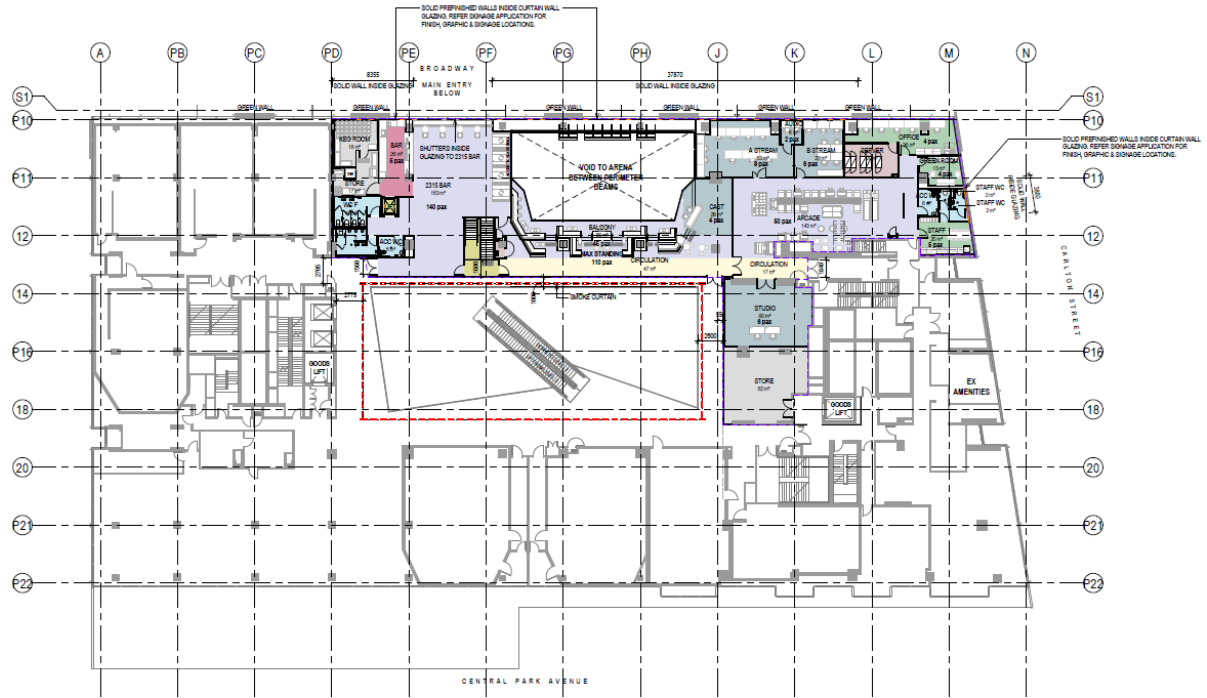


Figure 11: Proposed floor plan - Level 3

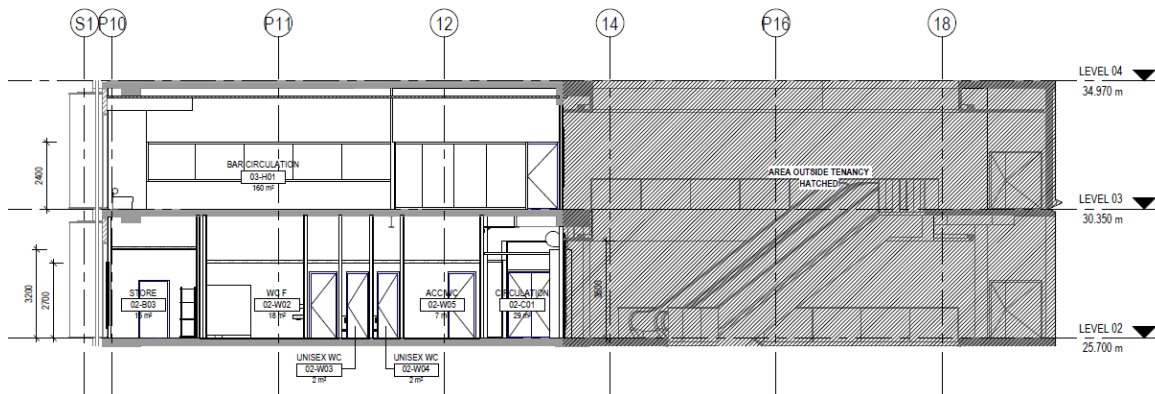


Figure 12: Building Section B

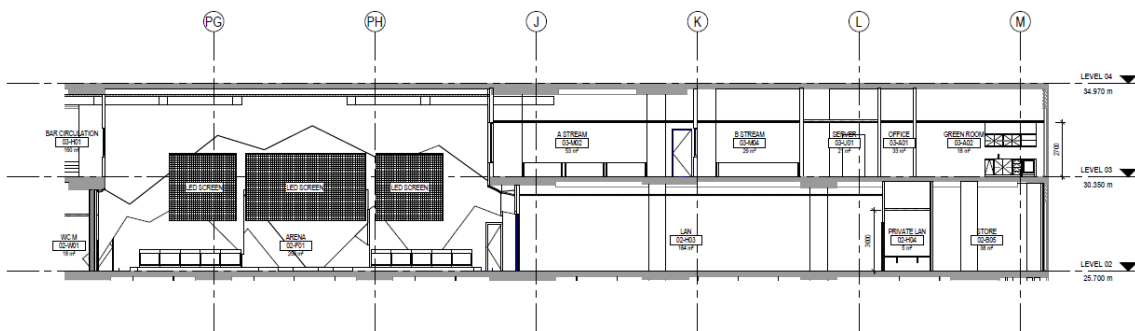


Figure 13: Building Section D (East)

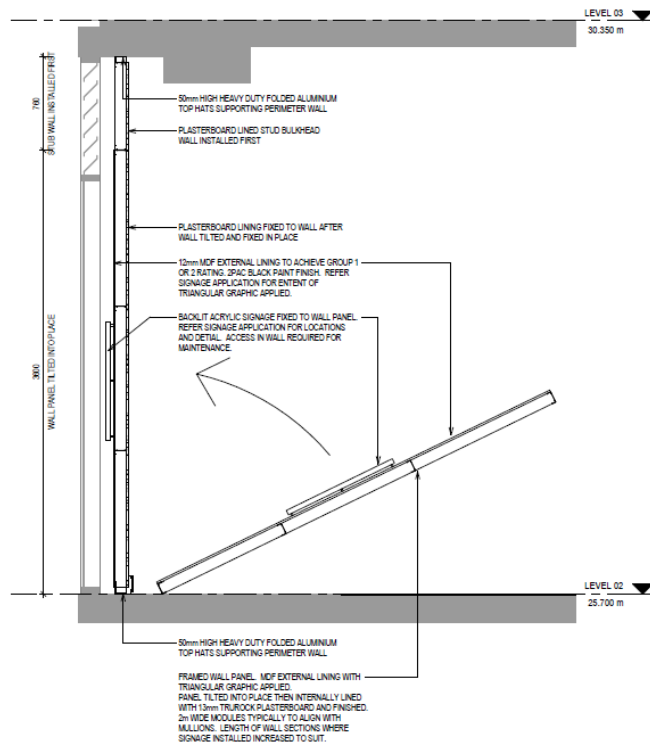


Figure 14: Solid Perimeter Walls Detail

## Assessment

- The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## State Environmental Planning Policies

### State Environmental Planning Policy (Transport and Infrastructure) 2021

- The application is subject to Clause 2.118 of the SEPP as the site has frontage to Broadway, which is a classified road.
- The proposed development satisfies the provisions of Clause 2.118 subject to conditions of consent, as no vehicle access to the site is provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development, subject to the recommended conditions of consent.

### Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment

- The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.

19. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

## Local Environmental Plans

### Sydney Local Environmental Plan 2005

20. The site is located within the City Edge zone. The proposal is permissible with consent.
21. Clause 28 of the SLEP 2005 provides objectives for amusement centres, late opening pubs and the like. The proposed games themed pub is generally consistent with the objectives of the control by offering food and drink services and provides a safe and comfortable space for patrons to socialise over available entertainment including computer games, console games, arcade games and board games. Subject to the conditions and the submitted Plan of Management, the proposal is not considered to degrade the amenity of the City of Sydney.
22. The proposal satisfies Clause 29 of the SLEP 2005. The proposal is permissible with consent in the City Edge Zone. Subject to conditions, the proposal will not have a detrimental impact on the amenity of the locality.
23. The site has a maximum height control of 45m and an FSR of 3:1. The proposal does not change the height or the FSR of the existing building.

### Sydney Local Environmental Plan 2012

24. The Sydney Local Environmental Plan 2012 does not apply to the site.

## Development Control Plans

### Sydney Development Control Plan 2012

25. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

#### Section 3 – General Provisions

Provision	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.

Provision	Compliance	Comment
3.11 Transport and Parking	Yes	<p>The application is not considered to result in a significant increase in motor vehicle congestion in Central Sydney as it is anticipated most customers will use existing public transport or point to point services.</p> <p>The existing building has sufficient bicycle parking and end of facilities in the basement. Refer to further discussion below.</p>
3.12 Accessible Design	Yes	<p>A condition is recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the SDCP 2012 and the BCA.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposal was accompanied by a Social Impact Assessment. The assessment includes the potential impact and provide measures to mitigate the risk on the amenity of the surrounding area.</p> <p>A Plan of Management has been submitted which adequately addresses security and management processes to minimise anti-social activity.</p>
3.14 Waste	Yes	<p>The proposal was reviewed by Council's waste team who support the proposal. Appropriate conditions are recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
3.15 Late Night Trading Management	Yes	<p>The premises is located in a Local Centre Area and the use is defined as a Category A premises.</p> <p>The proposed trading hours are between 7.00am and 12.00 midnight Sunday to Thursday, and between 7.00am and 2.00am the following day Friday, Saturday, Public Holidays and the day before Public Holidays.</p>



Provision	Compliance	Comment
		The application also seeks consent for up to 12 functions per year to cater for international Esports competition, with trading hours between 7.00am and 5.00am.  Refer to further discussion below.
3.16 Signage and Advertising	Yes	No signage is proposed as part of the subject application. The applicant states that a separate signage application will be lodged at a later stage.

#### 4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.3.11 Acoustic Privacy	Yes	The application is accompanied by an acoustic report. The proposal was reviewed by Council's Health Officer who advised the proposal is acceptable subject to compliance with the relevant performance parameters contained in the acoustic report and noise related conditions of consent.  Refer to discussion below.
4.2.6 Waste and Recycling Management	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management.

### Discussion

#### *Hours of Operation*

26. The proposed use as a pub is classified as a Category A - High Impact Premises under Section 3.15 of Sydney Development Control (DCP) 2012. The site is located within a Local Centre Area under the DCP. As such, the permitted base indoor trading hours for the premises are between 10.00am and 10.00pm, with extended trading hours from 10.00pm to midnight (Refer to Figure 16 highlighted in blue below).
27. The proposed trading hours are between 7.00am and 12.00 midnight Sunday to Thursday, and between 7.00am and 2.00am the following day Friday, Saturday, Public Holidays and the day before Public Holidays.

- 28. The application also seeks consent for up to 12 functions per year to cater for international Esports competition, with trading hours between 7.00am and 5.00am the following day.
- 29. The proposed trading hours beyond midnight do not comply with the allowable hours for premises within a Local Centre Area.

However, the applicant argues that while the subject site is categorised as a Local Centre Area, the premises is also located immediately adjacent to the City Living Areas to the east and west (Refer to Figure 15 below). The premises has capacity for more late night uses and is consistent with the hours under City Living Area.



Figure 15: Late Night Management Map (Subject building highlighted in black)

		Category A		Category B		Category C Unlicensed premises Indoor
		Indoor	Outdoor	Indoor	Outdoor	
Late Night Management Area	Base	6am to midnight	10am to 10pm	6am to 2am	7am to 10pm	24 hours
	Extended	24 hours	9am to 1am	24 hours	7am to 1am	
City Living Area	Base	7am to 11pm	10am to 8pm	7am to 1am	7am to 8pm	24 hours
	Extended	7am to 5am	9am to midnight	7am to 5am	7am to midnight	
Local Centre Area	Base	10am to 10pm	10am to 8pm	7am to 11pm	7am to 8pm	7am to 2am
	Extended	10am to midnight	9am to 10pm	7am to midnight*	7am to 10pm	

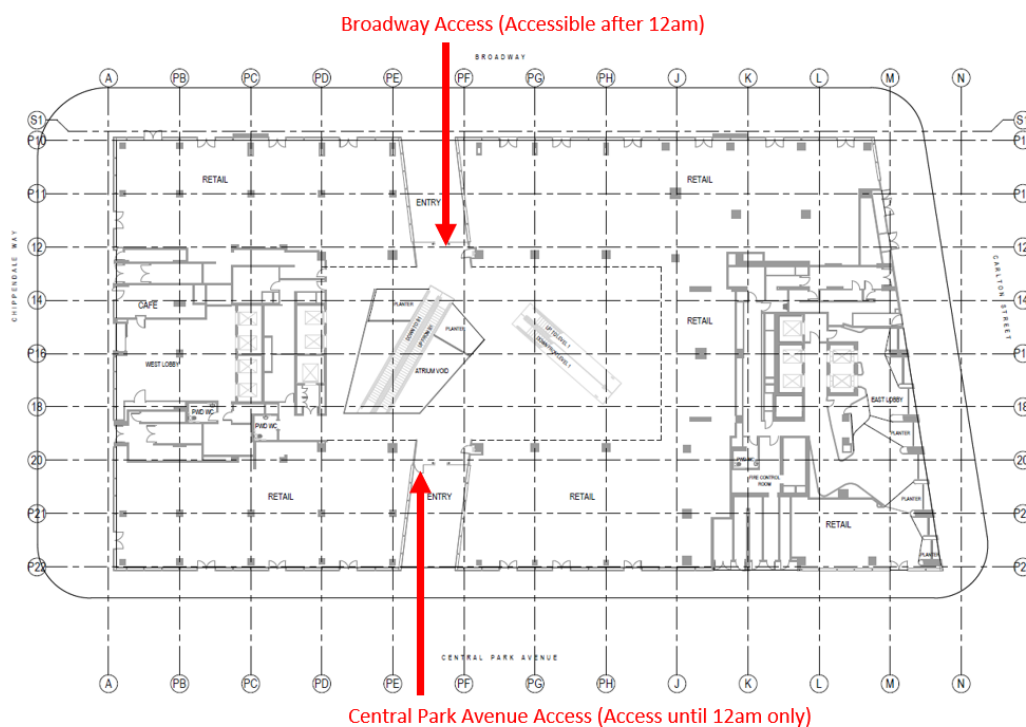
Figure 16: Late night trading hours under Section 3.15.4 of SDCP 2012

30. The permitted base indoor trading hours for premises located in City Living Area are between 7.00am and 11.00pm, with extended trading hours from 7.00am to 5.00am (Refer to Figure 16 highlighted in red above). The proposed trading hours comply with the allowable trading hours located within the City Living Area.
31. The applicant states that the premises will be subject to a 12 month trial period for the extended trading hours until 2.00am on peak days and 5.00am on event days. The operation of the Premises and the Plan of Management will be reviewed within a year of operation.
32. The proposal was reviewed by Council's Licenced Premises Unit which supports the proposed trading hours on a trial basis subject to conditions. It is noted that the premises is located within a shopping centre - being the Central Park Mall, which already offers a range of commercial activities including gym, cinema complex, amusement centre and food and drink premises. The premises is located on the lower floors of the mall, occupying the northern portion of the building facing Broadway away from residential nearby. The premises is completely enclosed inside the mall and with no external opening windows to transfer noise beyond the premises. With the premises located within the building on Level 2 and Level 3 with no external area, it is considered that its location within the Central Park complex would reduce the impact on the residential development nearby. Additionally, a condition is recommended restricting access via Broadway only after midnight to ensure the amenity of the residential land uses are preserved.
33. In order to protect the amenity of the residential uses in the building and surrounding buildings, the hours of operation will be restricted to the base indoor trading hours of 7.00am to 11.00pm Monday to Sunday, with extended indoor trading hours to:
  - 12.00midnight Sunday to Thursday,
  - 2.00am on Friday, Saturday, public holidays and the day before;and
  - 5.00am for the 12 functions per year,subject to a one year trial period. This will allow for the City to monitor the ongoing management performance of the premises to ensure potential adverse impacts on neighbourhood amenity are prevented and the use is managed appropriately.
34. The application was accompanied by an acoustic report, which was assessed as acceptable by the City's Environmental Health Unit. Appropriate conditions of consent are recommended to ensure the implementation of the recommended measures contained in the acoustic report. The application was also accompanied by a Plan of Management which is considered to demonstrate a commitment to good management

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

35. The Premises will be known as Fortress Sydney, a games themed pub operated by the Fortress Melbourne team. The Premises will be operating under the same experienced management team from Fortress Melbourne subject to the Plan of Management and the recommended conditions.
36. The proposal was accompanied by a Plan of Management which was amended to comply with the provisions under SDCP 2012.

37. The Plan of Management includes site and locality details, operational details, hours of operation, noise control, security and safety measurements and management measures. In particular, the Plan of Management requires that all minors are to be registered with the staff on entry to the venue. On entry, all minors will be issued with a wrist band and lanyard, both of which are required to be worn by the minor for the entire time at the venue to ensure that no minors are provided with liquor and that all minors behave appropriately and are safe.
38. Operational controls to mitigate acoustic impacts include restricting access via Broadway only after midnight (refer to Figure 17 below), the Plan of Management also confirms that no access will be provided via Central Park Avenue after 12 midnight as agreed with Central Park Mall. Regular security patrols and ongoing staff supervision as patrons leave the premises and Central Park Mall have been incorporated into the Plan of Management.



**Figure 17:** Central Park Mall Ground Floor plan

39. For the 12 major events per year, Police and Council will be notified via email at least a month prior to such events. The Plan of Management was amended to include the following security arrangement:
- Sunday to Thursday - 1 security per 100 patrons for up to 400 patrons, and 1 additional security every 200 patrons thereafter.
  - Friday, Saturday, Public Holidays, Day before Public Holiday and Major Ticketed Event – 1 security per 100 patrons.

40. The proposed number of security staff is consistent with the recommendation received from the NSW Police. The proposal was reviewed by Council's Licenced Premises Units who advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

#### ***Acoustic***

41. The application is accompanied by an Acoustic Report which assesses the potential noise impact from the construction, demolition and operation of the premises. No new mechanical plant is proposed to the rooftop of the building so it is expected that any additional mechanical systems that the fit-out requires will be provided internally.
42. Unattended background noise measurement was carried out from the 13 December 2021 until 22 December 2021 which complies with the NSW EPA NPfI methodology for establishing existing background noise and compliance criteria. The report provides recommendations including the fit-out of acoustic entry doors, installation of signs which request patrons enter and exit the venue quietly.
43. The proposal was reviewed by Council's environmental health officer which advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

#### ***Traffic***

44. The application seeks to use the existing parking and loading facilities within the Central Park Mall. No additional parking or loading facilities are proposed as part of the subject application.
45. Notwithstanding this, the application is not considered to result in a significant increase in motor vehicle congestion in Central Sydney as it is anticipated most customers will utilise existing public and point to point transport services.
46. There are 40 existing bicycle parking spaces and end of trip facilities available in the basement of Central Park Mall. Access is via the carpark entry with an intercom on the gate to communicate with security for entry. The bicycle storage rooms are locked and a key is provided for regular users or security will open up for casual users.
47. The proposal was reviewed by Council's Transport and Access Unit which supports the development subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

#### ***Urban Design***

48. The proposal seeks to install solid perimeter wall behind the existing glazing to the entire elevation at Level 2 and part of the elevation at Level 3 of the premises. This is considered acceptable given the existing food court at Level 2 and the cinema at Level 3 also had similar solid walls behind the existing glazing. Given the scale of the building and the existing green walls on the façade of the building, the proposal is considered acceptable. The proposal was reviewed by Council's urban designer who supports the application.

## Consultation

### Internal Referrals

The application was discussed with Council's:

- (d) Building Services Unit;
- (e) Environmental Health Unit;
- (f) Licenced Premises Unit;
- (g) Urban Design Unit;
- (h) Safe City Unit;
- (i) Transport and Access Unit;
- (j) Waste Management Unit; and
- (k) Social Strategic Unit;

49. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

### External Referrals

#### NSW Police

50. The applicant submitted evidence to show that early consultation was conducted with the NSW Police prior to the lodgement of the development application.
51. The application was referred to NSW Police for comment.
52. A response was received on 30 March 2022. The Police stated that the Plan of Management needs some minor adjustments but appears relatively comprehensive, raising no objections to the proposed development.
53. The Amended Plan of Management was referred to NSW Police for comment.
54. A response was received on 9 May 2022. The Police recommended a condition which requires a minimum of one security per 100 patrons to be employed for days that intends to operate after midnight, which are Friday, Saturday, any public holidays and the day before the public holiday. Similar security ratio of 1:100 is also to be used for the duration of any major events. Appropriate conditions are recommended in the Recommended Conditions of Consent.

### Advertising and Notification

55. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 21 days between 22 February 2022 and 16 March 2022. A total of 1943 properties were notified and one supportive submission was received.

56. The submission states that the main concern relates to the late night and morning access to and egress from the premises which should be via Broadway and away from the residential area to the rear. The submission supports the measures stated in the Plan of Management to use the Broadway entrance and exit. A condition is also recommended in the Recommended Conditions of Consent.

### **Financial Contributions**

#### **Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000**

57. The cost of the development is in excess of \$250,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2020.
58. A condition relating to this levy has been included in the Recommended Conditions of Consent. The condition requires the contribution to be paid prior to the issue of a construction certificate.

### **Relevant Legislation**

59. Environmental Planning and Assessment Act 1979.

### **Conclusion**

60. The application proposes a change of use from a food court and a cinema to a games themed pub.
61. The proposal is generally consistent with the objectives and provisions of the Sydney Local Environmental Plan 2005 and the Sydney Development Control Plan 2012. Instances where the proposal varies from the DCP controls have been assessed as acceptable.
62. The premises is of a scale suitable to the City Edge Zone and it provides a unique games themed pub in a mixed use shopping centre. Subject to conditions it will not cause adverse impacts on the amenity of the surrounding area.
63. The applicant has adequately addressed operational and security measures in the submitted Plan of Management. The applicant has adequately addressed noise impacts in the submitted acoustic report. The development is therefore in the public interest and is recommended for approval subject to conditions.

### **ANDREW THOMAS**

Executive Manager Planning and Development

Joe Wang, Planner