

Local Planning Panel

12 October 2022

Application details

26-28 and 34 Pirrama Road, Pyrmont

D/2021/1445

Applicant/Planner: Mr Scott Barwick c/- SJB Planning (NSW) Pty Limited

Owner: Department of Planning and Environment – Place Management
NSW (PMNSW)

Architect: Design 5 Architects

Developer: Doltone House Group

Proposal

amending DA to allow existing approved restaurant to be used for the dual purpose of a function centre, including:

- maximum capacity for 110 patrons
- one use (restaurant or function centre) at any given time
- no outdoor seating
- no building works

Recommendation

Refusal

Proposal – indoor hours

- indoor hours:
 - 7.00am to 10.30pm (Mon - Thurs)
 - 7.00am to 11.30pm (Fri & Sat)
 - 7.00am to 10.00pm (Sun)

Proposal – outdoor hours

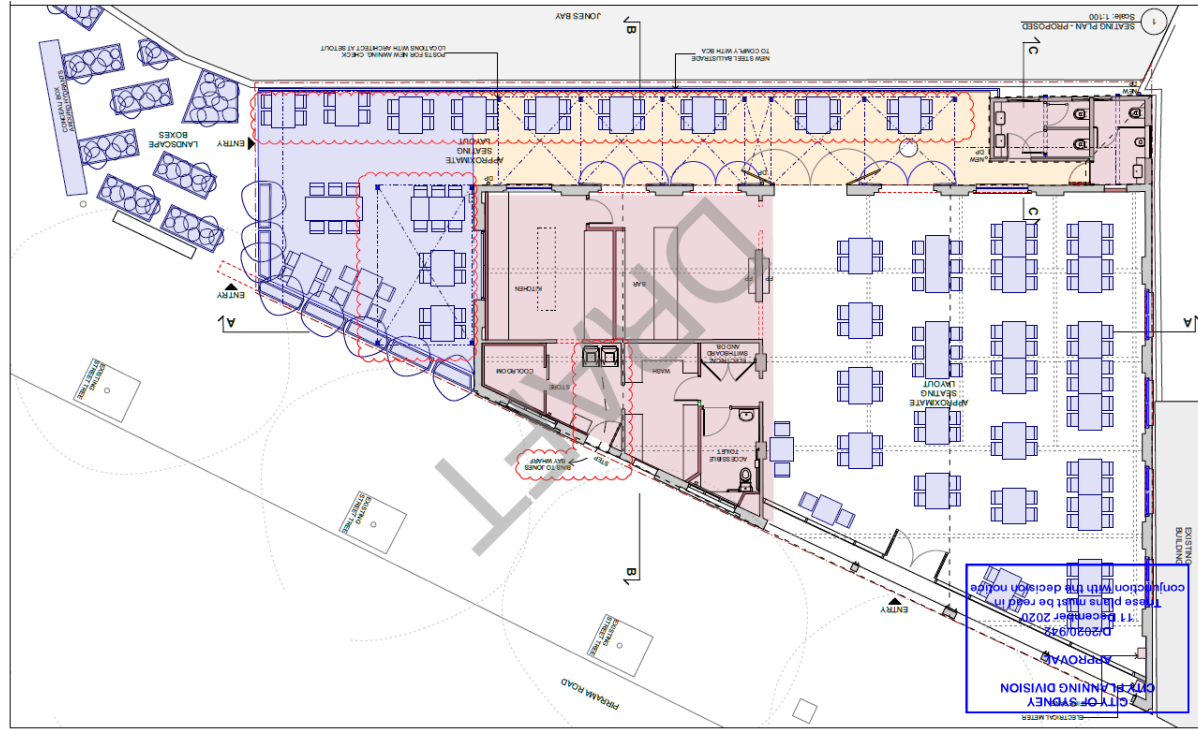
- outdoor hours:
 - 7.00am to 8.00pm (Mon - Sun) with following capacity:
 - western terrace: 18 persons between 6.00pm and 8.00pm
 - northern terrace: 28 persons at any time
 - use of western terrace after 8.00pm as an exit thoroughfare
 - use of northern terrace after 8.00pm as a thoroughfare to the amenities

Background

D/2020/942 - consent granted 11 December 2020 for a licensed restaurant, including:

- capacity for 166 patrons (102 internal seats and 64 external seats)
- indoor hours: 7.00am to 10.00pm Mon - Sunday with a 12 month trial till 12 midnight
- outdoor hours: till 8.00pm Monday - Sunday with a 12 month trial till 10.00pm
- restaurant use commenced late September 2022

Background – approved restaurant



extract of approved plan granted under D/2020/942, showing the approved indoor and outdoor seating layout

Notification information

- 15 December 2021 to 26 January 2022
- 258 owners and occupiers notified
- 77 submissions - 33 in objection and 44 in support
- on-line petition containing 391 signatures in objection

Submissions

Objection

- inappropriate use
- existing function centres are non-compliant
- number of patrons
- hours of operation
- cumulative impacts of the existing and proposed function centres
- ineffectiveness of the plan of management

Submissions

Objection

- inadequacy of the acoustic assessment
- management of noise impacts

Support

- long established family business
- must support hospitality industry in post covid economy
- creates jobs
- dual use required for restaurant to be viable
- added amenity and positive multiplier effect

Site

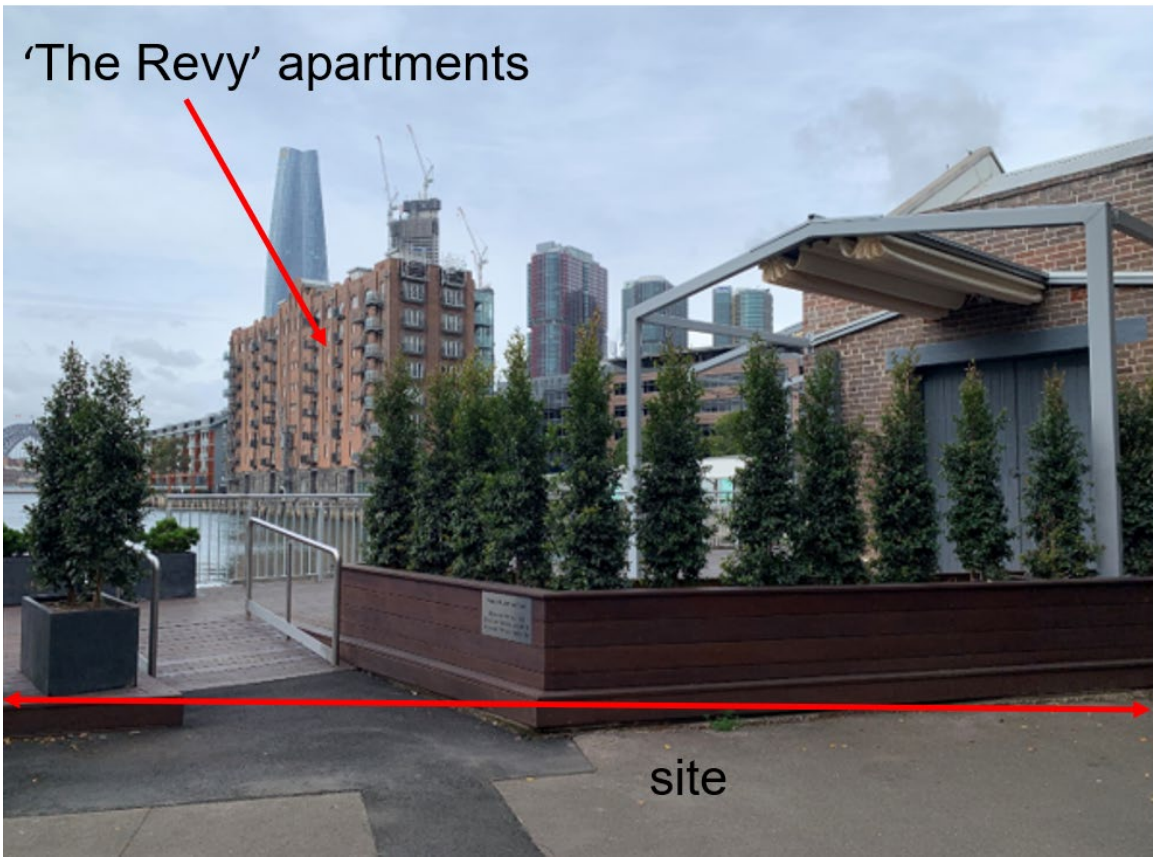




Pirrama Road



Interior of premises



'The Revy' apartments

site

site entry and exit - Pirrama Road



access to
Pirrama Road

north (water) side of building and outdoor terrace



residential apartments on the opposite side of Pirrama Road



sandstone escarpment and Macarthur residential apartments on opposite side of Pirrama Road



adjacent Jones Bay Wharf including existing function centres



view towards The Revy residential apartments at 8 Darling Island Road

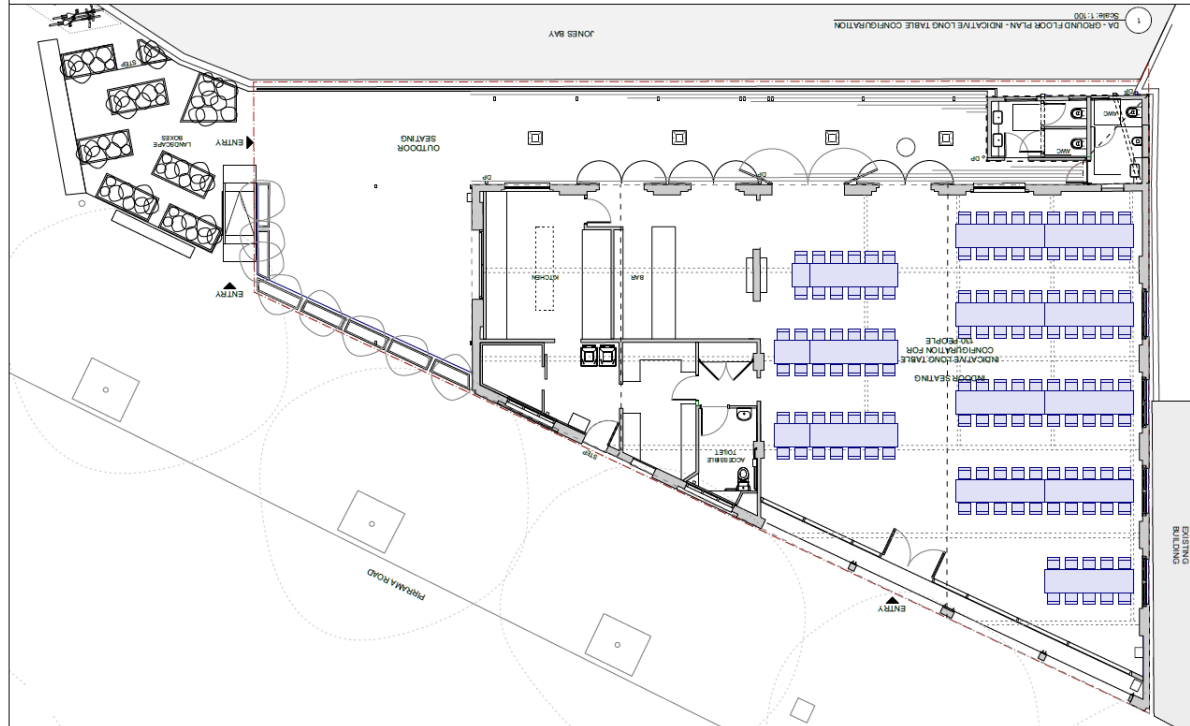


looking east towards Google offices

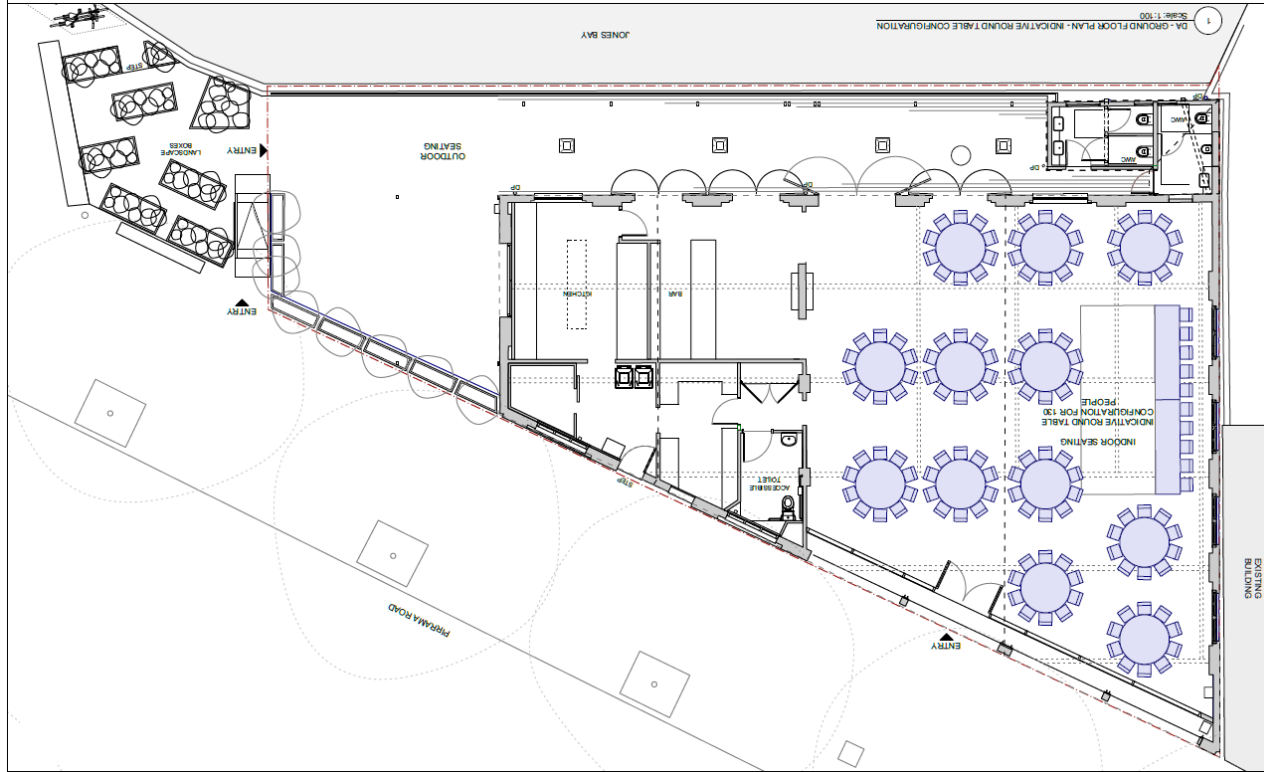


site amenities located at the far end of the northern terrace

Proposal



Long table configuration – 130 people



round table configuration – 130 people

compliance with key LEP controls

	control	existing	proposed	compliance
height	9m	7.8m	unchanged	yes
floor space ratio	1:1	unknown	unchanged	yes
car parking	max. 1 space per 50sqm GFA for restaurant	nil	unchanged	yes

Issues

- noise and amenity impacts
- dual use of the premises
- plan of management

Noise and amenity impacts

- site is very close to residential apartments
- proposed use is a more intensive use than approved restaurant
- proposed use operates differently to restaurant
- dual use of the site for a restaurant and function centre difficult to manage given - different patron capacities, different hours of operation and different plans of management
- inadequate measures to eliminate or control unreasonable noise impacts on nearby residential land uses

Noise and amenity impacts

- application has failed to satisfactorily demonstrate that the recommended noise emission restrictions are appropriate for the proposed use, will adequately protect the surrounding resident's amenity or will be capable of being complied with
- cumulative noise impacts from the proposed and existing late night premises in the area

Noise and amenity impacts

limitations of acoustic report

- indoor noise has not considered:
 - type, volume and duration of music associated with functions
 - use of microphones or other equipment typical of functions
- fails to recognise that function centres and restaurants operate differently (e.g. 110 guests from same party verses 110 guests having dinner in small groups)
- has not considered that patrons attending functions typically arrive and depart at the same time, whereas restaurants are typically staggered

Plan of management

plan of management:

- PoM is inconsistent with the Acoustic Report recommendations as it permits the northern terrace to be used by up to 28 patrons at any time, including after 10.00pm. This is also contrary to the proposed outdoor hours of operation which are till 8.00pm, 7 days a week. The PoM is also silent in terms of the number of patrons permitted within the western terrace area before 6.00pm
- includes management practices that would be difficult to carry out and enforce, especially in terms of the maximum number of patrons permitted within different parts of the outdoor area

Recommendation

Refusal