

## Relevant Information for Local Planning Panel

---

**FILE:** D/2021/1445 **DATE:** 12 October 2022

**TO:** Local Planning Panel Members

**FROM:** Andrew Thomas, A/Director City Planning, Development and Transport

**SUBJECT:** Information Relevant To Item 3 – Development Application: 26-28 and 34 Pirrama Road, Pyrmont – D/2021/1445

---

### For Noting

That the Local Planning Panel note the information contained in this memo.

### Background

Following publication of the Local Planning Panel report and relevant attachments, a submission was received from the applicant outlining why determination of D/2021/1445 should be deferred. A copy of the applicant's correspondence was forwarded to Panel members on 7 October 2022 and is included at Attachment B to this memorandum.

The applicant is requesting that determination of D/2021/1445 be deferred on the following basis:

- The applicant is willing to surrender the existing restaurant consent (D/2020/942 as amended) and deferring this matter would allow appropriate conditions, relating to the surrender of the consent, to be formulated.
- The proposed hours of operation and proposed maximum capacity of the proposed function centre use are less than the current restaurant use (D/2020/942 as amended).
- Deferring a decision would allow the applicant an opportunity to provide a technical response to Council's concerns regarding the acoustic assessment and proposed management of the acoustic impacts.

## Council Officer's Response

The applicant's grounds for deferment do not address the concerns raised within the assessment report. For the following reasons, it is recommended that the application (D/2021/1445) be determined and not be deferred:

- The applicant has failed to recognise that the function centre and restaurant uses operate very differently. Surrendering of the restaurant use would not address concerns specifically associated with the proposed function centre use (e.g. impacts associated with patrons arriving and leaving the site en masse).
- Surrendering of the restaurant use would allow the proposed function centre use to potentially operate more frequently and therefore may result in greater impacts to surrounding residents.
- While the proposed hours of operation of the function centre use are less, the applicant has failed to demonstrate that the function centre use has comparable acoustic impacts to the already approved restaurant. The acoustic restrictions that apply to the restaurant use (e.g. maximum of number of patrons outdoors) are considered inadequate in controlling the amenity impacts from a function centre.
- While the proposed maximum capacity of the function centre use is less, the proposed management practices would be difficult to carry out and enforce and are not likely to be adequate.
- During the assessment process, the applicant was requested to clarify various management measures within the Plan of Management and to address various concerns with the acoustic assessment. While some changes were made to the Plan of Management (dated July 2022), the applicant showed no commitment to address the significant concerns with the acoustic assessment.

For the reasons given above, the applicant's submission does not alter Council's recommendation of refusal or any of the reasons for the recommendation.

Prepared by: Rebecca Gordon, Specialist Planner

### **Attachments**

**Attachment A.** Copy of Approved Restaurant Use

**Attachment B.** Applicant's Submission (Confidential)

---

Approved

AJT

**ANDREW THOMAS**

A/Director City Planning, Development and  
Transport