

Item 7.**Development Application: 730-742 George Street, Haymarket - D/2025/399****File Number: D/2025/399****Summary****Date of Submission:** 8 May 2025**Applicant:** Seri Panich Pty Ltd**Owner:** First Scope Development Pty Ltd**Planning Consultant:** Design Collaborative**Zoning:** The proposal is within the SP5 Metropolitan Zone. The proposed pub (food and drink premises) land use is permitted with consent in the zone.

Proposal Summary: Development approval is sought for the change of use of the premises known as 'Seri Bar' from a Small Bar to a Pub (food and drink premises). The maximum occupancy proposed is 249 patrons. The proposed trading hours are 6am to 4am Monday to Sunday.

The application has been referred to the Local Planning Panel as the proposed use is 'sensitive development' requiring a hotel (general bar license) under the Liquor Act 2007. One submission was received.

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

Development Controls:

- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Plan of Management
- D. BCA Compliance Statement
- E. Submissions

Recommendation

It is resolved that consent be granted to Development Application Number D/2025/399 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 development, subject to conditions, is consistent with the objectives of the SP5 Metropolitan Centre Zone.
- (B) The development is consistent with the objectives of the Sydney Local Environmental Plans 2012 and Sydney Development Control Plan 2012, in particular the Late Night Management area objectives.
- (C) Subject to conditions, the development will not unreasonably compromise the amenity of nearby properties.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot in 10 DP 835699, Lots 1-3 in SP 54084 and stratum affected Lot 1 DP 855261, and is known as 730-742 George Street, Haymarket. It is irregular in shape with an area of approximately 2,777sqm. It has a primary street frontage to George Street and secondary street frontages to Hay Street and Campbell Street.
2. The site contains a three storey commercial building known as Capitol Square. The existing building includes various uses, including restaurants and pubs on the ground floor, retail uses on the first floor, and hotel accommodation on the upper levels. A pedestrian arcade runs through the site, from Hay Street to Campbell Street (north to south).
3. The subject tenancy is located in the basement level of the building and is known as "Shop B02". The premises is currently used as a small bar known as Seri Bar. The main entrance to the premises is via stairs adjacent to the Hay Street entrance to the pedestrian arcade.
4. The surrounding area is characterised by a mixture of land uses, primarily being commercial. Capitol Theatre is located directly east of the subject site at 321 Campbell Street. The light rail stations for Capitol Square and Chinatown are located within 50m of the subject site.
5. The site is a local heritage item "Palace Hotel complex pubs, shops and interiors" (I839), and "Capitol Square" (I840).
6. A site visit was carried out on 13 May 2025.
7. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds (Site identified in red)

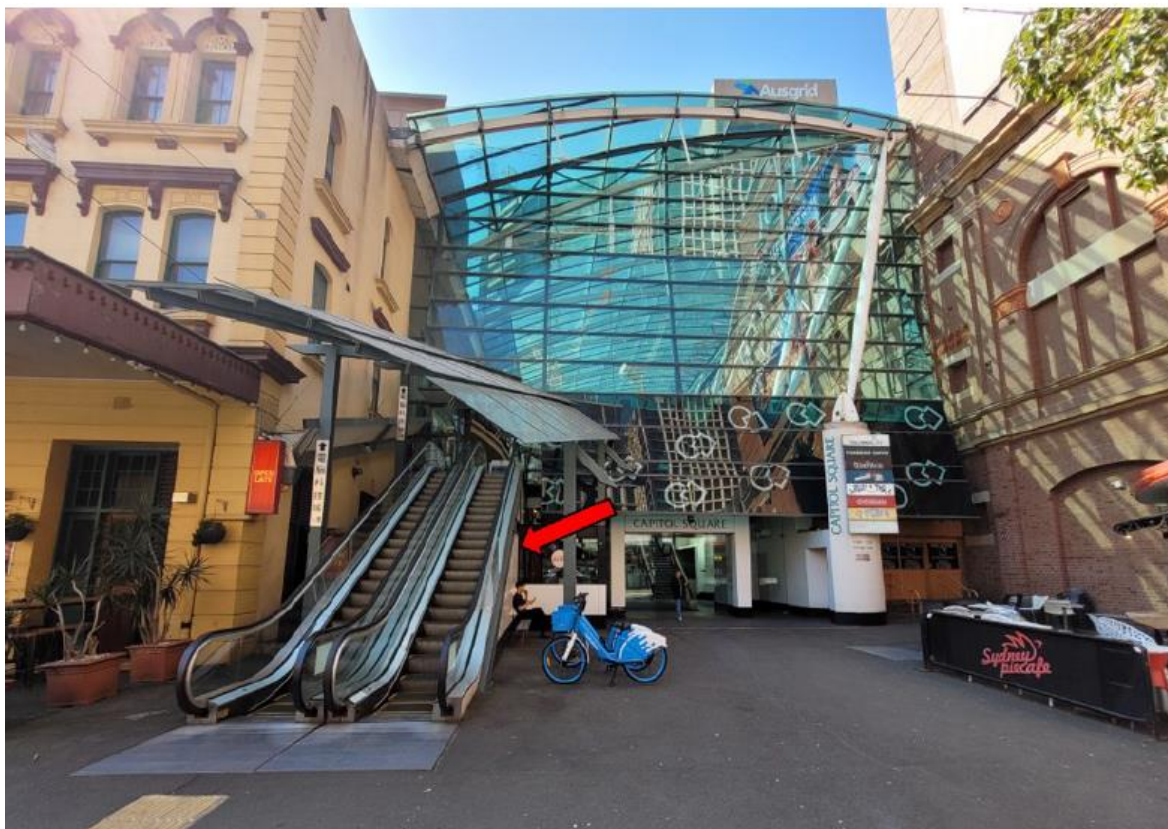


Figure 2: Main entrance to Capitol Square via Hay Street, showing the entrance to the subject tenancy with a red arrow



Figure 3: Site entrance (street-level) on Hay Street

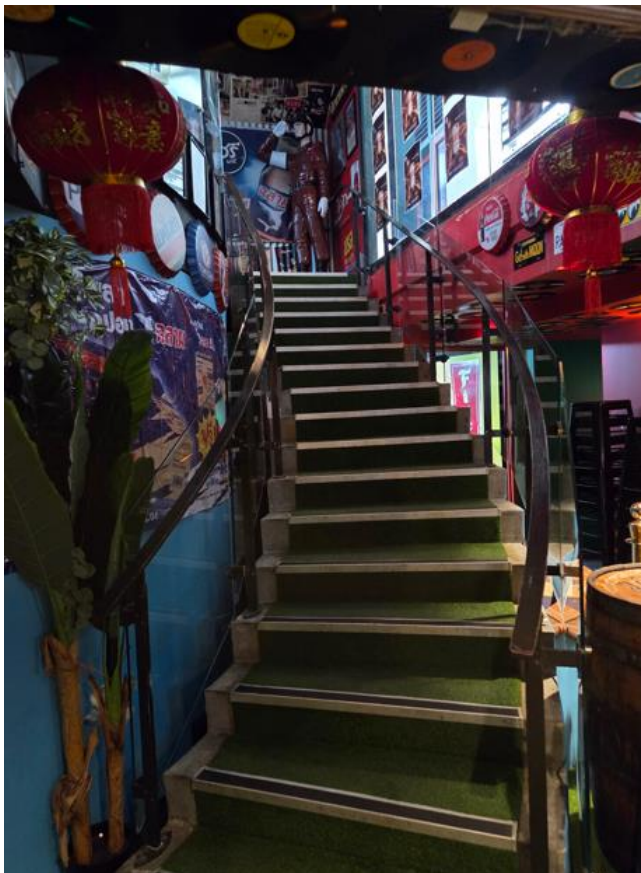


Figure 4: View of existing staircase which provides access from street level to basement tenancy



Figure 5: View of internal seating area



Figure 6: View of internal seating areas and bar



Figure 7: Existing seating area and stage area

History Relevant to the Development Application

Development Applications

8. The following applications are relevant to the current proposal:
- **X9301029** – Development consent was granted on 26 March 1993 for the restoration and extension of the Watkins Terraces into Parker Street, for use as a retail complex, licensed bar, restaurant, and 100-room hotel. Condition 29 of the consent permitted the hotel use to operate 24 hours a day and all retail/restaurant/bar uses to operate between the hours of 7.00am and 12.00 midnight. The consent refers to a games room in the basement level, which was associated with part of the Palace Hotel and as such permitted 24 hour trading.
 - **Z9700035** – Development consent was granted on 22 January 1997 to use part of the ground floor area of the building, previously designated and approved as a 'food court' for the purposes of bar, lounge, and dining facilities, being an extension to the approved 'Palace Hotel'. The approved hours of operation were 24 hours, 7 days a week.
 - **D/2023/213** – Development consent was granted on 22 May 2023 for the change of use and fit out of shop B02 from a pub to a small bar.
 - **D/2023/213/A** – A Section 4.55(2) modification was approved on 22 May 2024 to continue the trial period for the previously approved extended trading hours between 2am and 4am, Monday to Sunday for "Seri Bar".

Compliance Action

9. Council's Licensed Premises Officers have attended the venue and noted non-compliance with the maximum patron capacity approved for the Small Bar. The operators of the venue were notified of the non-compliance. A follow up inspection will be undertaken in 6 months.

Amendments

10. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 24 June 2025
11. Council Officer's requested clarification of information contained within the BCA Compliance Statement prepared by Jensen Hughes dated 16 April 2025.
12. The additional information was provided by the applicant via email on 24 June 2025.

Proposed Development

13. The application seeks consent for the following:
 - Change of use from a 'small bar' to a 'pub (food and drink premises)'.
 - Operating hours 6am to 4am, daily.
 - Maximum patron capacity 249 people.

NOTE: No physical works proposed

Local Environmental Plans

Sydney Local Environmental Plan 2012

14. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the SP5 Metropolitan Centre zone. The proposed development is defined as pub and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 50m is permitted. The proposal does not include any physical buildings works and does not alter the existing height of the building.
4.4 Floor space ratio	Yes	A maximum floor space ratio of 7.5:1 is permitted. The proposal does not include any physical works and does not alter the existing floor space ratio of the building.

Part 5 Miscellaneous Provisions

Provision	Compliance	Comment
5.10 Heritage	Yes	The site is identified local heritage item "Palace Hotel complex pubs, shops and interiors" (1839), and "Capitol Square" (1840). The proposal does not include any physical works and will have no impact on the heritage significance of the site.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.

Development Control Plans**Sydney Development Control Plan 2012**

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

Section 2 – Locality Statements

16. The site is located within the Central Sydney locality. The proposed development is in keeping with the unique character and the design principles of the locality.

Section 3 – General Provisions

Provision	Compliance	Comment
3.9 Heritage	Yes	<p>The site is identified as local heritage item "Palace Hotel complex pubs, shops and interiors" (I839), and "Capitol Square" (I840).</p> <p>The proposal does not include any physical building works and will therefore have no impact on the heritage significance of the site.</p>
3.12 Accessible Design	Yes	<p>It is noted that no physical building works are proposed, and the existing staircase access will be retained. A condition of consent is recommended requiring certification prior to the issue of an Occupation Certification by the Principal Certifier with regard to compliance with the BCA.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p>
3.14 Waste	Yes	<p>A condition is 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 Late Night Management Area and the use is defined as a category A premises.</p> <p>The proposed trading hours are 6am to 4am daily and the patron capacity is 249 persons.</p> <p>Refer to 'Discussion' below.</p>
3.18 Acoustic Amenity	Yes	<p>An Acoustic Report has been submitted which demonstrates the proposal is capable of compliance with the relevant acoustic criteria. Conditions of consent have been included in the Notice of</p>

Provision	Compliance	Comment
		Determination to ensure noise emissions are in accordance with Council's controls.

Discussion

Late Night Trading

The premises is located in a Late Night Management Area and the use is defined as a category A premises. The base indoor hours permitted for Category A premise in the Late Night Management Area is 6am to midnight. Extended hours of trade for this type of venue are 24 hours/7days a week, subject to trial periods.

The proposed trading hours are 6am to 4am daily. The permanent trading hours of the venue are recommended to be 6am to midnight. Extended trading hours between midnight and 4am are recommended to be subject to an initial 2-year trial period in accordance with Council's late night trading hours controls.

Patron Capacity

The proposed patron capacity of the venue is 249 persons (including staff). A BCA Compliance Statement prepared by Jensen Hughes, dated 16 April 2025 was submitted with the application to support the proposed patron numbers.

The Statement references NSW Table D2D18 of the BCA in relation to occupancy rates. It is noted that Clauses D2D18 and Table D2D18 are only intended for the purposes of determining BCA requirements which depend on the number of occupants likely to occupy a building or storey. These requirements include but are not limited to exit requirements, sanitary facilities, and mechanical ventilation. Section D2D18 and Table D2D18 are not intended to restrict the number of occupants using a building, or to enforce any building use or licensing requirements.

It is noted that the maximum capacity of the venue based on the square metre size of the venue is 165 occupants. However, the venue has an egress width of 2.64m which allows for up to 249 occupants. It is also noted that the existing sanitary facilities can facilitate 300 occupants. The statement concludes that based on the available egress width and layout, the maximum population of the venue should be limited to 249 occupants.

Council's Construction and Building Unit have reviewed the proposal and raised no objection to the proposed occupant capacity of the venue subject to a condition.

Plan of Management

The Plan of Management (PoM), prepared by Design Collaborative submitted with the application has been reviewed by Council's Licensed Premises Team. The PoM does not contain sufficient information to address the relevant provisions and detailed requirements of Section 3.2 of Schedule 3 of the Sydney DCP 2012.

As such, a condition of consent is recommended in the Notice of Determination requiring the resubmission of a more robust PoM prior to the issue of an occupation certificate for the

premises. The condition requires the PoM to be updated to address the following issues outlined in Section 3.2 of the Sydney DCP 2012:

- (i) Site and locality details
- (ii) Operational details
- (iii) Hours of Operation
- (iv) Noise
- (v) Security and safety
- (vi) Management Measures
- (vii) Performance, creative or cultural uses (where applicable)

The detailed requirements of the Security and Safety section of Provision 3.2 include the following:

- A description of any arrangements that will be made for the provision of security staff.
- Details of CCTV surveillance camera installation that identifies both indoor and outdoor areas monitored by cameras, and camera technical specifications (eg. recording capacity, frames per second etc.).
- Details of signage to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises.
- Details of any liaisons or outcomes of any meeting with local NSW police.
- Details of any complaints associated with the operation of the premises must be recorded in a Complaints Register.

Once amended in accordance with the above, it is considered that the Plan of Management will enable sufficient governance of the venue in relation to safety and security. Further conditions relating to security personnel may be imposed by NSW Liquor and Gaming as part of the venues Liquor License.

Consultation

Internal Referrals

17. The application was discussed with Council's:

- (a) Construction and Building Unit;
- (b) Environmental Health team;
- (c) Licenced Premises team;
- (d) Safe City Unit; and
- (e) Waste Management Unit.

18. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External Referrals

NSW Police

19. The application was referred to NSW Police for comment.
20. A response was received raising objection to the proposed development in relation to the proposed occupancy of 249 people. Concern was raised regarding the provision of adequate security personnel. As discussed above, a condition of consent has been recommended requiring the revision of the Plan of Management to include additional security and safety measures required by Provision 3.2 of the Sydney DCP 2012. The amended PoM will include details on security staffing arrangements, CCTV coverage (including technical specifications and camera locations), required signage, any engagement with NSW Police, and a register for recording operational complaints.

Advertising and Notification

21. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 21 days between 12 May 2025 and 3 June 2025. One submission was received.

22. The submission raised the following issues:

- (a) **Issue:** The premises is not sufficient in size to accommodate a capacity of 249 patrons. The maximum patron capacity should be reduced to 165 people in accordance with the per square metre BCA recommendation.

Response: Refer to 'Patron Capacity' subheading in the 'Discussion' section above.

- (b) **Issue:** The proposal should be determined by the Local Planning Panel.

Response: The application has been referred to the Local Planning Panel for determination as the proposed use is considered 'sensitive development' as it will require a hotel (general bar license) under the Liquor Act 2007.

- (c) **Issue:** The venue should be required to provide one security guard per 100 patrons to prevent anti-social behaviour.

Response: A condition of consent has been included in the Notice of Determination requiring the amendment of the Plan of Management prior to the issue of an occupation certificate to address the relevant provisions included in Section 3.2 of Schedule 3 of the Sydney Development Control Plan. The condition requires the amendment of the PoM to address security and safety details such as the use and management of security personnel. Council's Health and Building Team will review the amended PoM to ensure the appropriate level of security personnel is recommended.

- (d) **Issue:** The premises should not be allowed to trade until 4am. A trial period for extended hours between midnight and 2am should be imposed as a condition of consent.

Response: Refer to 'Late Night Trading' subheading in the 'Discussion' section above.

- (e) **Issue:** The Plan of Management submitted with the application is not in accordance with the requirements set out in Schedule 3 of the Sydney DCP. An updated Plan of Management should be required for approval.

Response: The Plan of Management (PoM) has been reviewed by Council's Licensed Premises Team. The PoM does not contain sufficient information to address the relevant provisions and detailed requirements of Section 3.2 of Schedule 3 of the Sydney DCP 2012. A condition of consent is included in the recommended conditions of consent requiring the resubmission of a more detailed and complete PoM prior to the issue of an occupation certificate. The condition also requires ongoing compliance with the amended PoM which will include additional details regarding the level of security personnel required on site.

- (f) **Issue:** The venue has a history of poor management in relation to safety, alcohol consumption and patron management. As such, the operators are not equipped to manage additional patrons.

Response: Council Officers have reviewed the proposal and previous compliance history for the site. The majority of compliance related issues relating to the premises are due to breaches of the maximum patron capacity. To rectify this issue, the venue operators are seeking to increase the maximum patron capacity of the premises. Subject to conditions, Council Officers are of the opinion that the venue can be managed safely and effectively. To ensure proper management, a condition of consent is included in the recommended conditions of consent requiring ongoing compliance with the management measures outlined in the Plan of Management.

Financial Contributions

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

23. The Central Sydney Development Contributions Plan 2020 applies to the site. However, as the cost of the development is less than \$250,000, a contribution is not payable.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

24. The site is located within the Central Sydney affordable housing contribution area. As the development is not creating more than 100sqm of gross floor area and is not for change of use to residential or visitor/tourist accommodation, the development is excluded and is not subject to a Section 7.13 contribution.

Conclusion

25. The proposal seeks consent to change the use of the building from a 'Small Bar' to a 'Pub'.
26. The development is generally consistent with the objectives of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012, in particular the Late Night Management area objectives.
27. The proposal is suitable to the Central Sydney Locality and, subject to conditions will not cause adverse impacts on the amenity of the surrounding area.

ANDREW THOMAS

Executive Manager Planning and Development

Elizabeth Jones, Specialist Planner