DEVELOPMENT APPLICATION ASSESSMENT

Application No: D/2019/1331
Date of Lodgement: 21 November 2019
Applicant: HOSKING MUNRO PTY LTD
Architect: HOSKING MUNRO PTY LTD
Application Site: 201 - 203 HARRIS STREET, PYRMONT NSW 2009
Proposal: Internal alterations to existing hotel to convert dining area to new gaming room and change glazing to the windows.
Cost of Works: $85,100
Development Contribution Required: No
Zoning: B2 Local Centre. Food and drink premises is a permissible use within this zone.

SITE AND SURROUNDING DEVELOPMENT

The site relates to Dunkirk Hotel located on the corner of Harris Street and Pyrmont Bridge Road.

The Dunkirk Hotel lies across four sites. These sites are known as 201, 203 and 205-207 Harris Street and 44 Pyrmont Bridge Road. The proposed works are to the paired terraces on 201 and 203 Harris Street site. The combined sites have a total area of approximately 568.3sqm and have a primary frontage to Harris Street and secondary frontages to Little Mount Street and Pyrmont Bridge Road.

The Dunkirk Hotel is three storeys with a basement level used as a licensed pub with hotel accommodation with 12 rooms. The ground floor includes a main bar, gaming room, central courtyard, kitchen, bistro, lounge/bar, cool room and bottle shop. To the first floor includes function room, terrace area, lounge/bar and six rooms for hotel accommodation. To the second floor is a further six rooms for hotel accommodation and a terrace.

Three sites are local heritage items known as Dunkirk Hotel including interior and courtyard for 205-207 Harris Street and Terraces Group including interiors for 189-203 Harris Street. The site is located within the Pyrmont Conservation Area (C52).

Surrounding development is mix of commercial and residential uses. To the north, adjoining the site are two storey terraces with commercial uses to the ground floor and residential uses to the first floor. To the south, opposite the site is Pyrmont
Bridge Road and a 10-11 storey mixed use building of apartments and commercial uses known as 209 Harris Street. To the west, opposite the site is Harris Street, Quarryman’s Hotel and Elizabeth Healy Reserve. To the east, opposite the site is Little Mount Street, one to two storey residential dwellings and a two storey commercial building.

A site visit was carried out on 14 January 2020. Photos of the site and surrounds are provided below:

![Figure 1: Aerial image of subject site and surrounding area](image-url)
Figure 2: Site viewed from Harris Street

Figure 3: Site viewed from Pyrmont Bridge Road
Figure 4: Subject terraces viewed from Harris Street

Figure 5: Room to be used as the gaming room, subject to the assessment of this application
PROPOSAL

The application seeks consent for alterations to existing hotel known as Dunkirk Hotel to convert lounge/bar area to new gaming room. These works include:

- Remove glazing to two front windows to Harris Street and two windows to side garden area and replace with new external timber louvres.
- New glass wall with sliding automatic door between main lounge and new gaming room.
- New door between bistro and gaming room.
- Maximum capacity of 20 patrons to new gaming room.
- The application proposes no change to the existing hours of operation which is 5.00am to 12.00am (midnight) Monday to Saturday and 10.00am to 10.00pm on Sundays.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

Previous Applications

The following applications are relevant to the current proposal:

- The Dunkirk Hotel was formerly known at Butchers Arms Hotel with recorded plans from 1914
- D/1997/158 – Development consent granted on 20 June 1997 for demolition of garage and construction of bottle shop with deck over and internal upgrade works to Dunkirk Hotel. Hours of operation approved are 5.00am to 12.00am (midnight) Monday to Saturday and 10.00am to 10.00pm on Sundays.
- D/2004/1188 – Development consent granted on 26 April 2005 for alterations and addition to hotel and incorporation of adjacent properties at 201-203 Harris Street and 44 Pyrmont Bridge Road. Use of the combined premises approved as a licensed hotel with function rooms, lounge bar, bistro, Place of Public Entertainment and bottle shop. Hours of operation approved are 5.00am to 12.00am (midnight) Monday to Saturday and 10.00am to 10.00pm on Sundays.

Subsequent section 4.55(1A) modification granted consent on 29 July 2005 under D/2004/1188/A for additional skylights to bistro and changes to conditions.


Amended proposal

The original proposal was for the removal of glazing to the two front windows and inserting louvres. The applicant was informed on 22 January 2020, that this was not
supported as it will detract from the appearance of the terrace group, disrupt its overall uniformity, and have an adverse heritage impact. Furthermore, there was insufficient details regarding proposed works including no elevations and details of new doors, walls and louvres to windows.

Council also requested on 4 February 2020 for an acoustic report, given that the proposed gaming room is adjacent to residential properties and a revised Plan of Management addressing all the requirements under Schedule 3.2 of the Sydney DCP 2012.

The applicant provided revised plans with all the further details as requested on 3 February 2020, a revised Plan of Management on 5 February 2020 and an acoustic report on 14 February 2020.

Compliance Action

The site is subject to ongoing compliance action which is still being investigated and is relevant to the subject application.

On 22 January 2020, Council’s Building Compliance Officer inspected the site and found that internal building works have been undertaken. As these works were not exempt development and required development consent, a ‘stop the work order’ was issued on 31 January 2020.

On 14 February 2020, Council’s Building Compliance Officer’s inspected the site to check the compliance of the ‘stop the work order’ and found that further external and internal building works had been carried out.

A number of the completed works relate to this development application. These works include:

- New timber framed wall to stairwell;
- New timber door to side garden area;
- Filling in existing openings to the section between gaming and bistro; and
- Lowering of existing floor to new gaming room

Retrospective approval for works cannot be sought through development consent. Therefore, a condition is imposed that the works that have been completed are not approved and only relates to the works as stated in the Proposal section above.

Environmental Planning and Assessment Act 1979

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
Environmental Planning Instruments and DCPs.

Sydney LEP 2012

The site is located within the B2 Local Centre zone. The proposed use is defined as a ‘pub’ also known as a ‘food and drink premises’ which is permissible use within the zone. No change to the use is proposed.

The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

<table>
<thead>
<tr>
<th>Compliance Table</th>
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<tbody>
<tr>
<td>Development Control</td>
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<tr>
<td>4.3 Height of Buildings</td>
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<tr>
<td>4.4 Floor Space Ratio</td>
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<tr>
<td>5.10 Heritage conservation</td>
</tr>
</tbody>
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Part 6 Local provisions—height and floor space

Division 4 Design excellence

6.21 Design Excellence | Yes | The proposed development satisfies the requirements of this provision. |

Part 7 Local provisions—general

7.14 Acid Sulfate Soils | Yes | The site is identified as Class 5 Acid Sulphate Soil. The development is not considered to represent a significant risk of exposing acid sulphate soils.
7.15 Flood planning  Yes  The site is not within flood prone affected land.

Sydney DCP 2012

The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – 2.12.2 Pyrmont

The subject site is situated in the Pyrmont locality. The proposed alterations to Dunkirk Hotel is considered to be in keeping with the unique character of the area and design principles in that it retains and responds with the heritage qualities of the heritage item and conservation.


<table>
<thead>
<tr>
<th>Development Control</th>
<th>Compliance</th>
<th>Comment</th>
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<tbody>
<tr>
<td>3.9 Heritage</td>
<td>Yes</td>
<td>The sites are local heritage items known as Dunkirk Hotel including interior and courtyard for 205-207 Harris Street and Terraces Group including interiors for 189-203 Harris Street. The sites are located within the Pyrmont Conservation Area (C52). See further discussion in the Issues section.</td>
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<tr>
<td>3.12 Accessible Design</td>
<td>Yes</td>
<td>A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.</td>
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<td>3.13 Social and Environmental Responsibilities</td>
<td>Yes</td>
<td>A condition is imposed for CCTV surveillance cameras to be installed throughout the premises to prevent and record crime in accordance with the CPTED principles.</td>
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<td>3.14 Waste</td>
<td>Yes</td>
<td>A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2017.</td>
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3.15 Late Night Trading Management

| Yes |

The application proposes no change to the existing hours of operation which is 5.00am to 12.00am (midnight) Monday to Saturday and 10.00am to 10.00pm on Sundays approved under development consent D/2004/1188.

A condition is imposed that the development consent relies on, and must be read in conjunction with, the primary development consent D/2004/1188 (as amended).

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<table>
<thead>
<tr>
<th>Development Types</th>
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<tr>
<td>4.2 Residential Flat, Commercial and Mixed Use Developments</td>
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<td>Development Control</td>
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<td>4.2.3 Amenity</td>
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### ISSUES

#### Amenity

#### Noise

An acoustic report was submitted by the applicant to address the noise impact to from the gaming room to neighbouring properties. The results from the noise assessment demonstrate that the predicted noise levels from the gaming room satisfy the projected specific noise goals of City of Sydney and Office for Liquor, Gaming and Racing. The report recommends that no machines are to be installed with direct contact to the common walls and that the machine electronic sound outputs set to low. A condition is imposed to comply with the recommendations and the acoustic report and noise goals of City of Sydney and Office for Liquor, Gaming and Racing. Subject to the recommended conditions, the noise impact to neighbouring properties is considered acceptable.

#### Management

The application proposes no change to the existing hours of operation which is 5.00am to 12.00am (midnight) Monday to Saturday and 10.00am to 10.00pm on Sundays approved under development consent D/2004/1188. Furthermore, the gaming room is proposed to have a maximum capacity of 20 persons.
A plan of management has been submitted by the applicant providing measures in handling patrons and the operation of the premise. These details include hours of operation, managing noise impact, providing security and CCTV surveillance, handling behaviour of patrons and ensuring responsible service of alcohol. A condition is imposed to comply with the plan of management.

A condition is also imposed that the development consent relies on, and must be read in conjunction with, the primary development consent D/2004/1188 (as amended). This consent includes operation conditions for the whole premise including hours of operation and noise.

Subject to the recommended conditions, the gaming room will be managed appropriately to ensure minimal impact to the public and neighbouring properties.

**Heritage**

The sites are local heritage items known as Dunkirk Hotel including interior and courtyard for 205-207 Harris Street and Terraces Group including interiors for 189-203 Harris Street. The sites are located within the Pyrmont Conservation Area (C52).

The application documentation does not provide much detail regarding the design of the louvres to the ground level Harris Street windows. Appropriately designed shutters located in front of the window joinery are considered supported. A condition is recommended requiring precise design details, drawings at drawings at 1:20, of traditional style shutters to be submitted and approved prior to the issue of a construction certificate. The design of the shutters is to be based on those at 193 Harris Street.

Subject to the recommended condition, the proposed works retains the significant heritage fabric to the heritage item and is considered appropriate infill to the development that will not adversely impact on the conservation area.

**(b) Other Impacts of the Development**

Compliance with the BCA can be resolved at construction certificate stage.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

**(c) Suitability of the site for the Development**

The proposal is considered to be suitable for the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.
(d) CONSULTATION

Internal Referrals

The application was discussed with the Heritage and Urban Design Specialists; Building Services Unit; Environmental Health and Licenced Premises; who advised that the proposal is acceptable subject to the recommended conditions.

The conditions of other sections of Council have been included in the proposed conditions.

NOTIFICATION, ADVERTISING AND DELEGATION

In accordance with the City’s Community Participation Plan 2019, the proposed development is required to be notified. As such the application was notified for a period of 14 days. A total of 285 properties were notified and no submissions were received.

(e) Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

FINANCIAL IMPLICATIONS

S7.11 CONTRIBUTION

The development is not subject to a S7.11 development contribution as the proposed works results in no increase to the gross floor area and no increase in workers therefore, is excluded from the need to pay a contribution. A contribution is therefore not payable.

CONCLUSION

Having regard to all of the above matters, it is considered that the proposal for alterations to Dunkirk Hotel for conversion of the bar/lounge area to a new gaming area generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012, is acceptable and is recommended for approval subject to conditions as shown in the attached Decision Notice.

The application is approved under delegated authority of Council.

The undersigned declare, to the best of their knowledge that they have no interest, pecuniary or otherwise, in this development application or persons associated with it and have provided an impartial assessment.
Report prepared by:

Charise Chumroonridhi
Specialist Planner

Application determined by:

Bill Mackay
Manager Planning Assessments