

Resolution of Local Planning Panel

29 April 2026

Item 3

Development Application: 158-160 Abercrombie Street, Redfern - D/2025/1210

The Panel granted consent to Development Application Number D/2025/1210 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(6) NATIONAL CONSTRUCTION CODE COMPLIANCE - CHANGE OF USE/CLASSIFICATION (NO BUILDING WORK PROPOSED)

Pursuant to Section 62 of the Environmental Planning and Assessment Regulation 2021, the building must comply with:

- (a) the Category 1 fire safety provisions in the Regulation;
- (b) the fire protection and structural capacity requirements as defined in the Regulation, and
- (c) Section 14 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Prior to a Construction Certificate / any Occupation Certificate being issued for the new use, documentation detailing compliance with this condition including the performance requirements of the *Building Code of Australia* ~~as prescribed below~~ as ***relevant*** must be submitted to and be approved by the Registered Certifier or Principal Certifier.

- ~~(i) Fire isolated stair shafts — Part C2;~~
- ~~(ii) Fire isolated stair construction — Part D3;~~
- ~~(iii) Visibility in an emergency, exit signs and warning systems — Part E4;~~
- ~~(iv) Upgrade of the existing smoke detection system to an Early Warning Detection System as a Performance Requirement — AS 1670.1 — 2018 — Part E — Specs.~~

Note: The obligations under this condition to comply with the Category 1 fire safety provisions * and fire safety and structural adequacy requirements may require building work to be carried out even though none is proposed or required in this consent. A Construction Certificate must therefore be obtained prior to work commencing for any building work required to be undertaken.

* *Category 1 fire safety provisions* are the following provisions of the *Building Code of Australia*, namely, E1P3, E1P4, E1P6, E2P1, E2P2 and E3P2 in Volume One of the Code and H3P2 in Volume Two of the Code.

Reason

To ensure the building and approved use affords adequate fire safety in accordance with the Building Code of Australia.

(7) VERIFICATION OF ACOUSTIC REPORT PRIOR TO OCCUPATION CERTIFICATE

Prior to the issue of any occupation certificate, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney - Environmental Noise Technical Requirements, dated October 2025.
- (b) The consultant must inspect and review the completed development and ensure that:
 - (i) The final building work is assessed for compliance with the relevant acoustic Construction Certificate(s), **via appropriate verification testing**, the approved acoustic report, and all applicable noise-related conditions and documentation of this consent.
 - (ii) Any non-compliances identified under (i) above are documented in writing, with specific reference to the relevant acoustic criteria, and must include a scope of work necessary to rectify the issues and achieve compliance.
 - (iii) All requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of item (b), the consultant must notify the Certifier in writing of any identified non-compliances.

Reason

To ensure the development complies with construction and fit out plans and the relevant standards in the approved acoustic report.

(9) TRADING HOURS - SENSITIVE USES

The trading hours are regulated as follows:

- (a) The permitted trading hours on the ground floor are restricted to between 10.00am and 12.00 midnight Monday to Sunday.

- (b) The permitted trading hours on the first floor are restricted to between 10.00am and 10.00pm Monday to Sunday.
- (bc) Notwithstanding (ab) above, the premises may trade between 10.00pm and 12:00 midnight for a trial period of two years from the date of the Occupation Certificate.
- (ed) Should the operator seek to continue the extended operating hours outlined in (bc) above, an application must be lodged with Council within 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by NSW Police and Liquor & Gaming.

Note: These hours do not apply to the outdoor dining areas.

Reason

To ensure the premises trades within the approved trading hours.

(11) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management titled The Eveleigh Hotel Plan of Management, dated 25 November 2025, signed by Todd Buncome. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

The Plan of Management can be revised at any time through the submission of a Section 4.55 modification application.

Note: Any changes to the Plan of Management must be approved by Council's Area Planning Manager.

Note: The complaints register must be available to Council at any given time.

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

(16) ACOUSTIC TESTING

Three months after the implementation of the acoustic attenuation measures, testing is to be conducted by a suitably qualified acoustic consultant which demonstrates the performance of noise mitigation measures against Council's Noise Criteria. This information is to be provided to Council's Area Planning Manager for approval. Note that further works may be required should Council's Noise Criteria not be complied with.

Reason

To ensure that noise mitigation measures are implemented as per the Acoustic Report.

(17) SECURITY GUARDS

Security guards are to be provided on Friday and Saturday nights.

Reason

To reasonably maintain residential amenity.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the R1 - General Residential zone.
- (B) The development, subject to conditions, is consistent with the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (C) Issues raised in the submissions have been considered in the assessment and conditions of consent have been included to address these concerns.
- (D) The development, subject to conditions, is unlikely to result in significant adverse environmental or amenity impacts on the surrounding locality.
- (E) Condition 6 was amended to provide flexibility for Certifiers to conduct the appropriate assessment.
- (F) Condition 7 was amended to provide an additional acoustic assessment checkpoint.
- (G) Condition 9 was amended to clarify the proposed extended trading hours are not applicable to outdoor dining areas, and to correct typography errors.
- (H) Condition 11 was amended to ensure any modifications be submitted to and approved by Council, and ensure the complaints register be available to Council upon request.
- (I) Condition 16 was added to ensure compliance with the Acoustic report.
- (J) Condition 17 was added to reasonably maintain residential amenity.

Community objections

A number of objectors provided oral and further written submissions at the Panel meeting. Representatives from the applicant also provided oral submissions. The objectors raised the following matters:

- Acoustic amenity impacts
- Late night trading
- Poor venue management and patron behaviour
- Outdoor dining non-compliance
- Public nuisance and safety concerns
- Parking and traffic impacts

The Panel was satisfied that the issues raised during the Panel meeting have been satisfactorily addressed in the Council Officer's report, advice from the applicant's representatives, advice from Council staff and conditions of consent.

The Panel concluded that the proposed development is suitable for approval.

Carried unanimously.

D/2025/1210