

Resolution of Local Planning Panel

2 September 2026

Item 3

Review of Determination: 446-458 Elizabeth Street, Surry Hills - RDU/1993/641/A

Following a review under Division 8.2 the Environmental Planning and Assessments Act of the determination to refuse Application Number DU/1993/641/B for extended hours, the Local Planning Panel upheld the original determination to refuse the application for extended hours of operation.

Reasons for Decision

The original determination to refuse extended hours was upheld for the following reasons:

- (A) The reasons provided for the refusal of DU/1993/641/B remain valid. The applicant has not provided sufficient information with the review application to demonstrate amenity impacts for residential properties can be satisfactorily mitigated.
- (B) The proposed hours of operation will result in unacceptable impacts on residential amenity and are inconsistent with the aims of the Sydney Local Environmental Plan 2012, particularly those relating to community amenity and neighbourhood character.
- (C) The proposal is inconsistent with the Late Night Trading provisions of the Sydney Development Control Plan 2012, which recognise the site's location within a Local Centre Area and the proximity of surrounding residential uses.
- (D) The applicant has not demonstrated compliance with the Waste and Recycling Management provisions of the Sydney Development Control Plan 2012, including through the submission of an adequate Waste Management Plan.
- (E) The proposed hours of operation are contrary to the objectives of section 4.2.9 of the Sydney Development Control Plan 2012, which are to ensure non-residential development is compatible with, and does not detract from the amenity of residential development; and to ensure any impacts generated by non-residential development such as operating hours, noise, privacy, vehicular and pedestrian traffic are adequately managed to preserve the quality of life for residents in the area.

- (F) As the proposal does not satisfy the relevant provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012, approval would not be in the public interest.

Carried unanimously.

RDU/1993/641/A