Resolution of Local Planning Panel

23 September 2026

Item 3

Development Application: 23 Hickson Road, Millers Point - D/2026/626

The Panel granted consent to Development Application Number D/2026/626 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~~):

(9) APPROVED ACOUSTIC REPORT

The Renzo Tonin & Associates dated 22 June 2026, ref TM784-03F02 and revision no. 8, titled Pier 8/9, 23 Hickson Road Millers Point DA Acoustic Assessment for Function Centre along with the 'Addendum letter to acoustic report (R3) dated 11 August 2026 ref TM784-05F01 is approved and all recommendations within these documents are to be incorporated into the proposal. New acoustic glazing is to be based upon internal music up to 95dB(A) as per specifications contained under section 6.2.2 of the 22 June 2026 Acoustic Report.

In this regard, appropriate sectional and plan detail on all new acoustic treatment to the existing windows***,*** ~~and~~ floors ***and roof or other fabric*** shall be submitted to the satisfaction of Council's Area Planning Manager / Manager of Heritage and Urban Design, prior to the issue of the relevant Construction Certificate.

Where there is a conflict between the approved acoustic report and this development consent, this consent prevails.

Reason

To ensure appropriate acoustic mitigation measures are employed and that any potential impact on significant building fabric is appropriately managed.

9(A) PROVISION OF ACOUSTIC AIR LOCKS

Prior to the issue of any Construction Certificate amended plans are to be submitted to the satisfaction of Council's Area Planning Manager providing 2 acoustic air locks located internally adjacent to the entries from gantry 1 and gantry 2 on level 02. The air locks shall be designed in a manner that is sensitive to the existing form of the building.

Design details on the air locks are to be verified by a suitably qualified acoustic consultant appointed in accordance with the definition noted in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

Reason

To ensure that the movement of patrons entering and leaving the indoor areas of the function area, particularly after 10:00pm, does not result in the loss of amenity by way of noise.

9(B) PLAN OF MANAGEMENT TO BE AMENDED

An amended Plan of Management must be submitted and approved by Council's Area Planning Manager prior to issue of any Construction Certificate. This Plan of Management must:

(a) incorporate the operational hours listed within this determination notice

(b) state that servicing including waste / recycling associated with the use shall only occur between the hours of 7.00am to 10.00pm Monday to Friday and 8.00am to 10.00pm Saturday and Sunday

(c) include the requirement that the complaints register be available at all times for Council's review

(d) include a statement on the methodology to address the appropriate staggering of patrons departing during the course of the venue operating

(e) include a statement regarding the number, placement and functions of security guards relative to the number of patrons

(f) detail the noise criteria before 10.00pm and after 10.00pm and appropriate noise mitigation measures

(g) detail the limitation on the number of patrons on the western gantries after 10.00pm.

The plan of management must state that the Plan of Management shall only be amended through the submission of a Section 4.55 modification application and approved by Council.

The plan of management must be kept on site at all times, accessible to venue staff for reference as required.

Reason

To ensure that the Plan of Management reflects the conditions of consent.

(30) PLAN OF MANAGEMENT

~~An amended Plan of Management must be submitted and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to issue of any Construction Certificate This Plan of Management must incorporate the operational hours listed within this determination notice, as well as include this determination notice as an appendix. The amended Plan of Management must be consistent with the submitted Plan of Management prepared by Beam Planning dated 11.08.2026 in all other matters. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.~~

The use of the premises as prescribed under this consent shall operate at all times in accordance with the Plan of Management as approved under condition 9(A). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

The Plan of Management can only be amended through the submission of a Section 4.55 modification application ***and approved by Council***.

Reason

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

(41) SCHEDULED COLLECTIONS – COMMERCIAL

(a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's Guidelines for Waste Management in New Developments, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for Managing Waste in Public Places.

(b) In accordance with the approved waste management plan, waste and recycling stream(s) bins must not be placed on the street for collection. The waste contractor must wheel the bins from the waste storage area of the property to the waste collection vehicle upon arrival and return them to the waste storage area following collection. Unimpeded access must be provided to the waste and recycling storage area(s) at all times.

(c) Unobstructed access is to be provided for waste collection vehicles to set down within 10m of the waste storage and collection area(s) during zone collection times on collection days.

(d) The collection of waste and recycling stream(s) is to only occur during designated zone collection times ~~outlined within the *Local Approvals Policy for Managing Waste in Public Places*~~ to minimise impacts to residential amenity (~~6~~ ***7***am – 10pm Monday to Friday and 8am – 10pm weekends).

Reason

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(44) ACOUSTIC MEASURES VERIFICATION POST OCCUPANCY

Within 6 months from the commencement of operation, and the following 12 months, 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, to verify, during the use of the premises as a function centre (based on full patron capacity or at least above 550 patrons, and during the summer period with functions that conclude at 12 midnight), and unbeknownst to the operator, that the acoustic measures incorporated comply with all applicable noise-related conditions and documentation of this consent.

The findings of this review and any non-compliances identified are to be 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. Rectification works and/o management changes to the operation are to be completed within 6 weeks of the submission of each verification report.

All requirements under this clause are to be completed to the written satisfaction of the City of Sydney Council's Area Planning Manager.

Reason

To ensure the development complies with the relevant noise related conditions and documentation of this consent.

Reasons for Decision

The application was approved for the following reasons:

(A) The development is permissible within the Zone 1 Walsh Bay Conservation zone.

(B) Appropriate conditions have been imposed to ensure the development does not detrimentally impact on the heritage significance of the site.

(C) The development will not unreasonably compromise the amenity of nearby properties.

(D) The development accords with objectives of relevant planning controls.

(E) Condition 9 was amended and 9A and 9B were added to address acoustic impact concerns of neighbouring residents, and to require an updated plan of management which reflects the acoustic report.

(F) Condition 30 was amended to ensure alignment of the plan of management and conditions of consent.

(G) Condition 41 was amended to reflect condition 9B.

(H) Condition 44 was added to require post-operational monitoring of acoustics.

Carried unanimously.

D/2026/626