

Local Planning Panel

Meeting No 133

Wednesday 20 May 2026

Notice Date 13 May 2026

minutes

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Present

Jan Murrell (Chair), Melonie Bayl-Smith, Elisabeth Peet and David Green.

At the commencement of business at 5:00pm, those present were:

Ms Murrell, Ms Bayl-Smith, Ms Peet and Mr Green.

The Acting Executive Manager Planning and Development was also present.

The Chair opened the meeting with introductory comments about the purpose and format of the meeting and an acknowledgement of country.

Adjournment

During discussion on Item 3, at 5:38pm, the meeting was adjourned to allow Panel members to consider matters raised by speakers.

All members were present at the resumption of the meeting of the Local Planning Panel at 5:45pm.

Item 1 Disclosures of Interest

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all panel members have signed a declaration of interest in relation to each matter on the agenda.

No members disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Item 2 Confirmation of Minutes

The Panel noted the minutes of the Local Planning Panel of 6 May 2026, which have been endorsed by the Panel Members and Chair of that meeting.

**Item 3 Development Application: 50-58 Sir John Young Crescent, Woolloomooloo
- D/2026/38**

The Panel refused consent for Development Application Number D/2026/38.

Reasons for Decision

The application was refused for the following reasons:

- (A) The applicant has not demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of clause 4.3 of the Sydney LEP 2012.
- (B) The proposal fails to conserve the heritage significance of the heritage item, including its associated fabric. The proposed acoustic wall and rooftop structures adversely impact significant heritage fabric and visually compromise the historic parapet of the building, contrary to Clause 5.10 of the Sydney LEP 2012 and Section 3.9.5 'Heritage Items' of the Sydney DCP 2012.
- (C) The submitted acoustic report is deficient, the proposed development is likely to result in unreasonable noise and amenity impacts which fails to satisfy Section 4.15(1)(b) of the EPA Act 1979 and Section 4.2.3.11 'Acoustic Privacy' of the Sydney DCP 2012.
- (D) The proposed outdoor communal area is excessive and significantly exceeds the maximum permissible outdoor area by approximately 113%, contrary to Section 4.4.8.4 'Additional provisions for backpacker accommodation' (4)(a) of the Sydney DCP 2012.
- (E) The proposal seeks to intensify the use of the rooftop but fails to provide equitable access to this area, contrary to Section 3.12 'Accessible Design' of the Sydney DCP 2012.
- (F) The submitted Plan of Management does not provide sufficient or enforceable operational controls to adequately mitigate the potential amenity and safety impacts associated with the proposed rooftop use.
- (G) The proposed development fails to exhibit 'design excellence' pursuant to clause 6.21C of the Sydney LEP 2012.
- (H) The development is not in the public interest.

Carried unanimously.

D/2026/38

Speakers

Nikki Britt, Robert Prugue and Tessa Shannon.

Kristy Hodgkinson (Hamptons) – on behalf of the applicant, and William Phillips (Sandran) - on behalf of the applicant.

Item 4 Development Application: 51 Buckingham Street, Surry Hills - D/2026/64

The Panel:

- (A) upheld the variation requested to Clause 4.3 'Height of buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application Number D/2026/64 subject to the conditions set out in Attachment A of the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~striketrough~~):

PART A - GENERAL**~~(25)~~ (7) ASBESTOS REMOVAL WORKS**

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with SafeWork NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

Remaining conditions to be renumbered accordingly.

~~(22)~~ (8) PHOTOGRAPHIC ARCHIVAL RECORDING

A photographic archival recording must be prepared prior to the commencement of works / during works / at the completion of works. A copy of the photographic archival recording prepared in accordance with the Heritage NSW publication 'Guidelines for preparing archival recordings of heritage items as a condition of consent' (2025) is to be submitted for approval by the Area Planning Manager/Heritage and Urban Design Manager prior to issue of an Occupation Certificate.

Reason

To ensure appropriate archival documentation of the building.

Remaining conditions to be renumbered accordingly.

PART B - BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**(9) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

a)Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:

- i. Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.*
- ii. A Demolition Work Method Statement prepared by a licensed demolisher who is registered with SafeWork NSW. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)*
- iii. An Excavation Work Method Statement prepared by an appropriately qualified person.*
- iv. A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.*
- v. Plans and elevations showing the location, construction and installation of temporary site fencing and any construction related temporary structures placed on and/or above roads used in connection with the development.*

Note: Construction related temporary structures, including hoardings and scaffolding, proposed for erection on and/or above City-owned and controlled land (footways and roadways), and other activities, must comply with Council's Code of Practice: Construction related Temporary Structures On and Above Roads and the Code of Practice: Hoisting and Construction Activities On and Above Roads including obtaining all required approvals from Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

- b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the Work, Health and Safety Act 2011 and Regulation; Council's Guidelines for Waste Management in New Developments 2018, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:*
 - i. A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.*
 - ii. The name and address of the company/contractor undertaking demolition/excavation works.*
 - iii. The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.*
 - iv. The name and address of the transport contractor.*
 - v. The type and quantity of material to be removed from site.*
 - vi. Location and method of waste disposal and recycling.*
 - vii. Proposed truck routes, in accordance with this development consent.*
 - viii. Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed*

method of cleaning surrounding roadways from such deposits.
(Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).

- ix. Measures to control noise emissions from the site.**
- x. Measures to suppress odours.**
- xi. Enclosing and making the site safe.**
- xii. Induction training for on-site personnel.**
- xiii. Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.**
- xiv. An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.**
- xv. Disconnection of utilities.**
- xvi. Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).**
- xvii. Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).**
- xviii. Waterproofing of any exposed surfaces of adjoining buildings.**
- xix. Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the Protection of the Environmental Operations Act 1997).**
- xx. Working hours, in accordance with this development consent.**
- xxi. Any SafeWork NSW requirements.**
- c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.**
- d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.**

Reason

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

Remaining conditions to be renumbered accordingly.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development is consistent with the objectives of the MU1 Mixed Use zone and the retention of the existing commercial office use is permissible with consent in the zone.
- (B) The proposed development satisfies the relevant objectives, aims and provisions of the Sydney LEP and the Sydney DCP.
- (C) The proposed development satisfies the heritage conservation requirements under the Heritage Act 1977, Sydney LEP, Sydney DCP for the building and surrounding site curtilage which are listed on the state heritage register, as a heritage item under the Sydney LEP and as a contributing building to the Cleveland Gardens heritage conservation area (C62) under the Sydney LEP.
- (D) The proposed development exhibits design excellence having considered the matters in Clause 6.21C of the Sydney LEP.
- (E) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that the applicant has demonstrated that compliance with the maximum 'height of buildings' development standard under Clause 4.3 of the Sydney Local Environmental Plan is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of Clause 4.6(3) of the Sydney LEP.
- (F) The proposal is in the public interest as it is consistent with the objectives of the MU1 Mixed Use zone.
- (G) The asbestos removal and photographic archival recording conditions were moved to general conditions, rather than prior to the issue of an occupation certificate.
- (H) Condition 9 was added to ensure that impacts arising from demolition, excavation and construction are appropriately managed.

Carried unanimously.

D/2026/64

Speaker

Brian Vincent (LGS Enterprises) – on behalf of the applicant.

Item 5 Development Application: 86-90 Bay Street, Ultimo - D/2026/136

The Panel refused consent for Development Application Number D/2026/136.

Reasons for Decision

The application was refused for the following reasons:

- (A) The application fails to sufficiently justify that compliance with the Height of Buildings and Floor Space Ratio development standards is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify departures from the standards, with consideration of Clause 4.6(3) of the Sydney Local Environmental Plan 2012.
- (B) The proposal is contrary to the relevant Aims of the Sydney Local Environmental Plan 2012, which are to enhance the amenity and quality of life of local communities (Aim (h)), to achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities (Aim (j)).
- (C) The development fails to exhibit design excellence pursuant to clause 6.21C of the Sydney Local Environmental Plan 2012 for the following reasons:
- (D) the development fails to provide a high standard of architectural design, materials and detailing appropriate to the building type and location, contrary to Clause 6.21C(2)(a) and fails to provide a building with a suitable bulk, massing and modulation, contrary to Clause 6.21C(2)(d)(v);
- (E) the development fails to demonstrate acceptable environmental impacts, including sustainable design, solar access, visual and acoustic privacy, contrary to Clause 6.21C(2)(d)(vii);
- (F) the development has failed to demonstrate the principles of ecologically sustainable development can be achieved and fails to provide excellence and integration of landscape design, contrary to Clause 6.21C(2)(d)(viii) and 6.21C(2)(d)(xiii); and
- (G) the development provides bike parking in an area that is difficult to access and has failed to demonstrate adequate pedestrian, cycle, vehicular and service access and circulation requirements, contrary to Clause 6.21C(2)(d)(ix).
- (H) The proposed development offers an unsatisfactory level of residential amenity and is inconsistent with the Building Separation measures of the NSW Apartment Design Guide, which is a consideration in accordance with the State Environmental Planning Policy (Housing) 2021.
- (I) The development fails to respond to a key design principle for the Mountain Street locality, which is that buildings should respond to more generous floor to ceiling heights where they are provided by neighbouring buildings. In providing insufficient ceiling heights, the application fails to satisfy a key objective of the MU1 Mixed Use zone, which is to encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- (J) The application does not adequately address flood risk and does not demonstrate the proposal incorporates appropriate measures to manage risk to life in the event of a flood under clause 5.21 of the Sydney Local Environmental Plan 2012.

- (K) In failing to provide bike parking in an area that is convenient to access, the application is contrary to the provisions of Section 3.11.3 of the Sydney Development Control Plan 2012 relating to bike parking and associated facilities.
- (L) The proposed entry from St Barnabus Street and laundry location present poor design in relation to safety with a lack of passive surveillance. A manager's office is not shown on architectural drawings lodged with the application. The application is therefore contrary to the relevant, adopted controls for co-living housing at Section 4.4.1.6 and 4.4.1.7 7 of the Sydney Development Control Plan 2012.
- (M) The application does not adequately provide for consolidated heating and cooling infrastructure and does not provide letterboxes, contrary to the requirements for residential and mixed use developments in the Sydney Development Control Plan 2012.

Carried unanimously.

D/2026/136

Item 6 Report to the Local Planning Panel - Status of Applications

The Panel received and noted the subject report.

Carried unanimously.

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The meeting of the Local Planning Panel concluded at 6:05pm.

CHAIR