CITY OF SYDNEY

Local Planning Panel

Meeting No 137

Wednesday 2 September 2026

Notice Date 26 August 2026

minutes

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ITEM **PAGE NO**

Present

Jacqueline Townsend (Chair), Ian Armstrong, Elizabeth Kinkade and Gary Pogson.

At the commencement of business at 5:01pm, those present were:

Ms Townsend, Mr Armstrong, Ms Kinkade and Mr Pogson.

The Executive Manager Planning and Development was also present.

The Executive Manager Planning and Development left the meeting of the Local Planning Panel at 5:07pm prior to discussion on Item 3 and returned at 5:30pm, after the vote on Item 3. Mr Thomas was not present at, nor in sight of, the meeting of the Local Planning Panel during discussion or voting on Item 3.

Ian Armstrong left the meeting of the Local Planning Panel at 6:22pm prior to discussion on Item 6 and did not return. Mr Armstrong was not present at, nor in sight of, the meeting of the Local Planning Panel during discussion or voting on Item 6.

The Executive Manager Planning and Development left the meeting of the Local Planning Panel at 6:22pm prior to discussion on Item 6 and did not return. Mr Thomas was not present at, nor in sight of, the meeting of the Local Planning Panel during discussion or voting on Item 6.

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

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.

Ian Armstrong declared the following reasonably perceived conflicts of interest:

- on Item 4, in that he used to work with the wife of the applicant 30 years ago
- on Item 5, in that with his previous company he worked on a project 20 years ago for the applicant

Following assessment of the above disclosures of interest under the Code of Conduct for Local Planning Panels and the City of Sydney Local Planning Panel Operational Procedures, Mr Armstrong is not required to step out for deliberations on Items 4 or 5.

Mr Armstrong also declared a reasonably perceived conflict of interest in Item 6 on the agenda, in that his company is currently working with the University of Sydney on the Sydney Campus Master Plan. Mr Armstrong will step out of the meeting for discussion and voting on Item 6.

No other Panel 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 12 August 2026, which have been endorsed by the Panel Members and Chair of that meeting.

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

Speakers

Giuseppe Paonessa and James Lidis (MD Design Collaborative).

Chetan Kaira – on behalf of the applicant, and Brendon Clendenning (CPS Planning) – on behalf of the applicant.

Item 4 Development Application: 107-109 Darlinghurst Road, Potts Point - D/2025/1026

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

(B) upheld the variation requested to Clause 4.4 (Floor Space Ratio) in accordance with Clause 4.6 ‘Exceptions to development standards’ of the Sydney Local Environmental Plan 2012

(C) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted a deferred commencement consent to Development Application Number D/2025/1026 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~~):

(1) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2025/1026 dated 27 October 2025 and the following drawings prepared by McGregor Westlake Architecture:

Drawing Number	Drawing Name	Date
03 (Revision J)	Demolition Plans	21/8/2026
04 (Revision J)	Demolition Sections	21/8/2026
05 (Revision I)	Basement 3	17/7/2026
06 (Revision H)	Basement 2	17/7/2026
07 (Revision L)	Lower Ground Floor Plan / Basement 1	21/8/2026
08 (Revision K)	Ground Floor Plan	21/8/2026
09 (Revision I)	Level 1 Plan	22/7/2026
10 (Revision ~~H~~ ***J***)	Level 2 Plan	~~17/7/2026~~ ***27/8/2026***
11 (Revision H)	Level 3 Plan	17/7/2026
12 (Revision H)	Level 4 Plan	17/7/2026

Drawing Number	Drawing Name	Date
13 (Revision H)	Level 5 Plan	17/7/2026
14 (Revision H)	Roof Plan	17/7/2026
15 (Revision H)	Streetscape Elevations – Darlinghurst Road	17/7/2026
16 (Revision H)	East Elevation – Darlinghurst Road	17/7/2026
17 (Revision ~~H~~ ***J***)	North Elevation – Earl Street	~~17/7/2026~~ ***27/8/2026***
18 (Revision H)	West Elevation	17/7/2026
19 (Revision H)	South Elevation	17/7/2026
20 (Revision H)	Section 1	17/7/2026
21 (Revision K)	Section 2	21/8/2026
22 (Revision L)	Section 3 & 4	21/8/2026
23 (Revision H)	Finishes Schedule	17/7/2026
53 (Revision H)	Secure Lockable Storage Facilities 1	17/7/2026
54 (Revision H)	Secure Lockable Storage Facilities 2	17/7/2026
57 (Revision H)	Bed Types and Room Sizes	17/7/2026

and as amended by the conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

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

(2) DESIGN MODIFICATIONS

The development must be modified as follows:

(a) The ***extended footpath,*** kerb, gutter and pram ramp annotated on Earl Street are not approved under this development consent and must be removed from the architectural drawings.

(b) No demolition of the existing shopfront glazing which projects into Stratum Lot 2 (the Sydney Trains Pedestrian arcade) is approved. The existing ground floor demolition plan must be amended to reflect this and align with the approved proposed floor plan.

(c) ***Details of how the lightwell will be drained are to be shown on the drawings.***

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(2A) LIGHTWELL MAINTENANCE

(a) ***Access to the lightwell through the service door is to be limited strictly to maintenance purposes.***

(b) ***Access is to be undertaken only by the owner, building manager, maintenance contractor or other authorised person.***

(c) ***The service door is to remain closed and secured when not being used for authorised maintenance.***

(d) ***The lightwell is to be kept clean, free of rubbish, debris, leaves and accumulated water.***

(e) ***Any drainage points, grates and outlets are to be kept clear and maintained in working order.***

Reason

To ensure access to the lightwell is only for maintenance purposes and is adequately maintained.

(3) WINDOWS – OBSCURE GLAZING AND PRIVACY FILM

(a) The ***glass block*** windows to the ***Earl Street facade,*** lightwell and the lift lobby on Level 1 above the pedestrian arcade are to be installed with obscure glass blocks.

(b) The windows on the north-western boundary to rooms 1.01, 2.01, 3.01, 4.01 and 5.01 are to be installed with privacy film to a height of 1.6m above the finished floor level of each floor.

Reason

To achieve acceptable visual privacy protection.

(3A) EXCAVATION – NOT APPROVED

No excavation is approved under this development consent. Should excavation be required, an application must be submitted to Council for assessment.

Reason

To clarify the scope of the consent.

(3B) USE AND FIT-OUT OF RETAIL PREMISES – NOT APPROVED

The use and fit-out of the retail premises are not approved under this development consent. A separate development application shall be submitted for the fit-out and use of the retail premises on the site.

Reason

To clarify the scope of the consent.

(13) PLAN OF MANAGEMENT

(a) The Plan of Management submitted with this application dated 19 March 2026 is not approved. The Plan of Management must be updated to include the minimum criteria as stipulated in Council's Sydney Development Control Plan 2012 – Section 4.4.8 and address the following:

(i) provision of strengthened access control for all guest floors, communal areas, and storage spaces

(ii) provision of enhanced CCTV coverage and lighting throughout internal and external areas, ***including the Earl Street entrance***

(iii) provision of clear signage outlining behavioural expectations, visitor rules, and safety information

(iv) regular maintenance and security checks to ensure all safety features remain functional

(v) provision of guest information on e-bike safety and NSW road rules

(vi) ongoing communication with local police regarding incidents and emerging issues

(vii) operational practices that acknowledge the surrounding dense residential area, including measures to minimise noise, antisocial behaviour, and late-night disturbances

(viii) ~~operational hours for the entrance to the backpacker accommodation entrance from the Sydney Trains pedestrian arcade and how this will be managed~~

(ix) deletion of reference to the arcade entry for the backpackers accommodation

(x) the management measures outlined in the approved acoustic report, including hours of use limited to 7am-10pm for the rooftop communal space, maximum limit of 14 people within the rooftop communal outdoor area at any one time, no amplified music to be used in the outdoor communal area and no parties permitted on the rooftop area

(xi) details of lighting to the rooftop area ***and Earl Street entrance***, including type of lighting proposed, hours of operation, and specifying compliance with Australian Standard 4282-2023 "Control of the Obtrusive Effects of Outdoor Lighting”

(xii) ***provision of an incidents and complaints register which must be made available to Council officers on request***

(xiii) ***a manager being onsite 24 hours a day***

(xiv) ***a 24-hour resident contact for any complaints and concerns in relation to operation of the premises***

(xv) ***the onsite manager is to ensure no gatherings of guests in the public domain adjacent to the entrance or in the vicinity along Earl Street***

The updated Plan of Management must be submitted to and approved by Council’s Area Planning Manager prior to the issue of an Occupation Certificate.

(b) The use must always be operated / managed in accordance with the approved Plan of Management.

Reason

To require amendments to the Plan of Management following assessment of the development.

(21A) MECHANICAL PLANT

Prior to the issue of a Construction Certificate, details of all mechanical plant associated with the development, including its location, height and acoustic treatment, are to be submitted to and approved by Council. The mechanical plant must be contained within the approved building envelope and must not result in any additional exceedance of the approved building height.

Reason

To ensure that mechanical plant does not result in adverse amenity impacts.

(42A) DEMOLITION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:

(a) identification of noise sensitive receivers near to the site

(b) a prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours / Noise Code of Practice 1992 for the typical construction hours of 07:00am to 07:00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of the neighbouring property

(c) a representative background noise measurement ($L_{A90,\ 15\ minute}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997

(d) confirmation of the level of community consultation that has / is and will be undertaken with Building Managers / occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases

(e) confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise code

(f) what course of action will be undertaken following receipt of a complaint concerning offensive noise

(g) details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighburing noise sensitive property to a minimum

(h) what plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available

Reason

To ensure an adequate construction noise and vibration management plan is prepared.

(46A) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) and submitted to the satisfaction of Council's Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

Reason

To ensure that hazardous materials on the site are identified and appropriately managed.

(46B) DEMOLITION AND CONSTRUCTION MANAGEMENT

(a) Prior to the commencement of demolition 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) a Waste and Recycling Management Plan – Demolition and Construction for the demolition works associated with the proposed development

(iv) 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 works

(iii) the name and address of the transport contractor

(iv) the type and quantity of material to be removed from site

(v) location and method of waste disposal and recycling

(vi) proposed truck routes, in accordance with this development consent

(vii) 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)

(viii) measures to control noise emissions from the site

(ix) measures to suppress odours

(x) enclosing and making the site safe

(xi) induction training for on-site personnel

(xii) 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

(xiii) an Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW

(xiv) disconnection of utilities

(xv) firefighting (firefighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed)

(xvi) access and egress (demolition activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings)

(xvii) waterproofing of any exposed surfaces of adjoining buildings

(xviii) 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)

(xix) working hours, in accordance with this development consent

(xx) 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.

(61A) COVERING OF LOADS

All vehicles involved in the demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information and requirements.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(61B) COMPLIANCE WITH DEMOLITION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

(a) All works conducted on site which form part of this development must be carried out in accordance with the submitted and approved Demolition and Construction Noise and Vibration Management Plan required under Condition 42A above.

(b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)

Such periods must be set and agreed to by Council's Health and Building Unit.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

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

(72A) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report, as approved by Council's Area Planning Manager or Area Coordinator Planning Assessments upon satisfaction of the 'HAZARDOUS MATERIALS SURVEY REQUIRED' condition of this consent must be complied with.

Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report approved by Council's Area Planning Manager upon satisfaction of the 'HAZARDOUS MATERIALS SURVEY REQUIRED' condition of this consent and that the site is safe for future occupation in accordance with the approved use.

Reason

To ensure that hazardous materials on the site are appropriately managed.

(72B) SURVEY CERTIFICATE AT COMPLETION

Prior to the issue of any Occupation Certificate, a Final Survey Plan and Certificate prepared and signed by a Surveyor, registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location and height of the building, and showing offsets, in relation to the boundaries of the allotment.

Reason

To ensure the development does not encroach onto neighbouring properties and is in accordance with the approved plans.

(77) **~~SURVEILLANCE CAMERAS~~**

~~(a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with coverage to:~~

~~(i) All entrance/s and exits used by the public including a 10m radius of these entrance/s and exits;~~

~~(ii) all areas within the premise occupied by the public (excluding toilets).~~

~~(b) All CCTV recording equipment and cameras must be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.~~

~~(c) CCTV recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be automatically recorded. The CCTV recording equipment must be capable of reproducing a digital copy.~~

~~(d) All CCTV recording devices and cameras must be checked to ensure the equipment is operating correctly.~~

~~(e) When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.~~

~~Reason~~

~~To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.~~

Reasons for decision

The application was approved for the following reasons:

(A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the recommended conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.

(B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:

(i) the applicant has demonstrated that compliance with the height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012 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 Local Environmental Plan 2012; and

(ii) the proposal is in the public interest because it is consistent with the objectives of the E1 Local Centre zone and the height of buildings development standard.

(C) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:

(i) the applicant has demonstrated that compliance with the floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012 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 Local Environmental Plan 2012; and

(ii) the proposal is in the public interest because it is consistent with the objectives of the E1 Local Centre zone and the floor space ratio development standard.

(D) The development is permissible with consent in the E1 - Local Centre zone and is consistent with the objectives of the zone.

(E) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, and the applicable Environmental Planning Instruments. Where non-compliances are proposed, they have been assessed in this report as being acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.

(F) The development will not detrimentally impact the heritage significance of the Potts Point Heritage Conservation Area.

(G) The development is consistent with the character of the Kings Cross locality.

(H) The proposed development demonstrates design excellence in accordance with the relevant provisions and matters for consideration in clause 6.21C of the Sydney Local Environmental Plan 2012.

(I) The development, subject to conditions, will not unreasonably compromise the amenity of the surrounding area.

(J) The development, subject to conditions, is in the public interest.

(K) Condition 1 was amended to include reference to the updated architectural drawing and updated floor plan, to correct inconsistencies.

(L) Condition 2 was amended as lightwell drainage details were not submitted for assessment as part of the development application.

(M) Condition 2A was added as lightwell maintenance details were not submitted as part of the development application.

(N) Condition 3 was amended to ensure that privacy impacts will be acceptable.

(O) Condition 3A was added to clarify that excavation is not approved under this development consent.

(P) Condition 3B was added to clarify that no fit-out and use of the retail premises on the site is approved.

(Q) Condition 13 was amended to reflect changes to the application on 21 August 2026, removing reference to the use of the backpacker accommodation from the Sydney Trains Pedestrian arcade, and to address neighbouring residents' amenity concerns.

(R) Condition 21A was added as the mechanical plant details have not yet been finalised.

(S) Conditions 42A, 46A, 46B, 61A, 61B, 72A and 72B were added to correct administrative errors of omission.

(T) Condition 77 was deleted as provision of CCTV is addressed under Condition 13.

Carried unanimously.

D/2025/1026

Speakers

Terry Mooney and Stella Doumanis.

Item 5 Development Application: 14 Hickson Road, Dawes Point - D/2026/208

The Panel granted consent to Development Application Number D/2026/208 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~~):

(2) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of any Construction Certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	**Amount**
Housing and productivity contribution (base component)	$65,003.56
Transport project component	$0.00
Total housing and productivity contribution	**$65,003.56**

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering *the Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

~~The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.~~

Reason

To require contributions towards the provision of regional infrastructure.

(4) DESIGN MODIFICATIONS ~~– BALSUTRADE DESIGN~~

(a) Use of the material 'SC1 Fluted Screen (terracotta tones) *tempio cylindrical baguette'* as balustrades is not clearly detailed in the drawings. It is likely greater structure than depicted will be required to support this design. 1:20 plans, sections and elevations of the balustrades must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

(b) ***The proposed street elevation is to be updated to include a brick shadow line or soldier course at the same height as the ground floor awning, extending the length of the Hickson Road elevation from the awning over the booster and car park entry. Updated elevations must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.***

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(5) ACOUSTICALLY TREATED, NATURALLY VENTILATED PLENUM DESIGN DETAILS

Details of the acoustically treated, naturally ventilated plenum to Bedroom 1 of “apartments 2, 4 and 6 are required.

The below documentation is to be provided to Council's Area Planning Manager prior to issue of a Construction Certificate to demonstrate the adequacy of the plenum:

(a) The plenum design must be demonstrated to comply with the following:

(i) No mechanical assistance is to be provided to the plenums and/or alternative façade treatments. The plenum must incorporate acoustic lagging, be accessible for cleaning and be fitted with an insect screen. The plenum must not incorporate baffles that choke airflow.

(ii) Scaled elevations, plans and sections of the plenum are to be provided at 1:10.

(iii) The plenum design must be captured by specific drawing detailing the construction of the plenum and a written document outlining the specifications, manufacturing requirements and performance requirements for the plenum.

(b) A suitably qualified ventilation expert must be engaged and prepare a Ventilation Assessment of the proposed plenums to demonstrate compliance with the City of Sydney's *Draft Alternative Natural Ventilation of Apartments in Noisy Environments: Performance Pathway Guideline*.

The below documentation is to be provided to Council's Area Planning Manager prior to issue of an Occupation Certificate to demonstrate the adequacy of the plenums:

(c) The plenum design must be certified by a written acoustic compliance statement prepared by a suitably qualified acoustic consultant which demonstrates the following:

(i) The plenum must have an acoustic performance requirement expressed in terms of 1/1 octave bands (centre frequencies 31.5Hz through 8 kHz) to afford compliance with the noise criteria below, whilst the ventilators are operating, and external windows and doors are closed.

(ii) LAeq, 1 hour 45 dB(A) in any main living area (24-hours) and LAeq, 1 hour 35 dB(A) in any bedroom (10:00pm-7:00am), as outlined in Section 4.2.3.11 of the Sydney Development Control Plan (SDCP) 2012.

(iii) The written acoustic compliance statement will form part of the NOISE - CERTIFICATION OF ACOUSTIC DESIGN AND CONTINUED INTEGRITY PRIOR TO CONSTRUCTION CERTIFICATE condition (Condition ~~52~~ ***55***), as a report that must be certified and verified prior to a relevant construction and occupation certificate in accordance with the condition.

(d) A maintenance report prepared by a suitably qualified engineer which demonstrates how the plenums will be maintained for the life of the development must be submitted.

The plenums must be retained for the life of the development.

Where the requirements of this condition conflict with another report (for example a separate acoustic report), this condition prevails.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(14) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the ~~footway/~~roadway ***and not block the footway to provide unimpeded pedestrian access.***

Reason

To ensure no element of the development obstructs the use of the public way.

(15) ~~STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED~~

~~A separate application must be made to Council or a Registered Strata Certifier to obtain approval of the Strata Plan and issue of a Strata Certificate under the Strata Schemes Development Act 2015.~~

~~Reason~~

~~To ensure separate approval is obtained for approval of the Strata Plan.~~

(41) ~~SWINGING DOORS OVER PUBLIC WAY~~

~~Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.~~

~~Reason~~

~~To ensure no element of the development obstructs the use of the public way.~~

(42) FLOOD RISK MANAGEMENT

(a) Details of proposed flood barriers and their operation to demonstrate:

(i) Flood control devices or systems can withstand flood-related forces including hydro static load and dynamic load and impacts in a probable maximum flood event.

(ii) Flood control devices or systems have been certified by an appropriately experienced engineer registered on the National Engineers Register (NER).

(iii) Flood control devices or systems are integrated into the driveway of a building to descend from above or ascend from below to exclude floodwater.

(iv) Automatic closure of flood control devices or systems, together with an anti-opening mechanism to prevent them from being opened in a flood event.

(v) Appropriate peripheral safety measures will be provided to support the operation of the flood control devices or systems, including, but not limited to:

a. an independent back-up power supply, to be used in the event of a power failure; and

b. audible and visual alarm systems to warn of the operation of the flood doors and barriers. The alarm system must be linked to the building management system which indicates the status of the failsafe operation and back-up supply power;

c. flood sensors linked to the alarm system to provide information on the status of the operation of the flood doors and barriers; and

d. passenger lift programming is to ensure that the lift is deactivated when flood doors and barriers are activated.

(b) All building structures are to be designed to ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the 100 year flood level plus 0.5m or Probable Maximum Flood level, whichever is the greater. For example, where glass is used, it must be toughened glass to resist the impact of hydraulic forces of floodwaters and impact loading of debris. Details of these works shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of ***any*** ~~the stage 2~~ Construction Certificate.

(c) Flood protection is required for all flood events up to and including the minimum flood planning levels applicable to the subject site.

(d) Flood proofing is to be maintained for the life of the development. The design of the flood proofing is to be certified by a suitably qualified practitioner engineer with experience in flood proofing and is to be compatible with the design of the development set out in this development consent. The certification must ensure compliance with the relevant Australian Standards and codes for structural engineering. The certification must be supplied by the Applicant to the Certifying Authority.

(e) All flood protection features requiring power to operate must have alternative backup power source.

(f) All electrical features including power points and other mechanical equipment must be set above the Flood Planning Level***, noting the substation is not subject of a freeboard as per Ausgrid's advice***. This must be shown on the detailed plans prior to the issue of the Construction Certificate for the basement.

(g) A design certification report prepared by a suitably qualified practitioner engineer demonstrating compliance has been achieved of these requirements above shall be submitted to and shall be approved by the Principal Certifying Authority prior to the issue of any Occupational Certificate.

Reason

To ensure flood risk management measures are complied with.

(43) FLOOD EMERGENCY RESPONSE PLAN

(a) A Flood Emergency Response Plan is to be prepared by a suitably qualified flood engineer. The Flood Emergency Response Plan is to be implemented and operated by the building owner and/or Owners Corporation at all times.

(b) The Flood Emergency Response Plan must include all measures required to be implemented to ensure the ongoing management of flooding risk in relation to the building, including (but not limited to) the following:

(i) describe the flood conditions in the vicinity of the site

(ii) if appropriate, direct persons on the site to seek refuge above the Probable Maximum Flood level for all levels of the building that are flood affected. Shelters in place for flood affected parts of the building is not permissible

(iii) include a map directing residents and visitors to a refuge via a flood free pathway within the building

(iv) describe the audible and visual alarm system for the basement area, including the linkage of this system to the building management system, details of failsafe operations and alternate power arrangements

(v) provide details (as an appendix) of all proposed flood sensors, their purpose, operation and maintenance (including the frequency of maintenance)

(vi) provide details of lift design and operation in the event of a flood and specify how the lift will be deactivated in the event of a flood

(vii) provide details of access to flood free areas for disabled persons

(viii) provide details of all flood protection design features of the building (flood doors and the like) and describe their operation, maintenance, repair and replacement arrangements. Repairs are to be completed to ensure that the flood doors/gates/barriers remain operational and effective at all times

(ix) a pumping option needs to be shown, along with the location of pumps (in case mechanical failures of flood barriers occur). The pumps must be designed to pump out the full range of flood volumes within 6 ***- 48*** hours after floodwaters have receded***, pending on the size of the pump***

(x) details of the operations and maintenance of the pumps are to be included. Any pumping equipment used to disperse flood waters should have the same maintenance schedule as the flood doors

(xi) make provision for three monthly testing by the building owner and/or Owners Corporation

(c) The building owner and/or Owners' Corporation must enter into a service arrangement by which all identified faults or defects to all flood designed features of the building must be repaired within 24 hours.

(d) No toxic or other hazardous materials are to be stored below the Flood Planning Level or in the basement levels.

(e) Prior to the issue of any Construction Certificate for the basement, the Flood Emergency Response Plan (FERP) is to be submitted to and approved by Principal Certifying Authority (PCA).

Reason

To ensure flood risk management measures are complied with.

(49) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION

(a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of ~~[insert affected properties]~~ ***1 Lower Fort Street, Dawes Point*** (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of any Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

(b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

Reason

To ensure that dilapidation reports are prepared and to identify damage to adjoining/nearby properties resulting from building work on the development site.

(54) HOTEL DROP-OFF AND VALET CAR PARKING MANAGEMENT PLAN

A Hotel Drop-off and Valet Car Parking Management Plan is to be prepared and submitted to and approved by Council’s Area Planning Manager prior to issue of a Construction Certificate.

The Plan must include (but not limited to the following):

(a) details of guest and visitor vehicle drop-off and pick-up arrangements (any pre-booking ~~is~~ ***if*** required~~?~~)

(b) details of valet parking operations, including the location of vehicle collection, storage and retrieval

(c) measures to ensure valet parking activities do not result in vehicle queuing on public roads or adversely affect the safe and efficient operation of the surrounding road network

(d) measures to ensure safe and convenient pedestrian movement between the vehicle drop-off/pick-up location and the hotel entrance

The approved Plan must be implemented and maintained at all times for the life of the development.

Reason

To ensure safe and efficient hotel drop-off, pick-up and valet parking operations with minimal traffic impacts.

(56) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm).The plan must include but not be limited to the following:

(a) identification of noise sensitive receivers near to the site

(b) a prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property

(c) a representative background noise measurement ($L_{A90, 15 minute}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997

(d) confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases

(e) confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code

(f) what course of action will be undertaken following receipt of a complaint concerning offensive noise

(g) details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum

(h) what plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available

Reason

To ensure an adequate construction noise and vibration management plan is prepared.

(107) ~~REGISTRATION OF COVENANT – EMP/LEMP~~

~~(a) Before the issue of any occupation certificate, the applicant must register a covenant on the land title under the Conveyancing Act 1919, indicating that contaminated material has been contained onsite. The covenant must nominate Council as the sole authority with the power to release, vary, or modify its terms.~~

~~(b) The covenant must bind the current and future registered owners to the ongoing responsibility for maintenance, monitoring, and rehabilitation works, as required under any active or passive Environmental Management Plan. This includes managing any encapsulated or residual contamination, preventing the discharge of contaminants, and undertaking any works required by the NSW EPA.~~

~~(c) A copy of the updated certificate of title, showing the registered covenant, must be submitted to Council and the Certifier before the issue of any Occupation certificate.~~

~~Reason~~

~~To ensure that contamination is appropriately managed.~~

(108) ~~LAND REMEDIATION – SITE AUDIT STATEMENT (STAGED)~~

(a) ~~Before the issue of any Occupation certificate related to the built form of the development (excluding works directly associated with remediation), a Section A Site Audit Statement (SAS) must be obtained from a NSW Environment Protection Authority accredited Site Auditor. This statement must be submitted to the Council's Area Planning Manager via email hbapplications@cityofsydney.nsw.gov.au.~~

(b) ~~The SAS must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and must clearly state that the site is suitable for the proposed use.~~

(c) ~~If the SAS includes conditions requiring ongoing review by the Auditor or Council, these conditions must be reviewed and approved in writing by Council before the statement is issued.~~

(d) ~~If any conditions of the SAS are inconsistent with this development consent, the development must not proceed until the inconsistency is resolved to Council's satisfaction (e.g. Section 4.55 modification under the Environmental Planning and Assessment Act 1979).~~

(e) ~~A Certifier must not issue an Occupation certificate unless the SAS has been submitted to and approved by Council in accordance with this condition.~~

~~Reason~~

~~To ensure that the site is appropriately remediated.~~

(109) ~~SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN~~

~~(a) Where the ongoing suitability of the land and the issuance of the final Section A Site Audit Statement is dependent on the implementation of an Environmental Management Plan (EMP) or Long Term Environmental Management Plan (LTEMP) for managing residual contamination, the EMP must be approved by the Site Auditor. A copy of the approved EMP must be submitted to Council before the release of the final Site Audit Statement.~~

~~(b) The EMP must be prepared, or reviewed and approved, by an appropriately qualified and certified environmental consultant.~~

~~(c) The EMP must comply with the relevant EPA guidelines for Site Auditors. It must clearly describe the nature and location of the residual contamination, outline the long-term management and monitoring measures, identify responsible parties, and specify the legal mechanism by which the plan will be enforced.~~

~~(d) The EMP must also include a contingency plan detailing the actions to be taken in the event of failure of any containment or management systems for the residual contamination.~~

~~Reason~~

~~To ensure that contamination is appropriately managed.~~

(110) ~~SITE VALIDATION REPORT (No Site Auditor engaged - low level of risk)~~

~~Before the issue of any Occupation certificate, a Site validation report must be submitted to Council. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination and in accordance with the EPA NSW contaminated land legislation and guidelines including the Contaminated Land Management Act 1997. The report is to satisfactorily document the following:~~

~~(a) The extent of validation sampling, and the results of the validation testing.~~

~~(b) That the site is suitable for the proposed use.~~

~~Reason~~

~~To ensure that the site is appropriately remediated.~~

(130) SCHEDULED COLLECTIONS - RESIDENTIAL

(a) Scheduled collections and waste management arrangements of Council's residential waste stream(s) is to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan, the developments Conditions of Consent and the City's Local Approvals Policy Managing Waste in Public Spaces.

(b) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with section 496 of the *Local Government Act 1993.* Residential accommodation is defined in accordance with the *Sydney Local Environmental Plan 2012* dictionary.

(c) ~~Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with section 496 of the Local Government Act 1993. Residential accommodation is defined in accordance with the Sydney Local Environmental Plan 2012 dictionary.~~

(d) Unobstructed access to be provided for Councils standard waste collection vehicles to access the waste and recycling storage area(s), loadings bays and supporting infrastructure between the hours 6am and 6pm on collection day(s) to support the provision of a safe and efficient waste collection service to the site.

Reason

To support the safe and efficient scheduled residential waste collection service and minimise the impacts on public amenity and safety.

(134) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area***, other than the awning and open doors to the hydrant and sprinkler booster***.

Reason

To protect the public way.

Reasons for decision

The application was approved for the following reasons:

(A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the recommended conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.

(B) The proposal is consistent with Chapter 5 of the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021, being a permissible form of development within Zone 1 – Walsh Bay Conservation Zone. The proposal is also consistent with the matters for consideration under Clause 5.14 of the SEPP, as it responds appropriately to the heritage significance and urban design framework of Walsh Bay, retains significant public views, maintains public access to the foreshore and surrounding public domain, and will not result in adverse traffic or amenity impacts.

(C) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Development Control Plan 2012, and State Environmental Planning Policy (Housing) 2021. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances or are to be resolved by the recommended conditions of consent.

(D) The proposed development has a form, bulk and scale that are appropriate to the site and its heritage setting and generally accords with the site-specific Conservation Management Plan building envelope while responding appropriately to the character and significance of the Walsh Bay and Dawes Point precinct.

(E) Conditions 2, 5, 14, 15, 41, 42, 43, 49, 54, 56, 107, 108, 109, 110 and 130 were amended in line with a request by the applicant, being administrative, corrective and clarifying in nature, including the correction of errors, removal of duplicate or redundant conditions, and updates to references and technical requirements.

(F) Condition 4 was amended to improve the visual consistency and articulation of the street frontage by establishing a continuous horizontal architectural element across the elevation.

(G) Condition 134 was amended to reflect the changes to Condition 14.

Carried unanimously.

D/2026/208

Speakers

Tasman Storey.

Olivia Page (Gyde) – on behalf of the applicant, and Angus Whittle (PopovBass) - on behalf of the applicant.

Item 6 Development Application: 21-25 Codrington Street, Darlington - D/2026/264

Pursuant to section 4.33 of the Environmental Planning and Assessment Act 1979, the Panel referred the applicant's objection to the affordable housing contribution condition to the Minister for consideration.

Reasons for Decision

(A) The application is Crown development for the purposes of section 4.33 of the EP&A Act, and the applicant has objected to the proposed affordable housing contribution condition.

(B) Pursuant to sections 4.33(1)(b) and 4.33(2A) of the EP&A Act, a condition objected to by the applicant cannot be imposed unless approved by the applicant or the Minister, and a disputed Crown development condition must first be referred to the applicable planning panel before referral to the Minister.

(C) As the applicant maintains its objection to the condition, the matter requires consideration by the Local Planning Panel and referral of the disputed condition to the Minister in accordance with section 4.33 of the EP&A Act.

(D) The Affordable Housing Program and clause 7.13 of the Sydney LEP apply to the proposed development, and Council considers the affordable housing contribution condition to be appropriate, justified and consistent with the applicable statutory framework.

(E) Council considers the disputed condition raises broader strategic and public interest considerations regarding the application of affordable housing contributions to university student accommodation developments that generate additional residential floor area. Affordable housing contributions are a key mechanism for implementing the City's adopted Affordable Housing Program and responding to the demonstrated need for affordable housing arising from ongoing development and growth within the local government area (LGA). Given the demonstrated need for affordable housing within the City of Sydney and the importance of maintaining a consistent contribution framework, Council considers it appropriate that the Minister consider whether the condition should apply in this instance.

Carried unanimously.

D/2026/264

Speaker

Debbie McNamara (University of Sydney) – on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 6:28pm.

CHAIR