

Local Planning Panel

Meeting No 132

Wednesday 6 May 2026

Notice Date 29 April 2026

minutes

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Present

Graham Brown (Chair), Megan Jones, Louise Sureda and Jayden Bregu.

At the commencement of business at 5:02 pm, those present were:

Mr Brown, Ms Jones, Ms Sureda and Mr Bregu.

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.

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 29 April 2026, which have been endorsed by the Panel Members and Chair of that meeting.

Item 3 Section 8.2 Review of Determination: 116 Lang Road, Moore Park - RD/2023/897/B

The Panel resolved that the decision to refuse the proposed modifications in modification application D/2023/897/B be changed to an approval and that the consent be modified as follows:

Condition 2 amended as follows (additions shown in ***bold italics***, deletions shown in ~~strike through~~):

(2) Time Limited Consent

The use may operate ~~for a period of two years from the date of consent~~ ***until 1 July 2028***. If the use is to be retained after this period, a further application may be lodged with the Council before expiration of the consent. Council's consideration of the continuation will be based on, among other things, compliance with the development consent conditions, any substantiated complaints received and the capacity of parking provisions.

Reason

To limit the use of Level 5 of the Entertainment Quarter carpark building as an entertainment facility.

Reasons for Decision

The application was approved for the following reasons:

- (A) The review application has submitted additional information in response to the reasons for refusal.
- (B) The proposal is substantially the same development.
- (C) The submissions made in relation to the review application have been considered.

Carried unanimously.

RD/2023/897/B

Speakers

Alex Greenwich MP, Paul Nicolaou (Business Sydney), Andrew Richardson ((Hyper Karting), Michael Savvas, Yvette Carr (Colliers Urban Planning) – on behalf of the applicant, and Michael Hodgson (Carsingha Investment Pty Ltd) – on behalf of the applicant.

Item 4 Development Application: 125A Kent Street, Millers Point - D/2026/97

The Panel refused consent for Development Application Number D/2026/97.

Reasons for Decision

The application was refused for the following reasons:

- (A) The application fails to satisfy all objectives of the SP5 Metropolitan Centre Zone of the Sydney Local Environmental Plan 2012 as it fetters development on adjoining sites and undermines the efficient and orderly development of land in a compact urban centre.
- (B) The proposed development does not appropriately respond to nor complement adjoining heritage items. The proposal is also inconsistent with the Conservation Management Plan for the adjoining heritage item at 123 Kent Street. The proposal is therefore contrary to Clause 5.10 of the Sydney Local Environmental Plan 2012 (SLEP 2012) and Sections 3.9.5(1)(c), 3.9.5(1)(4)(d), 3.9.5(1)(f), 3.9.5(1)(h) and 3.9.5(3) and 5.1.3.2 of the Sydney Development Control Plan 2012 (SDCP 2012).
- (C) The proposed development is contrary to principles 1 to 6 of the design principles for residential apartment development in Schedule 9 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). The proposal provides inadequate amenity to apartments and unjustifiably impinges on the amenity of neighbouring residential buildings, due to non-compliance with multiple provisions of the Apartment Design Guide, including Objectives 2F, 3E, 3F, 4B and 4E.
- (D) The proposed development fails to exhibit Design Excellence pursuant to Clause 6.21C of the Sydney Local Environmental Plan 2012 due to the following:
 - (i) The form and external appearance of the proposed development will not improve the quality of the public domain, inconsistent with Clause 6.21C(2)(b) and Clause 6.21C(2)(d)(x)
 - (ii) The application fails to appropriately address heritage issues and streetscape constraints, inconsistent with Clause 6.21C(2)(d)(iii)
 - (iii) The application fails to adequately address all environmental impacts, pursuant to the provisions outlined under Clause 6.21C(2)(d)(vii)
 - (iv) The application fails to adequately consider vehicular and service access and circulation requirements, inconsistent with Clause 6.21C(2)(d)(ix) and
 - (v) The proposed development does not achieve an appropriate interface at ground level between the building and the public domain, inconsistent with Clause 6.21C(2)(d)(xii).
- (E) The development does not provide appropriate amenity for residents. The development does not provide adequate building setbacks, private open space, internal common area or tree canopy. Poor outlook is also provided to apartments on the ground floor and level one due to proximity to the site boundary and proposed screening. As such, the proposal is non-compliant with Sections 3.5, 4.2.3.3, 4.2.3.6, 4.2.3.7, 4.2.3.10, 5.1.1.3(7) and 5.1.2 of the Sydney Development Control Plan 2012.
- (F) The primary building entrance is recessed and concealed. The development fails to activate the street frontage and address the public domain. As such, the proposal is contrary to Section 3.2 of the Sydney Development Control Plan 2012.

- (G) Inadequate information has been submitted to properly assess the application and the proposed development therefore fails to satisfy the following requirements:
- (i) The application provides insufficient information to determine the impacts of potential footing reinforcement works upon the structural integrity of neighbouring heritage buildings, inconsistent with Section 3.9.13 of the Sydney Development Control Plan 2012.
 - (ii) The application fails to demonstrate 15% tree canopy coverage within 10 years of completion, inconsistent with Sections 3.5.1 and 3.5.2 of the Sydney Development Control Plan 2012.
 - (iii) The application fails to demonstrate compliance with the City of Sydney Guidelines for Waste Management in New Development and Section 3.11.13(3) of the Sydney Development Control Plan 2012.
 - (iv) The Acoustic Report assesses the proposal against the incorrect criteria. As such, the proposal has not demonstrated compliance with Provision 4.2.3.11 of the Sydney Development Control Plan 2012, and it remains unclear whether the proposal is capable of compliance with the City's Acoustic privacy controls.
 - (v) The proposal lacks certainty regarding works outside the site and is therefore contrary to provision 5.1.1.3(7) of the Sydney Development Control Plan 2012.
 - (vi) The proposal is incongruent with the established pattern of scale and form in the context of the site and is likely to impact views from and to the setting of Observatory Hills and Millers Point. As such, insufficient information has been provided to satisfy Provision 5.1.8(4) of the Sydney Development Control Plan 2012.
- (H) The development is unsatisfactory when assessed pursuant to the matters for consideration at section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 and is therefore not in the public interest.
- (I) The proposed multi residential use and its building form is not suitable for the site as required to be considered under section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

Carried unanimously.

D/2026/97

Speakers

(Opposing the development) Paul Upham, Canna Cao, Alison Tran, Annie Crabb (Millers Point Community Resident Action), Vesna Savic-Urosevic and Slav Urosevic.

Item 5 Development Application: 96-100 Hay Street, Haymarket – D/2025/1144

The Panel:

- (A) upheld the variation requested to Clause 4.3 Height of Buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted a deferred commencement consent to Development Application Number D/2025/1144 subject to the conditions set out in Attachment A to the subject report.

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 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 Committee.
- (B) Subject to recommended deferred commencement conditions and based upon the material available at the time of determining this application, the Committee is satisfied that:
 - (i) The site will be made suitable for proposed commercial and residential uses, subject to further investigation to determine the most effective means of conducting any remediation as required by the State Environmental Planning Policy (Resilience and Hazards).
 - (ii) The applicant has sufficiently justified, compliance with the respective height of buildings development standard is unreasonable and unnecessary and that there are sufficient planning grounds to justify contravening the development standard pursuant to Clause 4.6 of the Sydney Local Environmental Plan 2012.
 - (iii) The proposal is in the public interest because it is consistent with the objectives of the SP5 - Metropolitan Centre zone and the floor space ratio development standard.
- (C) 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, the State Environmental Planning Policy (Transport and Infrastructure 2021) and the State Environmental Planning Policy (Sustainable Buildings) 2022.
- (D) Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (E) The proposal exhibits design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (F) The proposed development has a bulk, form and massing that is suitable for the site and its context within the Haymarket/Chinatown Locality. The intended future uses of the site are consistent with the objectives of the SP5 - Metropolitan Centre zone.

- (G) The amended development application has addressed matters raised by Council staff. Subject to the recommended conditions of consent, the proposed development achieves good amenity for the existing and future occupants of the subject and adjoining sites.
- (H) For the reasons above the proposed development is in the public interest.

Carried unanimously.

D/2025/1144

Speakers

Giovanni Cirillo (Planning Lab) – on behalf of the applicant, and Lewis Evans (Candelepapas Associates) – on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 6:08 pm.

CHAIR