

Local Planning Panel

Meeting No 119

Wednesday 23 July 2025

Notice Date 16 July 2025

minutes

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Present

Robert Stokes (Chair), Jocelyn Jackson, Annelise Tuor and David Green.

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

Dr Stokes, Ms Jackson, Ms Tuor and Mr Green.

The 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.

Robert Stokes disclosed a reasonably perceived conflict of interest in Items 3 and 4 on the agenda, in that he is a member of the Board of Museums of History NSW, which has made a submission in relation to the application at Item 3. Dr Stokes noted that the Board has no operational role in relation to responses to development applications, and that the submission related to general observations and did not offer an opinion by way of objection or support. Dr Stokes further noted that no separate submission was made by the Museums of History in relation to Item 4.

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, Dr Stokes is not required to step out during deliberations on Items 3 and 4.

No other 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 2 July 2025, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 1 Onslow Place, Elizabeth Bay - D/2025/89

The Panel granted consent to Development Application Number D/2025/89, 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~~):

(3) RELIANCE ON PREVIOUS DEVELOPMENT CONSENT D/2022/456, AS AMENDED

- (a) This development consent relies on, and must be read in conjunction with, the base development consent D/2022/456 (as ~~modified by D/2022/456/A~~ ***amended***).
- (b) This consent is subject to compliance with conditions of consent contained in D/2022/456 (as amended), in particular:
 - (i) Condition (1) Approved Development
 - (ii) Condition (2) Design Modifications
 - (iii) Condition (3) Strata Subdivision – Development Consent
 - (iv) Condition (4) Approved Design Rooftop Plant
 - (v) Condition (5) Building Height
 - (vi) Condition (8) External Lighting
 - (vii) Condition (9) No Air Conditioning Units to Façade or Balconies of Building
 - (viii) Condition (10) Associated Roadway Costs
 - (ix) Condition (11) Cost of Signposting
 - (x) Condition (12) Vehicle Access
 - (xi) Condition (13) No Obstructions or Encroachments
 - (xii) Condition (14) – Tactile Ground Surface Indicators and Handrails
 - (xiii) Condition (15) Trees Approved for Removal
 - (xiv) Condition (16) Tree Protection Zone
 - (xv) Condition (17) Affordable Housing Contribution – Residual Lane or Central Sydney – Payment in lieu of floor space contribution – Prior to Construction Certificate
 - (xvi) Condition (18) Public Art
 - (xvii) Condition (19) Retention of Existing Rock Outcrop
 - (xviii) Condition (20) Visual Privacy Screening Details
 - (xix) Condition (21) Reduction of Noise from External Sources (Residential and Serviced Apartments)
 - (xx) Condition (22) Sites in the Vicinity of Buildings within a Heritage Conservation Area

- (xxi) Condition (23) Materials and Samples Board – Major Development
- (xxii) Condition (24) Mechanical Ventilation
- (xxiii) Condition (25) Reflectivity
- (xxiv) Condition (26) Letterboxes
- (xxv) Condition (27) Allocation of Parking
- (xxvi) Condition (28) Bicycle Parking
- (xxvii) Condition (29) Parking Design
- (xxviii) Condition (30) Telecommunications Provisions
- (xxix) Condition (31) Utility Services
- (xxx) Condition (32) Structural Certification for Design – National Construction Code (All Building Classes)
- (xxxi) Condition (33) – BASIX Certificate – Details to be lodged with a Construction Certificate
- (xxxii) Condition (34) External Walls and Cladding Flammability
- (xxxiii) Condition (35) Construction Traffic Management Plan
- (xxxiv) Condition (36) Demolition, Excavation and Construction Noise and Vibration Management Plan
- (xxxv) Condition (37) Dilapidation Report – Public Domain
- (xxxvi) Condition (38) Survey Infrastructure – Identification and Recovery
- (xxxvii) Condition (39) Public Domain Levels and Gradients
- (xxxviii) Condition (40) Stormwater Drainage Design
- (xxxix) Condition (41) Stormwater Drainage Connection
- (xl) Condition (42) Stormwater On-Site Detention
- (xli) Condition (43) Temporary Dewatering During Construction
- (xlii) Condition (45) Waste and Recycling Management – Residential
- (xlili) Condition (46) Waste and Recycling Management – General
- (xliv) Condition (47) Landscaping of the site
- (xlv) Condition (49) Signal system
- (xlvi) Condition (50) Mechanical parking facilities (car lift and vehicle turntable)
- (xlvii) Condition (51) Tree Pruning Specification Report
- (xlviii) Condition (52) Demolition, Excavation and Construction Management
- (xlix) Condition (53) Dilapidation Report – Major Excavation/Demolition

- (I) Condition (54) Road Opening Application
- (II) Condition (55) Rodent Treatment Programme – Pre Demolition and/or Excavation
- (III) Condition (56) Hazardous Materials Survey Required
- (IIII) Condition (57) Public Domain Work – Construction Approval under Section 138 Roads Act 1993
- (liv) Condition (58) Sydney Certificate (TAP-IN)
- (lv) Condition (59) Other Approvals
- (lvi) Condition (60) Survey
- (lvii) Condition (61) Hours of Work and Noise
- (lviii) Condition (62) Application for Hoardings and Scaffolding Installed On or Above a Public Road and Operating Hoisting Devices including Building Maintenance Units over a Public Road
- (lix) Condition (63) Loading and Unloading During Construction
- (lx) Condition (64) No Obstruction of Public Way
- (lxi) Condition (65) Use of Mobile Cranes
- (lxii) Condition (66) Covering of Loads
- (lxiii) Condition (67) Erosion and Sediment Control
- (lxiv) Condition (68) Vehicle Cleansing
- (lxv) Condition (69) Compliance with Demolition, Excavation & Construction Noise and Vibration Management Plan
- (lxvi) Condition (70) Asbestos Removal Works
- (lxvii) Condition (71) Classification of Waste
- (lxviii) Condition (72) Notification – New Contamination Evidence
- (lxix) Condition (73) Stockpiles
- (lxx) Condition (74) Imported Fill Materials
- (lxxi) Condition (75) Hazardous and Industrial Waste
- (lxxii) Condition (76) Use of High Noise Emission Appliances / Plant
- (lxxiii) Condition (77) Public Domain Plan Detailed Documentation for Construction
- (lxxiv) Condition (78) Hold Points
- (lxxv) Condition (79) Public Domain Works Security Bond
- (lxxvi) Condition (80) Tree Protection Plans
- (lxxvii) Condition (81) Site Supervision and Reporting

- (lxxviii) Condition (82) Archaeological Discovery During Excavation
- (lxxix) Condition (83) Sydney Water Certificate
- (lxxx) Condition (84) Protection of Stone Kerbs
- (lxxxi) Condition (85) Notification of Excavation Works or Use of High Noise Emission Appliances/Plant
- (lxxxii) Condition (86) Site Notice of Projects Details and Approvals
- (lxxxiii) Condition (87) Overhead Powerlines – Ausgrid Condition
- (lxxxiv) Condition (88) Underground Cables – Ausgrid Condition
- (lxxxv) Condition (89) Stormwater Completion Deed of Agreement and Positive Covenant
- (lxxxvi) Condition (90) Restriction on Residential Development
- (lxxxvii) Condition (91) Restriction on Use of Car Spaces – Residential
- (lxxxviii) Condition (92) Survey Certificate at Completion
- (lxxxix) Condition (93) Compliance with Hazardous Materials Survey Report
- (xc) Condition (94) Public Domain Works Completion
- (xci) Condition (95) Survey Infrastructure – Restoration
- (xcii) Condition (96) Public Domain Completion – Work as Executed Documentation
- (xciii) Condition (97) Drainage and Service Pit Lids
- (xciv) Condition (98) Public Domain Damage Security Bond
- (xcv) Condition (99) Traffic Management Plan
- (xcvi) Condition (100) BASIX
- (xcvii) Condition (101) Submission of Electronic CAD Models prior to Occupation Certificate
- (xcviii) Condition (102) Occupation Certificate to be submitted
- (xcix) Condition (103) Encroachments – Neighbouring Properties
- (c) Condition (104) Encroachments – Public Way
- (ci) Condition (105) Ventilation Minor Works
- (cii) Condition (106) Car Park Ventilation
- (ciii) Condition (107) Defects Liability Period – Public Domain Works
- (civ) Condition (108) Emissions
- (cv) Condition (109) Annual Fire Safety Statement Form

(cvi) Condition (110) Number of Adults Per Room

(cvii) Condition (111) Waste/Recycling Collection

and is subject to compliance with the Terms of Approval for Integrated Development as advised by Water NSW contained in Schedule 3 of D/2022/456 (as amended), in particular:

(cviii) **Condition (113) GT0116-00001**

(cix) **Condition (114) GT0117-00001**

(cx) **Condition (115) GT0118-00001**

(cxi) **Condition (116) GT0119-00001**

(cxii) **Condition (118) GT0121-00001**

(cxiii) **Condition (119) GT0122-00001**

(cxiv) **Condition (120) GT0123-00001**

(cxv) **Condition (121) GT0150-00001**

(cxvi) **Condition (122) GT0151-00001**

(cxvii) **Condition (123) GT0152-00001**

(cxviii) **Condition (124) GT0155-00001**

(c) This consent is **not** subject to compliance with the following conditions contained in D/2022/456 (as amended):

(i) Condition (6) Window Operability to Unit 6 Rooftop Retreat

(ii) Condition (7) Non-Trafficable Rooftop Space

Reason

To ensure consistency between the approved development under D/2022/456 (as amended) and this amended development application.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal will deliver an appropriate design outcome for the Level 7 rooftop terrace that will not result in detrimental impacts on view corridors. The proposal therefore demonstrates design excellence pursuant to Clause 6.21C(2)(c) of the Sydney LEP.
- (B) The proposal will be designed to achieve an acceptable level of visual privacy for the residents of neighbouring buildings. The proposal therefore demonstrates design excellence pursuant to Clause 6.21C(2)(d)(vii) of the Sydney LEP.
- (C) The proposal will not result in unacceptable acoustic impacts on neighbouring properties. The proposal therefore demonstrates design excellence pursuant to Clause 6.21C(2)(d)(vii) of the Sydney LEP and is consistent with Section 4.2.3.11 of the Sydney DCP.

- (D) The proposal will deliver an acceptable landscaping outcome for the approved development. The proposal therefore demonstrates design excellence pursuant to Clause 6.21C(2)(d)(xiii) of the Sydney LEP and is consistent with Section 4.2.3.5 of the Sydney DCP.
- (E) The proposal satisfies BASIX and environmental requirements as per State Environmental Planning Policy (Sustainable Buildings) 2022 and Section 3.6 of the Sydney DCP, noting that an updated BASIX certificate has been submitted for this amending DA.
- (F) Condition 3 was amended to correct two minor administrative errors.

Carried unanimously.

D/2025/89

Speakers

Mark Ibrahim and Judith Pearce.

Nicholas Couloubis (CPG Onslow Pty Ltd) – on behalf of the applicant.

Item 4 Development Application: 1 Onslow Place, Elizabeth Bay - D/2025/90

The Panel refused consent for Development Application Number D/2025/90.

Reasons for Decision

The application was refused for the following reasons:

- (A) The development fails to provide adequate communal open space and is inconsistent with Objective 3D-1 of the NSW Apartment Design Guide and Section 4.2.3.8 of the Sydney DCP 2012. The proposed reduction in size of the communal room provided in lieu of the minimum communal open space fails to provide adequate amenity for future residents of the development.
- (B) The proposal fails to demonstrate design excellence pursuant to the provisions of Clause 6.21C(2)(d)(vii) of the Sydney LEP as it will result in unacceptable environmental impact by reducing residential amenity for future residents.
- (C) The proposal fails to satisfy Clause 29 of the Environmental Planning and Assessment Regulation 2021 as the amending development application is not accompanied by a statement by a qualified designer detailing how the development addresses the design principles for residential apartment development and the objectives in Parts 3 and 4 of the Apartment Design Guide.
- (D) The proposal fails to meet the requirements of State Environmental Planning Policy (Sustainable Buildings) 2022 as a BASIX certificate has not been submitted for the amending development application. Development consent must, therefore, not be granted, pursuant to Clause 2.1(5) of the SEPP, as the consent authority cannot be satisfied the embodied emissions attributable to the development have been quantified.

Carried unanimously.

D/2025/90

Item 5 Development Application 806-812A George Street, Haymarket - D/2025/33

The Panel refused consent for Development Application D/2025/33.

Reasons for Decision

The application was refused for the following reasons:

- (A) The application has not provided sufficient information to satisfy Transport for NSW (a concurrence authority) that the development can be undertaken without adverse impacts to the adjacent interim rail corridor. The development is therefore contrary to Section 2.101 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
- (B) The application fails to satisfactorily address clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, as the application has not demonstrated the site is suitable (or will be suitable, after remediation) for the proposed use.
- (C) 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 LEP 2012.
- (D) The proposed development fails to exhibit “design excellence” pursuant to clause 6.21C of the Sydney LEP 2012 for the following reasons:
 - (i) The application fails to demonstrate a high standard of architectural design and detailing appropriate to the building type and location, pursuant to clause 6.21C(2)(a);
 - (ii) The application fails to demonstrate that the form and external appearance of the proposed development will improve the quality and amenity of the public domain, pursuant to clause 6.21C(2)(b);
 - (iii) The application fails to appropriately address heritage and streetscape issues, pursuant to clause 6.21C(2)(d)(iii);
 - (iv) The bulk and massing of the proposal is not considered appropriate within context of the site and surrounding buildings, pursuant to clause 6.21C(2)(d)(v);
 - (v) The application fails to adequately address environmental impacts of overshadowing, acoustic privacy, and wind impacts, pursuant to clause 6.21C(2)(d)(vii); and
 - (vi) The application is considered to have an adverse impact on the setting of the Haymarket/ Chinatown Special Character Area, pursuant to clause 6.21C(2)(d)(xi) and clause 5.1.1.2 of the Sydney DCP 2012.
- (E) The proposal does not address all the general requirements under Section 3.2(1) of the SEPP (Sustainable Buildings) 2022 relating to energy efficiency for non-residential buildings.
- (F) The development, by way of its bulk, form, modulation and location will have an adverse impact on the visual setting and heritage significance of the Christ Church St Laurence, associated buildings, and streetscape. The development is therefore contrary to the planning controls under Clause 5.10 of the Sydney LEP 2012 and Section 3.9.5 of the Sydney DCP 2012.

- (G) The proposal is not suitable within the context of the Haymarket and Chinatown Special Character Area, as demonstrated by the inconsistencies with the locality principles under Section 2.1.3 of the Sydney DCP 2012, and non-compliances with the planning controls under Section 5.1 of the Sydney DCP 2012 in regard to minimum setback above street frontage height, impacts to neighbouring heritage items, the exterior of the building, and managing wind impacts.
- (H) The proposal does not provide sufficient floor to floor heights, or appropriately designed internal common areas in accordance with Section 4.2 of the Sydney DCP 2012.
- (I) The proposal does not adequately address the controls for hotel and backpackers accommodation under Section 4.4.8 of the Sydney DCP 2012.
- (J) The proposal fails to provide adequate bicycle storage in the building, and as such is inconsistent with the requirements of Section 3.11 of the Sydney DCP 2012.
- (K) The proposal does not adequately address the noise impacts from the proposed bars on nearby residential development in accordance with Section 3.18 of the Sydney DCP 2012.
- (L) The proposal does not address the recommendations and issues raised by the City's Design Advisory Residential Subcommittee.
- (M) The development is unsatisfactory when assessed pursuant to the matters for consideration at section 4.15(1) of the EP&A Act and is therefore not in the public interest pursuant to section 4.15(1)(e) of the Act.

Carried unanimously.

D/2025/33

Speaker

Christopher Zeng-Allen (MKD Architects) – on behalf of the applicant.

Item 6 Development Application: 49 Henderson Road, Eveleigh - D/2025/299

The Panel granted consent to Development Application Number D/2025/299 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 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 development is permissible with consent in the R1 - General Residential Zone and is consistent with the objectives of the zone.
- (C) The proposal is consistent with the relevant objectives and controls of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (D) The outdoor gym equipment is at the end of its useful life and its removal will not have significant adverse impacts on the locality, as outlined in the report to the Local Planning Panel.

Carried unanimously.

D/2025/299

The meeting of the Local Planning Panel concluded at 5:54pm.

CHAIR