

Local Planning Panel

8 April 2026

Application details

Address: 98-106 Kippax Street, Surry Hills

Application: D/2025/758

Applicant: Joshua Brandon

Owner: Isaac Solomon, Sara Cooper and Elizabeth Oxman

Architect: DKO

Planning Consultant: The Planning Studio

Proposal

Substantial demolition of the existing building and construction of an 8-storey mixed-use development with retail tenancies on the lower levels, basement carparking, residential apartments and associated landscaping.

- three retail tenancies
- 42 apartments including 10 affordable housing apartments
- rooftop communal open space
- 18 car spaces
- waste, plant, end-of-trip facilities, and servicing areas within the basement and lower ground floor

Recommendation

Approval subject to conditions

Reason reported to LPP

The application is reported to the LPP for determination due to:

- the development comprises a new residential flat building and is 4 or more storeys in height
- the development provides less car parking spaces than required by the minimum car parking development standard by more than 10%
- the development provides less landscaping area than required by the minimum landscaped area development standard by more than 10%

Relevant Applications

- **D/2017/225** – Development consent granted on 11 April 2018 by LPP
- demolition of all existing buildings
- construction of a 6 storey mixed use building
- comprising basement carparking, ground floor retail tenancies, 27 residential apartments and a communal roof top terrace.
- This consent was not activated and has subsequently lapsed.

Relevant Applications



Previous consent - D/2017/225

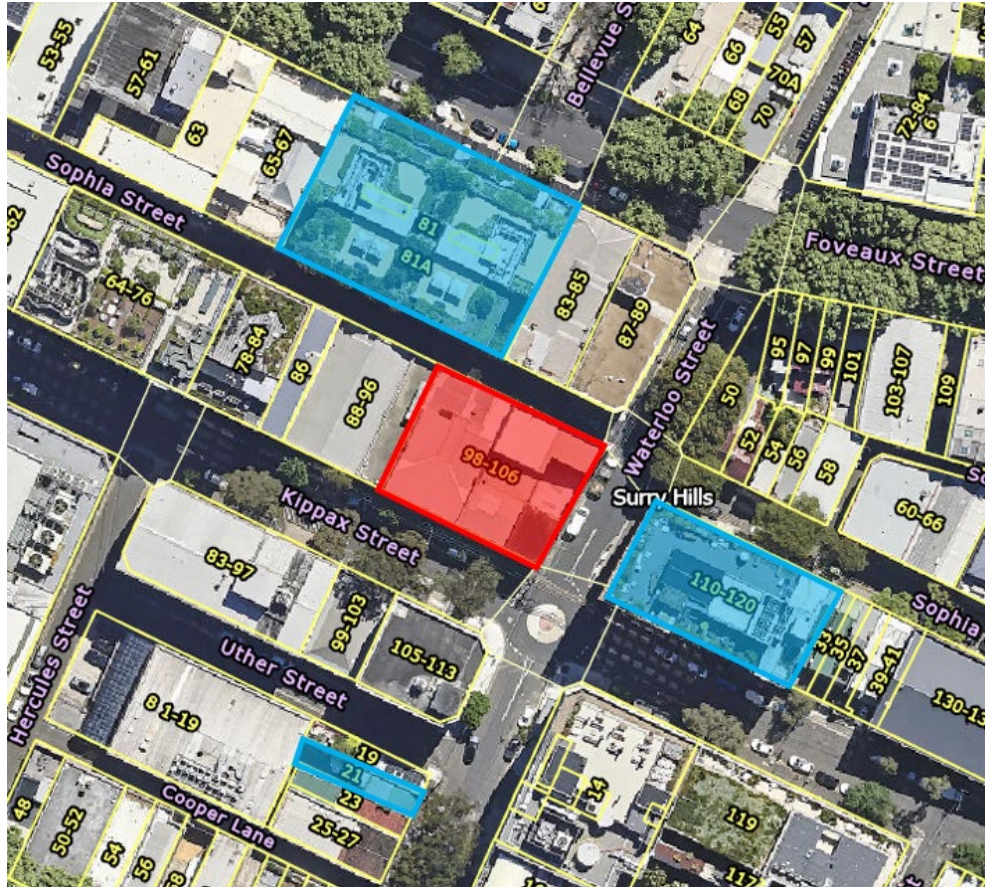
Notification

- exhibition period 21 August 2025 to 11 September 2025
- 146 owners and occupiers notified
- 11 submissions received

Submissions

- one submission in support of the provision of additional housing
- impacts to views and outlook from neighboring apartments and a commercial office building
- demolition of “heritage buildings”
- non-compliances with planning controls (ADG, LEP and DCP)
- bulk and scale of development
- amenity impacts to neighbouring properties
- increased demand on surrounding street network and parking

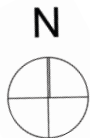
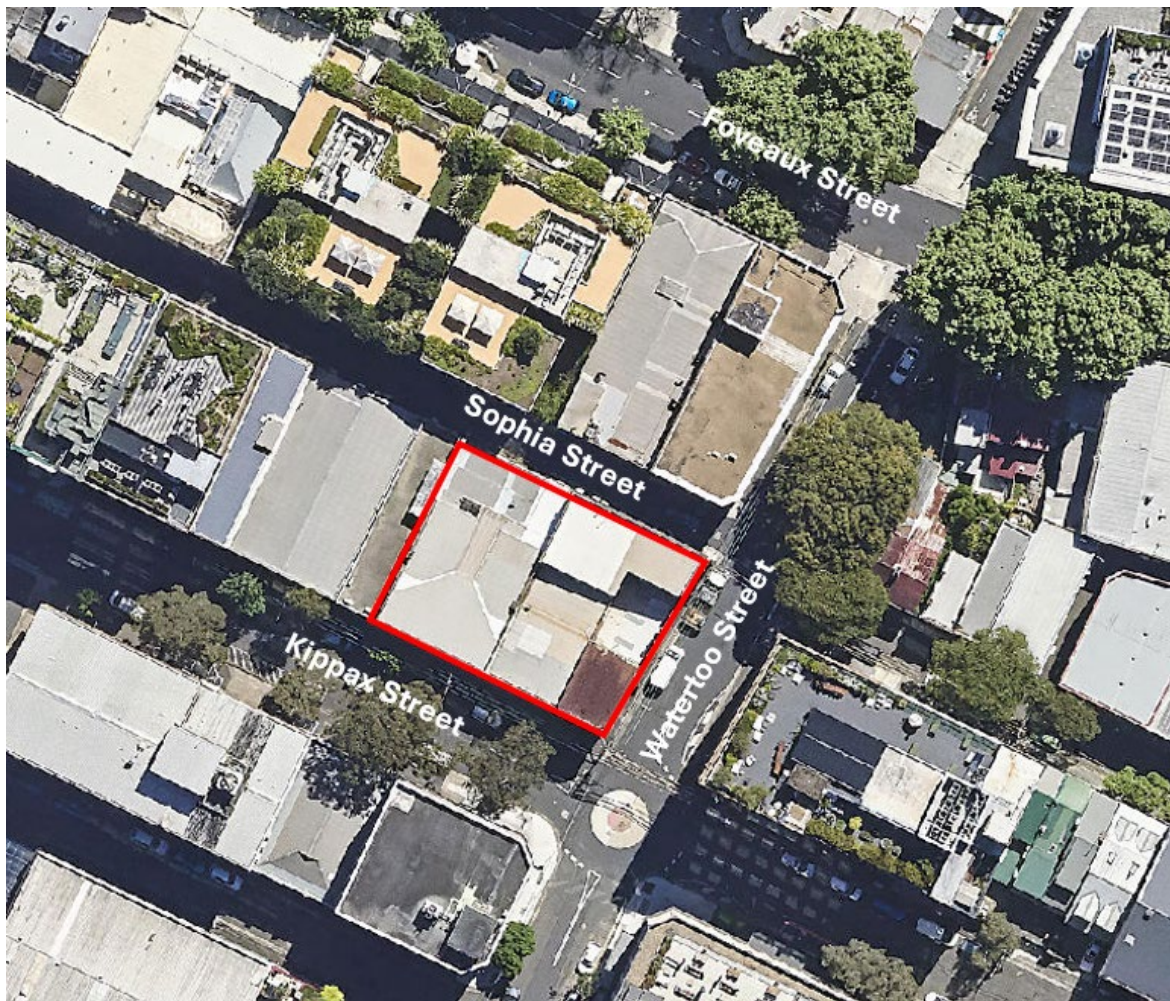
Submissions



-  subject site
-  submitters

location of two
submitters unknown

Site





Site viewed from Waterloo Street looking west



Site viewed from Kippax Street looking north



Site viewed from corner of Waterloo Street and Sophia Street looking south-west



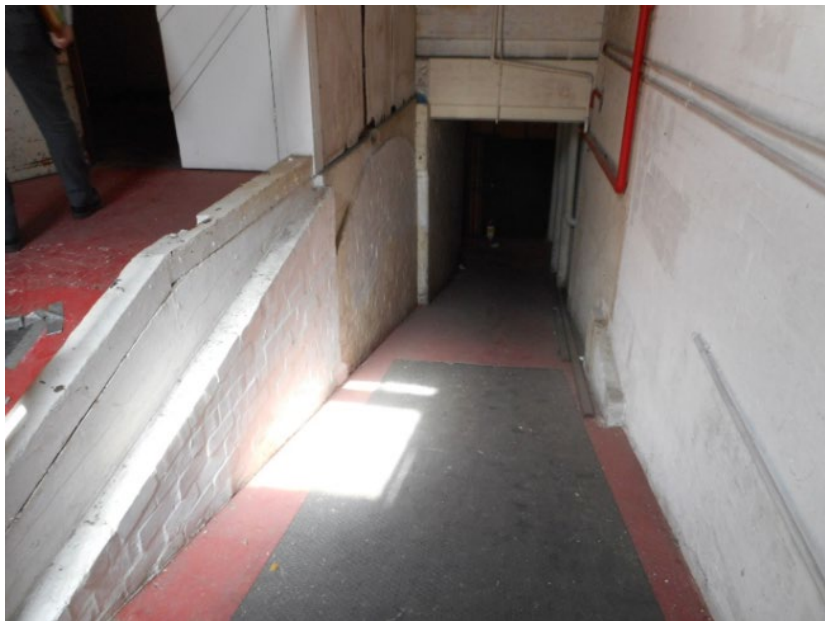
Site viewed from Sophia Street looking east



Existing loading dock



Ground floor retail store



Internal view of horse ramp



Internal courtyard



View of the parapet looking south-east
towards Waterloo Street



Internal view

Proposal



3D perspective view from the corner of Kippax Street and Waterloo Street



3D perspective view from the corner of Waterloo Street and Sophia Street



Basement

















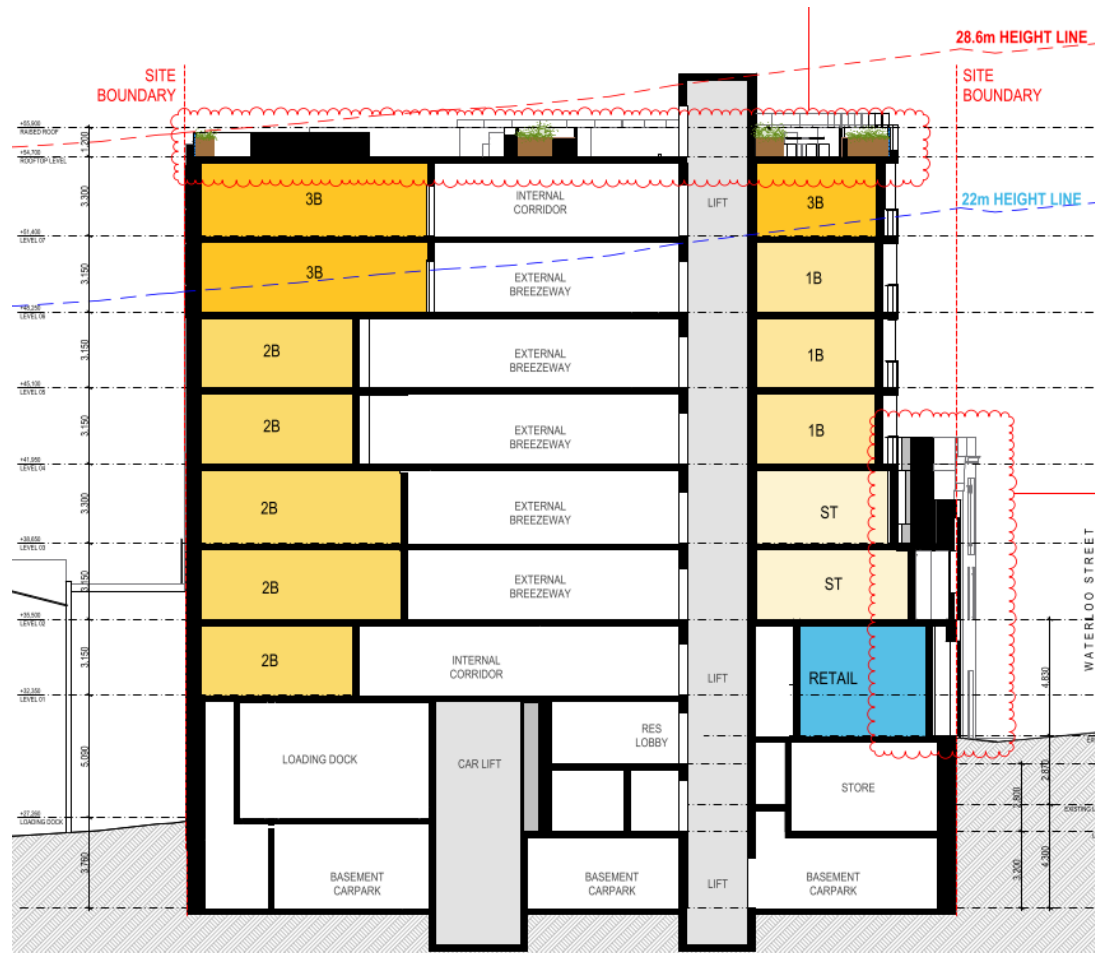
Level 6



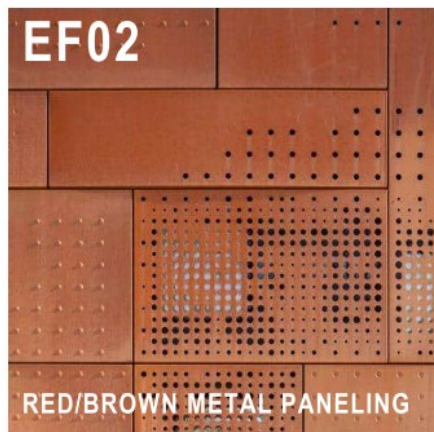
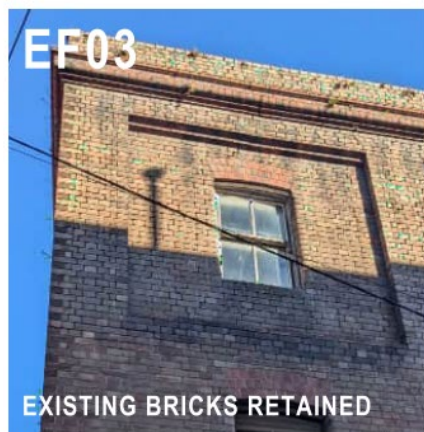




east (Waterloo Street) elevation



Section plan



Materials and colours

Compliance with SEPP (Housing) 2021

	control	proposed	compliance
Affordable housing component	Minimum 10%	16%	yes
Site area	Minimum 450 sqm	788.5 sqm	yes
Landscaped area	Minimum 35 sqm per dwelling or 30% of site	0% of site	no (cl 4.6 variation supported)

Compliance with SEPP (Housing) 2021

	control	proposed	compliance
Parking spaces	Affordable housing: 1 bed - 0.4 spaces 2 bed – 0.5 spaces 3 bed – 1 space (4 spaces total) Non-affordable housing: 1 bed - 0.5 spaces 2 bed – 1 space 3 bed – 1.5 spaces (26 spaces total)	18 spaces	no (cl 4.6 variation supported)

Consistency with ADG

	control	proposed	consistency with control
solar	70%	71%	yes
cross vent	60%	50%	no
deep soil	7%	0%	no

Consistency with ADG

	control	proposed	consistency with control
building separation	9-18m	• 3-9m to Sophia St • 6-12m to Waterloo St • 8m to Kippax St	no
apartment size	studio 35m ² 1 bed 50m ² 2 bed 70m ² 3 bed 95m ²	all units comply	yes

Consistency with ADG

	control	proposed	consistency with control
floor to ceiling heights	2.7m	2.7m (3.15-3.3m floor to floor)	yes
communal open space	25%	34.8%	yes
private open space	studio 4m ² 1 bed 8m ² 2 bed 10m ² 3 bed 12m ²	all units comply	yes

Compliance with key LEP standards

	control	proposed	compliance
height	28.6m (including 30% bonus under Housing SEPP)	29.14m	no (cl 4.6 variation supported)
floor space ratio	4.55:1 (including 30% bonus under Housing SEPP)	4.55:1m	yes

Compliance with DCP controls

	control	proposed	compliance
height in storeys	six storeys	eight storeys	no
dwelling mix	studio – 5-10% 1 bed – 10-30% 2 bed – 40-75% 3 bed – 10-100%	studio – 24% 1 bed – 36% 2 bed – 31% 3 bed – 10%	no
floor to floor heights	ground floor - 4.5m	ground floor – 3m	no
	first floor & above - 3.1m	level 1-5 – 3.1-3.2m	yes

Compliance with DCP controls

	control	proposed	compliance
bike spaces	53 (46 for residential and 7 for commercial)	42 (35 for residential and 7 for commercial)	no

Design Advisory Panel Residential Subcommittee

The Panel reviewed the application on 7 October 2025

Generally supported the proposal - raised the following concerns/recommendations:

- retention of historic elements supported, but their integration into the design should be more meaningful
- the western return wall be retained so that the main frontage retains its three-dimensional quality and doesn't result in facadism
- retain or restore appropriated glazed detailing for all openings
- ensure sufficient solar access to both living room windows and private open space

Design Advisory Panel Residential Subcommittee

- increase building separation to street frontages, particularly Sophia St
- affordable housing units must achieve the same degree of amenity as the market units
- use of metal cladding is supported however some of the perforated screens appear to impact access to light and ventilation
- units relying on the breezeway for cross ventilation do not provide effective or functional cross ventilation
- Snorkel bedrooms not supported, and improve design of rooftop communal space

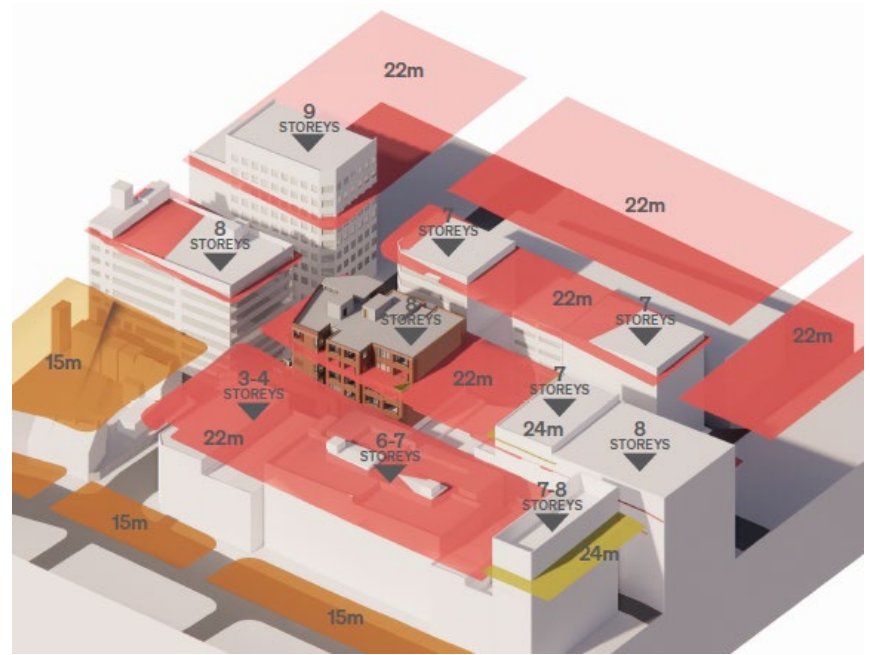
These issues have generally been addressed in amended plans

Issues

- height, bulk and scale
- landscaping
- car parking
- retention of original fabric and features
- residential amenity – cross-ventilation and visual privacy
- entrance awning
- view loss

Height, bulk and scale

- non-compliance with 28.6m height control, and 6 storey control
- proposal is 29.8m and 8 storeys
- height is contextually appropriate
- only lift overrun and fire stairs breach LEP height control
- breaching elements are consistent with LEP amendments for green roofs
- no unreasonable overshadowing or overlooking to neighbours
- CI 4.6 variation request is supported



Landscaped Area

- non-compliance with 30% landscaped area standard of SEPP Housing
- SEPP Housing defines "landscaped area" as:

"part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area"

- proposal provides 129.1 sqm of landscaping on structures

Landscaped Area

- site constraints prevent provision of landscaped area as defined by the SEPP
- rooftop communal open space includes canopy trees and is consistent with green roof amendments to the LEP
- Cl 4.6 variation request is supported

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Car parking

- non-compliance with minimum car parking standard of SEPP Housing
- 30 total car parking spaces required for residential portion of development
- 18 car spaces provided in basement, with 16 for residential accommodation
- compliance with the control would require additional basement level and/or demolition of retained structures
- LEP has no minimum car parking requirements, and ADG defers to LEP
- site is in accessible area, and additional car parking is inconsistent with the Sustainable Sydney 2030-2050" Strategy
- CI 4.6 variation request is supported

Retention of significant fabric

- no heritage listings, although the former Schwepps Stables is significant
- proposal retains the external walls, floors and vaults of the former Schweppes stables
- original horse ramp retained and expressed

Retention of significant fabric



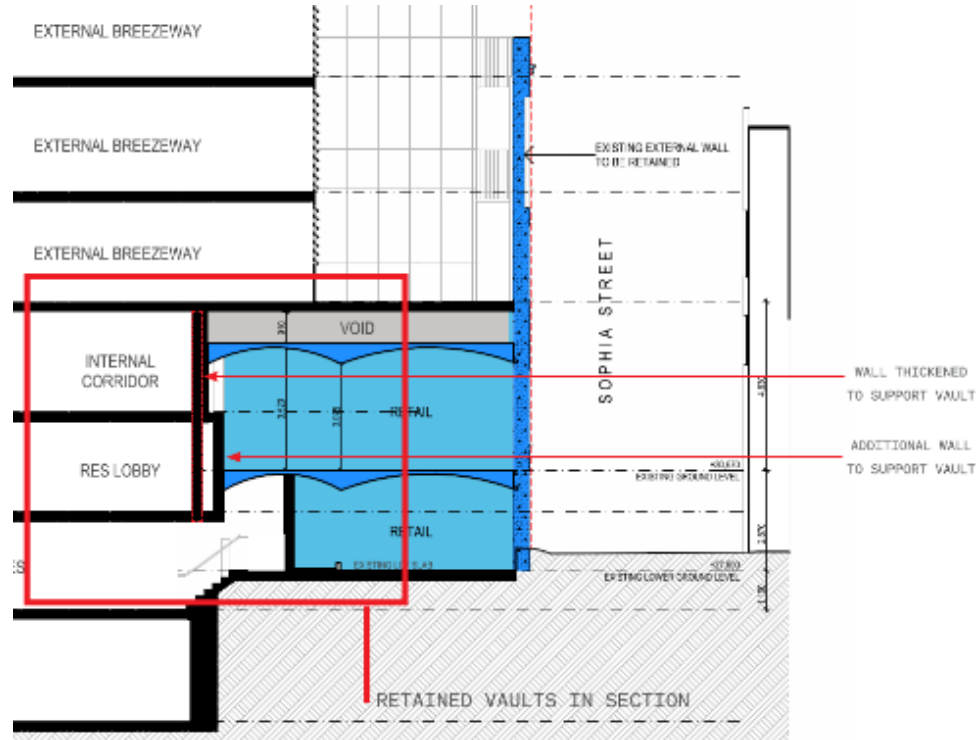
Building components: Footprint of 1904 stable—red box, 1880s building—green box, 1913 building—blue box, 1930s building—black box;

Retention of significant fabric

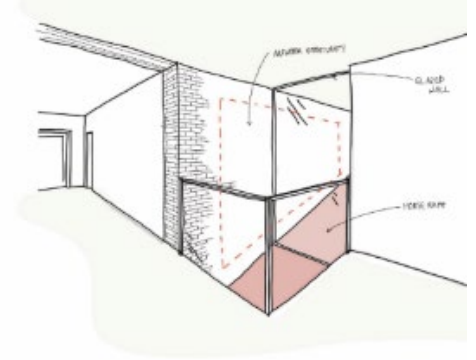
- structural report submitted confirming structural integrity of retained elements
- datum of the brick addition to Waterloo Street lowered to clearly differentiate and highlight the retained facade



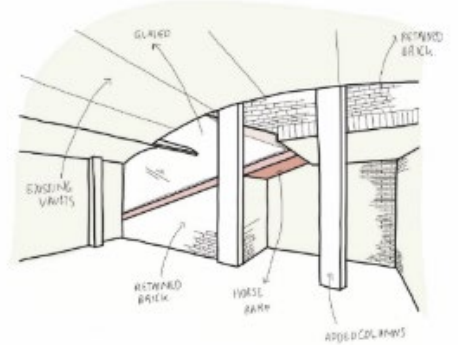
Retention of significant fabric



1. Horse ramp frames lobby wall which is used to display art.



2. Geometry of the horse ramp is exposed whilst partial elements of existing wall are retained as columns.

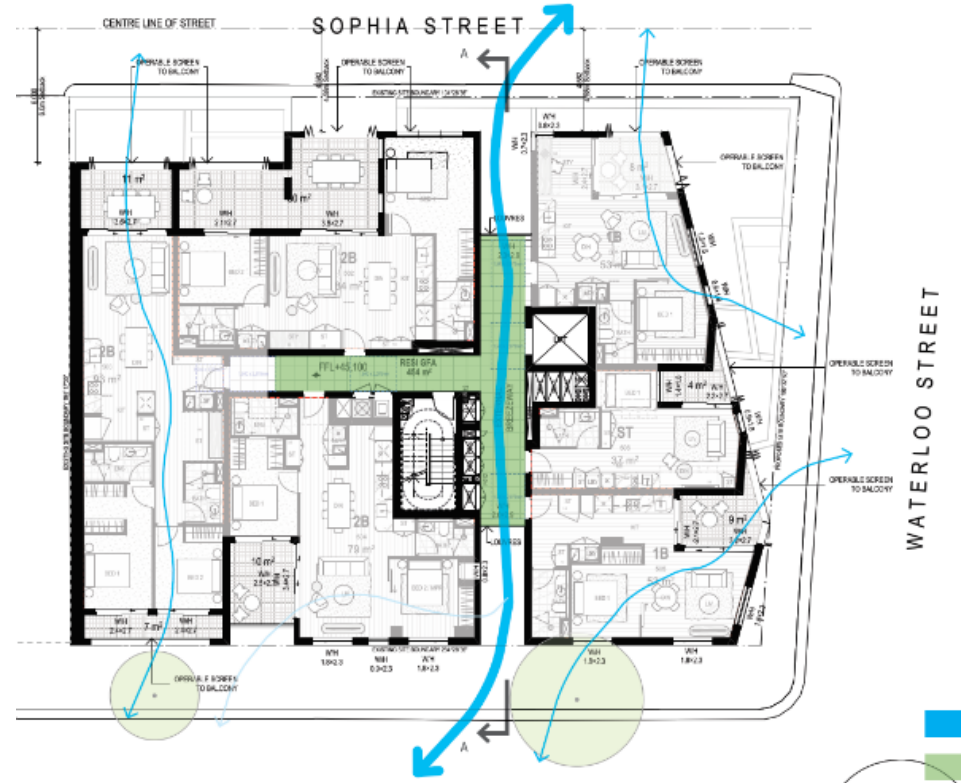


Residential amenity – cross ventilation

- ADG requires 60% of apartments to be cross-ventilated
- 50% (21 units) able to be naturally cross-ventilated
- north-south breezeway provided as resiliency measure for additional natural ventilation

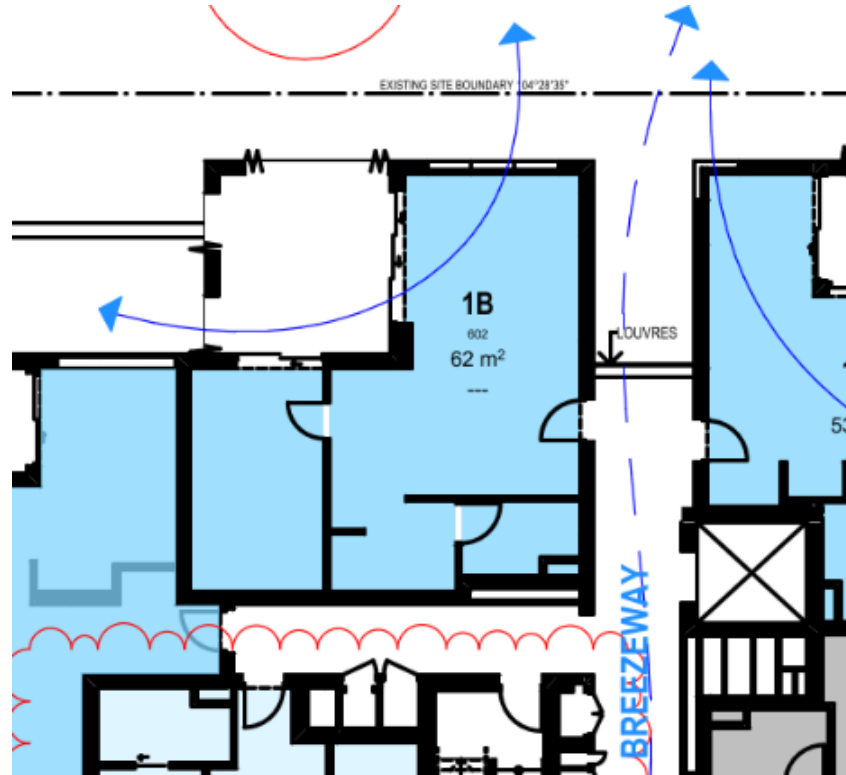
Cross ventilation

- breezeway allows 62% (26 units) apartments to be cross-ventilated
- achieves objectives of ADG to maximise cross-ventilation to create a comfortable indoor environment for residents



Cross ventilation

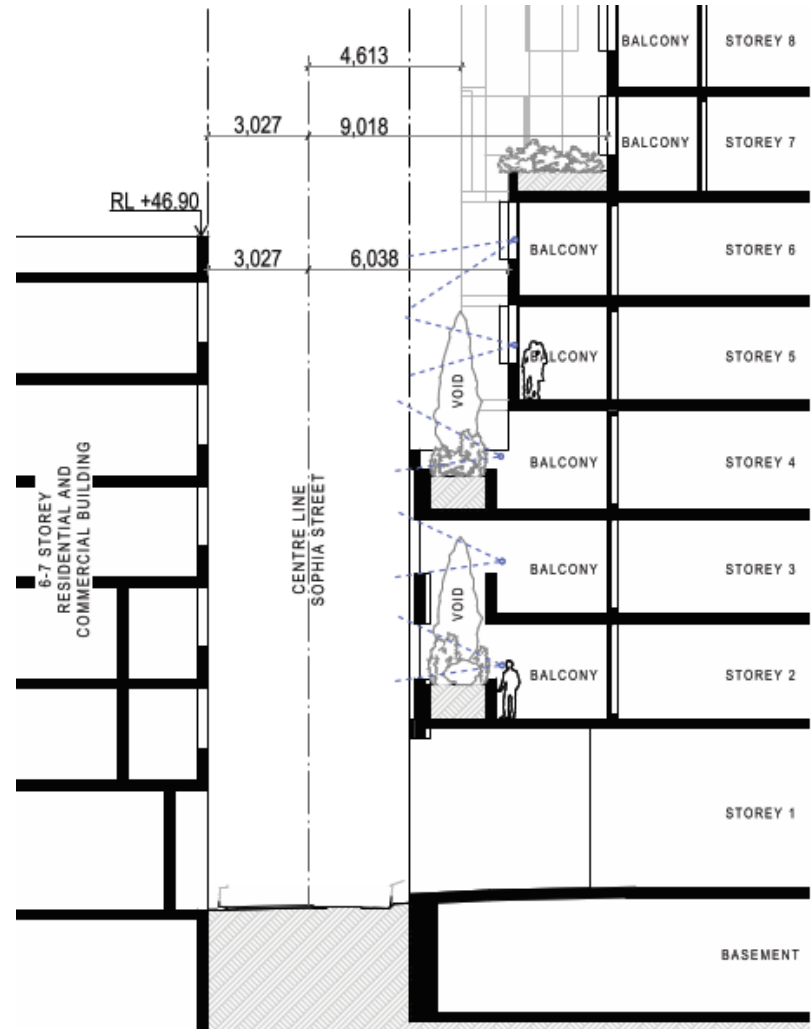
- north facing unit 602 not strictly cross-ventilated
- consent condition recommended to incorporate operable fanlight above the entrance door to provide additional cross-ventilation



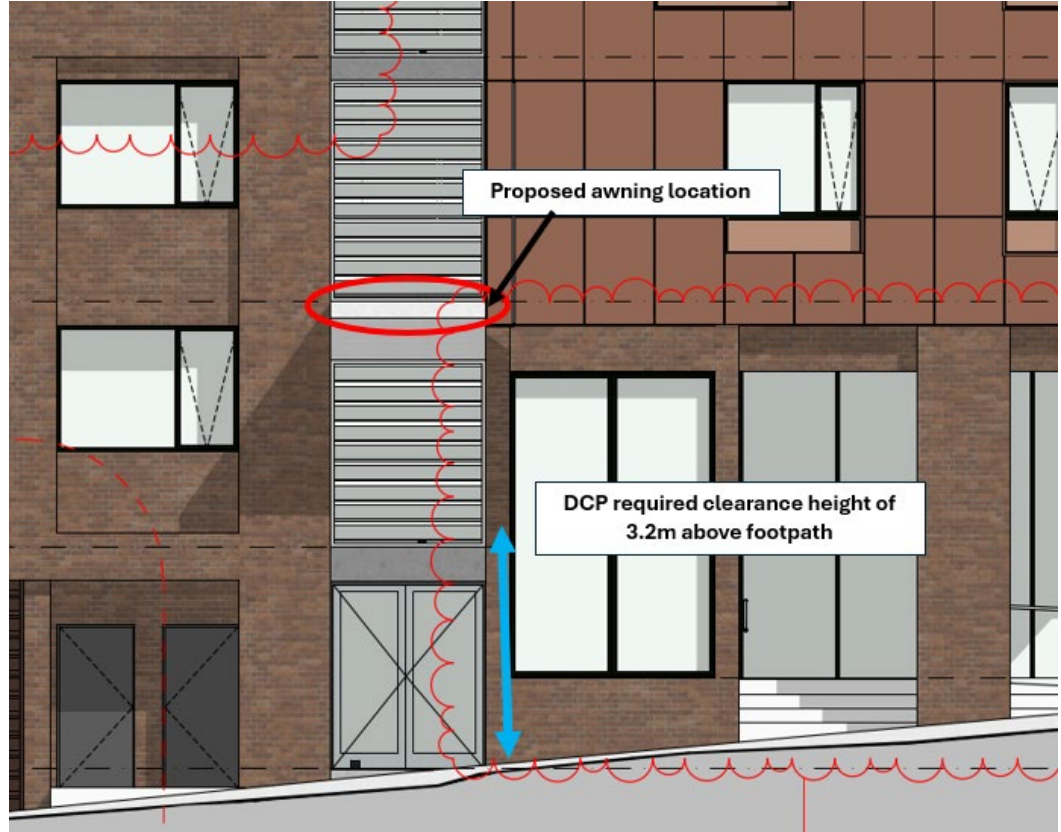
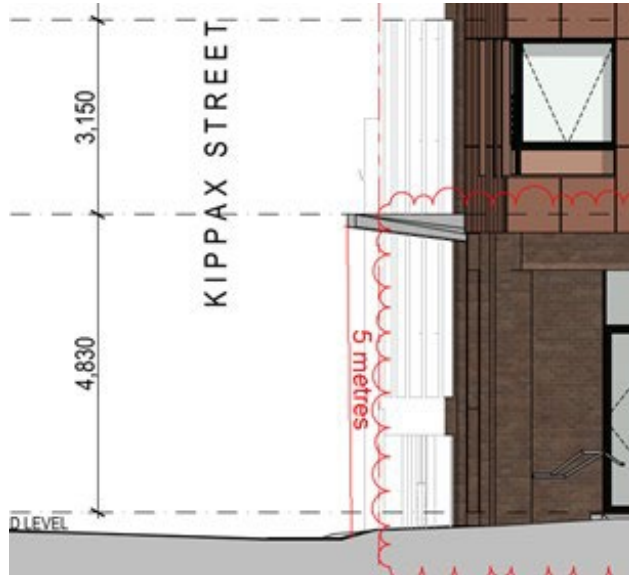
Building separation and visual privacy

- non-compliance with ADG minimum separation distances to Sophia Street
- ADG requires 9-18m separation distances for up to eight storeys
- 6-9m separation provided to apartments and commercial buildings on opposite side of Sophia Street
- proposal incorporates operable privacy screens and staggered setbacks to address visual privacy

Building separation



Entrance awning

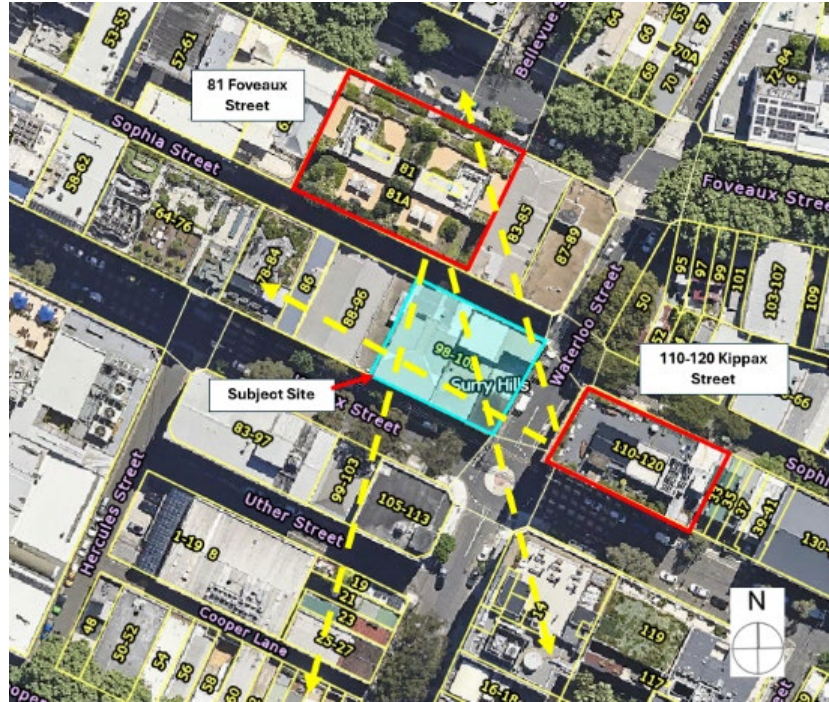


Entrance awning

- awning too high above entrance to provide weather protection
- lowering awning would require significant pruning of the street tree



View loss analysis



Community submission claims view loss from 81 Foveaux Street and 110-120 Kippax Street

View loss analysis – 110-120 Kippax Street

- views of Central Station Clocktower and Sydney Tower from roof terrace and commercial offices



View loss analysis – 110-120 Kippax Street



View loss analysis – 81 Foveaux Street

- Outlook of top of buildings from Level 4 apartments
- No loss of views as assessed against Tenacity



View loss analysis – 81 Foveaux Street



Recommendation

Approval subject to conditions, including:

- incorporate operable fanlight above the entrance door of Unit 602
- provide additional 11 bike spaces at lower ground floor level
- delete entrance awning to Kippax Street
- provide physical materials and samples board