

Resolution of Local Planning Panel

8 April 2026

Item 4

Development Application: 98-106 Kippax Street, Surry Hills - D/2025/758

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 Section 19(2)(b) for the minimum landscaped area of the State Environmental Planning Policy (Housing) 2021, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (C) upheld the variation requested to Section 19(2)(e) and (f) for minimum car parking spaces of the State Environmental Planning Policy (Housing) 2021, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (D) determined that the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable or unnecessary in the circumstances; and
- (E) granted consent to Development Application Number D/2025/758 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 ~~strike through~~):

(27) UNIT 602 DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) An operable **window** ~~lowered fanlight~~ is to be incorporated **to the external breezeway wall** ~~the entrance door~~ of Unit 602 to achieve natural cross-ventilation.

Detailed drawings are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

Reason

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

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development is consistent with the objectives of the MU1 Mixed Use zone.
- (B) The proposed development generally satisfies the relevant provisions of the State Environmental Planning Policy (Housing) 2021, notwithstanding the request to vary the minimum car space and minimum landscaped area controls, and is generally consistent with the Apartment Design Guide.
- (C) The proposed development satisfies the relevant objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (D) Having considered the matters in Clause 6.21 of the Sydney LEP 2012, the proposal displays design excellence.
- (E) 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 LEP 2012 is unreasonable or unnecessary in the circumstances and that there are sufficient planning grounds to justify contravention of the development standard in accordance with the requirements of clause 4.6(3) of the Sydney LEP 2012;
 - (ii) the applicant has demonstrated that compliance with the minimum landscaped area, and minimum car parking spaces development standards in clauses 19(2)(b)(e) and (f) of the SEPP (Housing) 2021 are unreasonable or unnecessary in the circumstances and that there are sufficient planning grounds to justify contravention of the development standards in accordance with the requirements of clause 4.6(3) of the Sydney LEP 2012; and
 - (iii) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone and the height of buildings, and the SEPP (Housing) 2021 development standards.
- (F) Condition 27 was amended to improve natural cross-ventilation and remove any reference to provision of a fanlight above the window.

Carried unanimously.

D/2025/758