

Resolution of Local Planning Panel

10 June 2026

Item 3

Development Application: 16-22 Cooper Street, Surry Hills - D/2025/1198

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) determined that the requirement under Clause 6.21D of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable or unnecessary in the circumstances;
- (C) determined that the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances; and
- (D) granted consent to Development Application Number D/2025/1198 subject to the conditions set out in Attachment A to the subject report, subject to the following amendment (additions shown in ***bold italics***):
 - (1A) The owner of the site must surrender the existing development consent numbered D/2023/904 pursuant to the provisions of Section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979 and Section 67 of the Environmental Planning and Assessment Regulations 2021 prior to any Construction Certificate being issued.***

Reason

To ensure certainty of active consents.

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 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 6.21C of the Sydney LEP 2012, the proposal exhibits 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 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 MU1 Mixed Use zone and the height of buildings development standard.
- (F) Condition 1(A) was added to ensure certainty of active consents.

Carried unanimously.

D/2025/1198