

Resolution of Local Planning Panel

2 September 2026

Item 6

Development Application: 21-25 Codrington Street, Darlington - D/2026/264

Pursuant to section 4.33 of the Environmental Planning and Assessment Act 1979, the Panel referred the applicant's objection to the affordable housing contribution condition to the Minister for consideration.

Reasons for Decision

- (A) The application is Crown development for the purposes of section 4.33 of the EP&A Act, and the applicant has objected to the proposed affordable housing contribution condition.
- (B) Pursuant to sections 4.33(1)(b) and 4.33(2A) of the EP&A Act, a condition objected to by the applicant cannot be imposed unless approved by the applicant or the Minister, and a disputed Crown development condition must first be referred to the applicable planning panel before referral to the Minister.
- (C) As the applicant maintains its objection to the condition, the matter requires consideration by the Local Planning Panel and referral of the disputed condition to the Minister in accordance with section 4.33 of the EP&A Act.
- (D) The Affordable Housing Program and clause 7.13 of the Sydney LEP apply to the proposed development, and Council considers the affordable housing contribution condition to be appropriate, justified and consistent with the applicable statutory framework.

- (E) Council considers the disputed condition raises broader strategic and public interest considerations regarding the application of affordable housing contributions to university student accommodation developments that generate additional residential floor area. Affordable housing contributions are a key mechanism for implementing the City's adopted Affordable Housing Program and responding to the demonstrated need for affordable housing arising from ongoing development and growth within the local government area (LGA). Given the demonstrated need for affordable housing within the City of Sydney and the importance of maintaining a consistent contribution framework, Council considers it appropriate that the Minister consider whether the condition should apply in this instance.

Carried unanimously.

D/2026/264