

Resolution of Central Sydney Planning Committee

23 October 2025

Item 5

Development Application: 155 Mitchell Road, Erskineville - D/2025/448

Moved by the Chair (Ms Galvin), seconded by Councillor Miller -

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application number D/2025/448 following the conclusion of the public exhibition of the draft Voluntary Planning Agreement (VPA/2025/7), and consideration of any public submissions received in response;
- (B) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application number D/2025/448 subject to receipt of an approval from Federal Department of Infrastructure and Regional Development, Airspace Protection, Aviation and Airports, pursuant to the Airports (Protection of Airspace) Regulations 1996 and clause 7.16 of the Sydney Local Environmental Plan 2012;
- (C) the Chief Executive Officer (CEO) consider granting deferred commencement development consent pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to the recommended conditions requiring the Voluntary Planning Agreement to be executed and registered on title prior to the consent becoming operative, and the conditions of consent outlined in Attachment A to this report; and
- (D) the variation requested to Clause 4.3 'Height of buildings' development standard be upheld in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012.

Reasons for Decision

The application was recommended for approval for the following reasons:

- (A) The proposed development satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) Based upon the material available to the Committee/CEO at the time of determining this application, the Committee is satisfied that:
 - (i) the applicant's written request relating to the maximum height of buildings development standard adequately addressed the matters required to be addressed under Clause 4.6 of the Sydney Local Environmental Plan 2012, that compliance with the respective development standards is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening the development standards.
- (C) The proposed development has been assessed against the aims and objectives of the relevant planning controls including the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012 and the State Environmental Planning Policy (Housing) 2021. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case or can be resolved through the detailed development application.
- (D) The proposed development will provide on-site affordable housing in perpetuity.
- (E) The proposed development is capable of demonstrating design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (F) The proposed development resulting from the amended building envelopes would have a form, bulk and massing that is suitable for the site and its context and is appropriate in the setting of the Ashmore Neighbourhood locality, when taking into consideration the additional floor space permitted to accommodate the on-site affordable housing.

Carried unanimously.

D/2025/448