

Resolution of Central Sydney Planning Committee

23 October 2025

Item 6

Development Application: 155 Mitchell Road, Erskineville - D/2025/405

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

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine the application following:
 - (i) the conclusion of the public exhibition of the draft Voluntary Planning Agreement (VPA/2025/7), and consideration of any public submissions received in response; and
 - (ii) 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; and
- (B) the Chief Executive Officer 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. In doing so:
 - (i) the consent only be granted following the granting of development consent to D/2025/448 to amend the approved concept plan (D/2015/966);
 - (ii) 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;
 - (iii) the variation requested to ADG Objective 4C-3 'Ceiling heights' development standard be upheld in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and

- (iv) the design excellence bonus permitted under Clause 6.21D of the Sydney Local Environmental Plan 2012 be awarded;

subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(3) APPROVED DEVELOPMENT

Buildings F&I

- (a) Development must be in accordance with Development Application No. D/2025/405 dated 22 May 2025 and the following drawings prepared by Bates Smart:

| Drawing Number | Drawing Name | Date |
|----------------|-------------------------|-------------------|
| ARDA-01-01 C | Site Plan | 23 September 2025 |
| ARDA-02-B02 E | Basement 02 Plan | 3 October 2025 |
| ARDA-02-B01 E | Basement 01 Plan | 3 October 2025 |
| ARDA-02-00 E | Ground Floor Plan | 3 October 2025 |
| ARDA-02-01 E | Level 01 Mezzanine Plan | 3 October 2025 |
| ARDA-02-02 C | Level 02 Plan | 23 September 2025 |
| ARDA-02-03 C | Level 03 Plan | 23 September 2025 |
| ARDA-02-04 C | Level 04 Plan | 23 September 2025 |
| ARDA-02-05 C | Level 05 Plan | 23 September 2025 |
| ARDA-02-06 C | Level 06 Plan | 23 September 2025 |
| ARDA-02-07 C | Level 07 Plan | 23 September 2025 |
| ARDA-02-08 C | Level 08 Plan | 23 September 2025 |
| ARDA-02-09 C | Level 09 Plan | 23 September 2025 |
| ARDA-02-10 C | Level 10 Plan | 23 September 2025 |

| Drawing Number | Drawing Name | Date |
|-----------------------|--|-------------------|
| ARDA-02-11 C | Level 11 Plan | 23 September 2025 |
| ARDA-02-12 C | Roof Plan | 23 September 2025 |
| ARDA-09-10 C | Block I East and West Elevation | 23 September 2025 |
| ARDA-09-11 C | Block I North and South Elevation | 23 September 2025 |
| ARDA-09-20 C | Block F North Elevation & F01 South Elevation/F03/04 Section | 23 September 2025 |
| ARDA-09-21 C | Block F East Elevation & F03/04 West Elevation | 23 September 2025 |
| ARDA-09-22 C | Block F South Elevation & F02 North Elevation/F03/04 Section | 23 September 2025 |
| ARDA-09-23 C | Block F West Elevation & F02 East Elevation /F01 Section | 23 September 2025 |
| ARDA-09-24 C | Block F01 East Elevation | 23 September 2025 |
| ARDA-10-10 D | Block I Section 01 | 23 September 2025 |
| ARDA-10-20 C | Block F Section 01 | 23 September 2025 |
| ARDA-10-21 C | Block F Section 02 | 23 September 2025 |
| ARDA-09-25 A | Materials Board | 8 October 2025 |

and as amended by the conditions of this consent.

Buildings G&H

- (b) Development must be in accordance with Development Application No. D/2025/405 dated 22 May 2025 and the following drawings prepared by BVN:

| Drawing Number | Drawing Name | Date |
|-----------------------|-------------------------|--------------------------|
| AR-00-10A-XX-02 06 | Site Plan | 12 September 2025 |
| AR-00-10B-00-01 26 | GA – Overall – Level 00 | 30 September 2025 |
| AR-00-10B-01-01 21 | GA – Overall – Level 01 | 19 September 2025 |
| AR-00-10B-02-01 21 | GA – Overall – Level 02 | 19 September 2025 |
| AR-00-10B-03-01 21 | GA – Overall – Level 03 | 19 September 2025 |
| AR-00-10B-04-01 21 | GA – Overall – Level 04 | 19 September 2025 |
| AR-00-10B-05-01 21 | GA – Overall – Level 05 | 19 September 2025 |
| AR-00-10B-06-01 21 | GA – Overall – Level 06 | 19 September 2025 |
| AR-00-10B-07-01 21 | GA – Overall – Level 07 | 19 September 2025 |
| AR-00-10B-08-01 22 | GA – Overall – Level 08 | 19 September 2025 |
| AR-00-10B-09-01 21 | GA – Overall – Level 09 | 19 September 2025 |
| AR-00-10B-10-01 21 | GA – Overall – Level 10 | 19 September 2025 |
| AR-00-10B-11-01 18 | GA – Overall – Level 11 | 19 September 2025 |

| Drawing Number | Drawing Name | Date |
|--------------------|-------------------------|----------------------|
| AR-00-10B-B1-01 21 | GA – Overall – Level B1 | 12 September 2025 |
| AR-00-10C-XX-01 15 | Elevations – Overall | 19 September 2025 |
| AR-00-10C-XX-02 15 | Elevations – Overall | 19 September 2025 |
| AR-00-10C-XX-03 15 | Elevations – Overall | 19 September 2025 |
| AR-00-10D-XX-01 20 | Sections – Overall | 19 12 September 2025 |
| AR-00-10D-XX-03 16 | Sections – Overall | 12 September 2025 |
| AR-00-10Y-XX-01 07 | Finishes Schedule | 12 September 2025 |
| AR-DA-SK070 01 | Slot Screens | 12 September 2025 |

and as amended by the conditions of this consent.

- (c) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(18) HOUSING AND PRODUCTIVITY CONTRIBUTION

*Before the issue of each respective **any** Construction Certificate for CC1(A) and CC1(B), the housing and productivity contribution (HPC) set out in the table below is required to be made.*

| | Buildings F&I (CC1(A)) | Buildings G (CC1(B)) |
|--|---------------------------|-------------------------|
| Housing and productivity contribution | Amount | Amount |
| Housing and productivity contribution (base component) | \$5,899,113.85 | \$3,387,357.04 |
| Transport project component | N/A | N/A |

| | | |
|---|----------------|----------------|
| Total housing and productivity contribution per stage | \$5,899,113.85 | \$3,387,357.04 |
| Total housing and productivity contribution | \$9,286,470.89 | |

| | |
|--|------------------------------|
| <i>Housing and productivity contribution</i> | <i>Amount</i> |
| <i>Housing and productivity contribution (base component)</i> | <i>\$9,286,470.89</i> |
| <i>Transport project component</i> | <i>N/A</i> |
| <i>Total housing and productivity contribution</i> | <i>\$9,286,470.89</i> |

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Reason

To require contributions towards the provision of regional infrastructure.

(19) ADDITIONAL DESIGN DETAILS

Revised plans and elevations and 1:50 scale minimum plans (or scale otherwise agreed by Council), elevations and section details, which demonstrate high quality design and materiality and finishes, of the following elements are to be submitted to and approved by Council's Executive Director City Planning, Development and Transport:

- (a) prior to the issue of the construction certificate CC1(A) – Buildings F&I, ***except where indicated:***
 - (i) **Substation and services rooms** – provide details of external wall treatments and access doors ***(prior to CC2(A))***

- (ii) **Retail facades** – provide details of external wall glazing including entry doors and thresholds (accessible path of travel) **(prior to CC2(A))**
 - (iii) **Street awnings** – provide details of awning design, including materiality, structural design and drainage.
 - (iv) **Basement and Loading dock access** – provide details of external loading dock access and door.
 - (v) **Communal Open Spaces – Wind Barriers** – provide details of external wind barriers **(prior to CC2(A))**
 - (vi) **Sun Shading Devices** – provide details of external shading devices including additional sun shading devices required by Condition (7) above **(prior to CC2(A))**
- (b) Prior to the issue of the construction certificate CC1(B) – Buildings G&H, **except where indicated:**
- (i) **Substation and serves rooms or cupboards** – provide details of external wall treatments and access doors **(prior to CC2(B))**
 - (ii) **Nassau Lane** – provide detailed design for the Nassau Lane alignment, including adjoining setback areas, including architectural plans and landscape plans. The through site link must provide adequate lighting **(prior to CC3(B))**
 - (iii) **Building Entry Awnings** – provide details of awning design, including materiality, structural design, roof landscaping, and drainage **(prior to CC2(B))**
 - (iv) **Basement and Loading dock access** – provide details of external loading dock access and door
 - (v) **Communal Open Spaces – Wind Barriers** – provide details of external wind barriers **(prior to CC3(B))**
 - (vi) **Sun Shading Devices** – provide details of external shading devices including additional sun shading devices required by Condition (7) above **(prior to CC2(B))**

The required information must include detailed material, finishing, spacing, elemental sizing details. The information submitted should show a level of detail equivalent to 'For Construction' detailing.

Reason

To ensure high quality design and detailing, particularly where elements interface with the public domain.

(35) DESIGN MODIFICATIONS - BASEMENT PLANS

Building F&I

Amended Basement Plans incorporating the following amendments are to be submitted to and approved by Council's Area Planning Manager prior to the issue of Construction Certificate ~~CC1(A)~~ **CC3(A)** – Buildings F&I:

- (a) All accessible parking spaces must provide a 2.4m wide space and 2.4m wide shared area, as per AS 2890.6.
- (b) Provision of two (2) accessible residential visitor parking spaces (with a comparable reduction in residential visitor parking spaces to comply with Condition 87 *Allocation of Parking*
- (c) A schedule on the plans indication bicycle parking and end of trip facilities to comply with Condition 88 *Bicycle Parking and End of Trip Facilities* (including visitor parking spaces at ground level).

Building G&H

Amended Basement Plans incorporating the following amendments are to be submitted to and approved by Council's Area Planning Manager prior to the issue of Construction Certificate ~~CC1(B)~~ **CC3(B)** – Buildings G&H, **except for items (f) and (h) which must be satisfied prior to CC1(B):**

- (d) The number of tandem parking spaces is to be reduced to 10 (10 x two nose to tail spaces).
- (e) Provision of six (6) dedicated B99 vehicle service bays within the basement for use by maintenance and repair service vehicles, removalists, and the like.
- (f) Provision of one (1) car wash bay (**Prior to CC1(B)**).
- (g) Additional bicycle parking, to comply with Condition 88 *Bicycle Parking and End of Trip Facilities* and accompanied by a schedule on the plans.
- (h) Revised ramp design (plans and ramp profile sections) confirming compliance with AS 2890.1 by amending the section of 1:4 grade at the bottom of the ramp where the grade change is greater than 12.5% (**Prior to CC1(B)**).

Reason

To ensure that basement designs meeting traffic and transport requirements.

(53) PUBLIC ART

Public art must be installed to the City's satisfaction prior to the issue of the first Occupation Certificate for each of buildings F&I and buildings G&H.

- (a) The public artwork must be in accordance with UAP Erskineville Precinct Stage Four (F&I) Preliminary Public Art Plan dated April 2025 and UAP Erskineville Precinct Stage Five (G&H) Preliminary Public Art Plan dated April 2025, the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.
- (b) Separate Detailed Public Art Plans for buildings F&I and buildings G&H with final details of the proposed public artwork must be submitted to and approved by Council's Executive Director City Planning, Development and Transport prior to issue of Construction Certificate CC2(a) and CC2(b), respectively.
 - (i) The Detailed Public Art Plans must adjust the public art budget to account for CPI in accordance with the VPA.
- (c) Public artwork must be installed to the City's satisfaction, inspected and approved and the separate Final Public Art Reports for buildings F&I and buildings G&H submitted and approved by Council's Area Planning Manager prior to the issue of the any Occupation Certificate for buildings F&I and buildings G&H.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art> Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

To ensure public art is installed to the City's satisfaction.

(69) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of any **CC3** Construction Certificate, a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5 and B8*, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The lighting upgrade plan must cover all adjacent street frontages, being Coulson Street, Hadfields Street and Mitchell Road, and the Nassau Lane through-site-link and shall be designed to include the following requirements of the City's Lights Code and Specifications.

Advice on site specific lighting requirements must be obtained from City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

Reason

To ensure pedestrian and street lighting in the public domain complies with Council's requirements.

(79) WASTE CHUTES – ACOUSTIC CONSTRUCTION PERFORMANCE CERTIFICATION

- (a) Prior to the issue of each of the Construction Certificates ~~CC1(A)~~ **CC3(A)** and ~~CC1(B)~~ **CC3(B)**, the acoustic performance of the chute system and chute room construction must be certified by a suitably qualified acoustic consultant to the satisfaction of the certifying authority to achieve:
 - (i) an RW + Ctr of not less than 55 if the adjacent rooms are habitable rooms (includes a kitchen, laundry and hallway) and achieve a DnT,w + Ctr of not less than 50 in verification prior to occupation,; and
 - (ii) an RW + Ctr of not less than 55 if the adjacent rooms are habitable rooms (includes a kitchen, laundry and hallway) and achieve a DnT,w + Ctr of not less than 50 in verification prior to occupation, and

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

Reason

To allow for the safe and hygienic storage and collection of waste and recycling from the use of the building.

(80) ACOUSTIC / NATURAL VENTILATION – MITCHELL ROAD FRONTAGE

The Detailed Environmental Noise and Natural Ventilation Assessment prepared by Acoustic Logic, dated 17 April 2025, Ref 20240443.9/1704A/R5/LA Rev 5 (Council Ref: 2025/272365), and supplementary Acoustic Statement dated 10 September 2025 prepared by Acoustic Logic dated 10/9/2025 Ref 20240443.3/1709A/R1/BJ (Council Ref: 2025/561197) includes in principle design recommendations to amend the building design to address natural ventilation and acoustic attenuation simultaneously to achieve windows open noise criteria via passive noise mitigation. The architectural plans are to be amended, and additional information provided, to include the following:

- (a) Revised noise and natural ventilation impact assessment detailing specific requirements to each level for each balcony and glazing configuration variation required to achieve the windows open noise criteria via passive noise mitigation.

- (b) Amended architectural drawings, including 1:20 scale balustrade, soffit detailing and 1:50 scale window and door opening configurations, fully coordinated with and capturing the revised impact assessment's detailed recommendations.
- (c) A report from the acoustic / natural ventilation consultant(s) reviewing and confirming that the architectural documentation achieves simultaneously both the required ADH natural ventilation requirements and windows open noise criteria.

The above is to be submitted to and approved by Council's Area Planning Manage prior to the issue of any construction certificate **CC2(A)** for above ground works.

Reason

To ensure the design of the apartments fronting Link Road achieve adequate natural ventilation and acoustic attenuation.

(86) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the tables below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of:

- (a) Construction Certificate CC1(A) – Buildings F&I

| Car Parking Type | Number |
|---------------------------------------|--------|
| Residential spaces | 149 |
| Accessible residential spaces | 86 |
| Residential visitor spaces | 17 |
| Accessible residential visitor spaces | 2 |
| Retail parking | 83 |
| Accessible retail parking | 2 |
| Car share parking | 8 |
| Subtotal | |
| Motorcycle parking | 32 |
| Car wash bay | 1 |
| Service vehicle spaces | 6 |
| Heavy Rigid Vehicle loading dock(s) | 3 |
| Total | |

- (b) Construction Certificate CC1(B) – Buildings G&H

| Car Parking Type | Number |
|---------------------------------------|-------------------------|
| Residential spaces | 86 76 |
| Accessible residential spaces | 22 |
| Residential visitor spaces | 24 29 |
| Accessible residential visitor spaces | 2 |
| Car share parking | 5 |
| Subtotal | |
| Motorcycle parking | 12 |

| Car Parking Type | Number |
|--------------------------------------|------------|
| Car wash bay | 1 |
| Service vehicle spaces B99 | 5 6 |
| Small Rigid Vehicle loading dock(s) | |
| Medium Rigid Vehicle loading dock(s) | 1 |
| Total | |

Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

(91) TELECOMMUNICATIONS IN NEW DEVELOPMENTS

Prior to the issue of any construction certificates **CC3(A)** and **CC3(B)** in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Registered Certifier that arrangements have been made for:

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

Reason

To ensure the development adequately provides for telecommunications.

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 at the time of determining this application, the Committee is satisfied that:
 - (i) the applicant's written requests relating to the maximum height of buildings and ceiling heights development standards 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 by the recommended conditions of consent.
- (D) The proposed development will provide 169 stand-alone on-site affordable housing dwellings in perpetuity.
- (E) The proposed development demonstrates 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 is consistent with the design outcomes of the winning schemes of the competitive design alternatives processes for the site, held in accordance with the City of Sydney Competitive Design Policy.
- (G) The proposed development has 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.
- (H) Conditions 3, 53 and 86 were amended to correct typographical errors.
- (I) Condition 18 was amended to strictly align with the requirements of the Housing and Productivity Contribution Order 2024, noting there is no change to the total amount.
- (J) Conditions 19, 35, 69, 79, 80 and 91 were amended to align with the applicant's proposed construction staging.

Carried unanimously.

D/2025/405