

Attachment A

Recommended Conditions of Consent
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Part A - Deferred Commencement Conditions

This consent does not operate, and may not be acted on, until the Council is satisfied of the following matter:

(A) VOLUNTARY PLANNING AGREEMENT

- (a) The new Voluntary Planning Agreement (VPA/2025/7) between the Council of the City of Sydney and Erskineville Developments Pty Ltd and Erskineville Investments Pty Ltd, consistent with the terms of the Public Benefit Offer dated 13 June 2025 has been exhibited, executed and submitted to Council; and
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land(s).

Reason

To require the executive and registration of the voluntary planning agreement.

Evidence of the above relevant matter must be produced to the consent authority, within 24 months of the date of the determination, otherwise the consent will lapse.

Under section 76(4) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent.

Note: Section 76(3) of the EP&A Regulation enables a consent authority to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the relevant matter(s) that it requires before a deferred commencement consent can operate. Where a period is specified under section 76(3), a deferred commencement consent will lapse if the applicant has not produced sufficient evidence for the consent authority to be satisfied of the relevant matters on the expiration of the specified period.

Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that it is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).

Part B – Conditions of Consent

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below in Schedules 1, 2 and 3.

SCHEDULE 1

GENERAL CONDITIONS

(1) MODIFICATION OF D/2015/966/I

Development Consent D/2015/966/I must be modified pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979 as detailed in the following (a) – (c):

- (a) Condition (1) Approved Plans is amended to insert the additional plans and particulars listed in condition (3)(b) Approved Plans below.
- (b) The conditions of consent in the table below must be replaced by the corresponding conditions of this consent

Condition of D/2015/966/I	Replacement Condition
(4) Development Sequence	(5) DEVELOPMENT SEQUENCE
(7) Floor Space Ratio	(6) FLOOR SPACE RATIO
(8) Allocation of Floor Space	(7) ALLOCATION OF FLOOR SPACE
(9) Building Height	(8) BUILDING HEIGHT
(11) Detailed Design of the Buildings	(9) DETAILED DESIGN OF THE BUILDINGS
(15) Green Travel Plan	(10) GREEN TRAVEL PLAN
(45) Signage Strategy	(11) SIGNAGE STRATEGY

- (c) The following conditions of consent must be inserted:

(4) Voluntary Planning Agreement (VPA/2025/7)

Schedule 3 – Conditions of Consent – Flysafe

(2) RELIANCE ON DEVELOPMENT CONSENT D/2015/966

- (a) This development consent relies on, and should be read in conjunction with, the existing development consent D/2015/966/I.

- (b) This consent is subject to compliance with all conditions of consent contained in the existing development consent D/2015/966/I, except as amended by the conditions of this development consent.

(3) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/966 dated 9 July 2015 and the following drawings:

Drawing Number	Architect	Date
D DA A01-02 Issue M R S Y Z	Architectus	07/04/2017 13/11/2017 16 January 2020 10 July 2024 11 December 2024
DA01-03 Issue M	Architectus	07/04/2017
DA01-04 Issue L	Architectus	07/04/2017
DA01-05 Issue M R S Y Z	Architectus	07/04/2017 13/11/2017 16 January 2020 10 July 2024 11 December 2024
DA01-06 Issue M T U Y Z	Architectus	07/04/2017 13/11/2017 16 January 2020 10 July 2024 11 December 2024
DA01-07 Issue T V W Y Z	Architectus	10/10/2017 13/11/2017 16 January 2020 10 July 2024 11 December 2024
DA01-10 Issue L	Architectus	07/04/2017
DA01-11 Issue U Y AA AB AE ZA	Architectus	10/10/2017 17/11/2017 15/06/18 16 January 2020 10 July 2024 11 August 2025
Site Locality and Indicative Phasing Plan	AECOM	22/09/2016

and as amended by the conditions of this consent.

- (b) **Except where a Stage 2 Detailed Development Application provides an affordable housing component in accordance with Chapter 2 of SEPP Housing 2021, and is provided in perpetuity in accordance with the Public Benefit Offer dated 13 June 2025, the development may be in accordance with Development Application D/2025/448 dated 3 June 2025 and the following drawings prepared by FJC:**

Drawing Number	Architect	Date
200.2 – Indicative Envelope Plan	FJC	3 October 2025
200.3 – Proposed Land use	FJC	3 October 2025
200.4 – Building Height and Street Wall Heights in storeys	FJC	3 October 2025
200.5 – Ground and Upper Level Setbacks	FJC	3 October 2025
200.7 – Deep Soil	FJC	3 October 2025

and as amended by the conditions of this consent.

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.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT (VPA/2025/7)

The terms of the Voluntary Planning Agreement entered into in accordance with Deferred Commencement Condition (A) are to be complied with.

Reason

To ensure the development complies with all terms of the planning agreement.

(5) DEVELOPMENT SEQUENCE

Development is to be carried out sequentially in accordance with the approved Phasing Plan. For clarity:

- (a) A Construction Certificate for Phase 2 is not to be issued unless development of Phase 1 is substantially commenced;
- (b) A Construction Certificate for Phase 3 is not to be issued unless ~~development of the development application for Phase 2 is substantially commenced~~ approved;
- (c) A Construction Certificate for Phase 4 is not to be issued unless development of Phase 3 is substantially commenced;
- (d) A Construction Certificate for Phase 5, **6 or 7** is not to be issued unless development of Phase 4 is substantially commenced;
- (e) ~~A Construction Certificate for Phase 6 is not to be issued unless development of Phase 5 is substantially commenced; and~~

- (f) ~~**A Construction Certificate for Phase 7 is not to be issued unless development of Phase 6 is substantially commenced.**~~

(6) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible and shall be calculated in accordance with Clauses 4.4, 4.5, and 6.21C of the *Sydney Local Environmental Plan 2012* and **Section 16 of SEPP Housing 2021**.

(7) ALLOCATION OF FLOOR SPACE

- (a) In accordance with Condition 7 of D/2015/966/1, a maximum GFA of 121,572.5m² is approved at Stage 1, which is to be apportioned to the approved development blocks in accordance with the following table:

Development Block	Approved GFA
Block A	12,945m ²
Block B	12,490m ²
Block C	17,370m ²
Block D	977m ²
Block E	14,066m ²
Block F	24,962.5m ²
Block G	18,941m ²
Block H	11,887.5m ²
Block I	7,933.5m ²

- (b) The approved Design Excellence Strategy sets out the development blocks which comprise each competitive process phase. Notwithstanding the above, development blocks in a competitive process phase may be eligible for additional floorspace in accordance with clause 6.21 of the *Sydney Local Environmental Plan 2012*.
- (c) Each competitive process phase will only be eligible for a maximum of an additional 10% of the floor space apportioned to it. Additional floor space is not transferrable between the competitive process phases. If blocks within a competitive process phase are not able to accommodate the full 10% additional floor space, the remaining balance of additional floor space cannot be transferred to another competitive process phase.
- (d) ***Notwithstanding the approved GFA in part (a), where a stage 2 detailed development application meets the requirements of Clause 6.21D to obtain an additional 10% floor space and provides affordable housing component in accordance with Chapter 2 of SEPP (Housing) 2021 and the remaining residential accommodation is Build-to-Rent housing in accordance with Chapter 3 of SEPP (Housing) 2021, a maximum collective GFA of 91,126.04sqm is permitted for Blocks F, G, H and I.***

(8) BUILDING HEIGHT (AMENDING CONDITION)

Unless approved by this Stage 1 consent, the height of any future building on the site must not exceed the maximum permissible and shall be calculated in accordance with Clause 4.3 of the *Sydney Local Environmental Plan 2012* **and Section 18 of SEPP (Housing) 2021**.

(9) DETAILED DESIGN OF THE BUILDINGS

The relevant competitive design process brief and Stage 2 development applications must incorporate the following design requirements:

- (a) The design of Block B must integrate with the retained area of open space on the corner of Ashmore Street and Mitchell Road;
- (b) The design of Block C must incorporate articulation or other design measures to reduce the impact of the 140m block length fronting Mitchell Road;
- (c) The design of Blocks C and F must give consideration to activating the frontages of Mitchell Road at the corner of Macdonald Street;
- (d) The design of buildings with basement access are to minimise the possibility of light beams from vehicle headlights shining into habitable rooms when exiting car parks;
- (e) The designs of all buildings are to position mailboxes inside secure areas, and mailboxes with non-master key locks are to be installed;
- (f) The designs of all buildings are to ensure no openings to basement levels are located below the PMF level; and
- (g) The design of the northern building on Block E is to incorporate on its western side boundary:
 - (i) A nil setback at ground level;
 - (ii) A minimum setback of 3m on all levels where blank walls are proposed;
 - (iii) A minimum setback of 3m on Levels 1-3 where windows to non-habitable rooms are proposed;
 - (iv) A minimum setback of 6m on Levels 1-3 where windows to habitable rooms or balconies are proposed;
 - (v) A minimum setback of 4.5m on Levels 4-7 where windows to non-habitable rooms are proposed; and
 - (vi) A minimum setback of 9m on Levels 4-7 where windows to habitable rooms or balconies are proposed.

The above criteria must be satisfied, unless it can be adequately demonstrated that Objective 3F-1 of the ADG has been met despite non-compliance with this criteria.

- (h) *The design of building F, G and H is to incorporate privacy measures to adequately demonstrate that Objective 3F-1 of the ADG has been met despite non-compliance with the design criteria.*
- (i) *The design of buildings F & I and G & H is to incorporate design measures including, but not limited to, a change in facade design, materiality and or finishes to generally reflect the originally approved street wall heights identified in the approved plans listed in condition (1)(a).*

(10) GREEN TRAVEL PLAN

Each Stage 2 development application must be supported by a site specific Green Travel Plan **or be subject to a condition requiring the preparation and approval of a Green Travel Plan.**

(11) SIGNAGE STRATEGY

A detailed signage strategy for the whole development shall be submitted with the Stage 2 development applications for Blocks C and F, and must be included in the brief for the relevant competitive design processes **or be subject to a condition requiring the preparation and approval of a Signage Strategy.**

The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.

SCHEDULE 3

CONDITIONS OF CONSENT – FLY SAFE

Conditions to be inserted prior to determination by CEO.