

Relevant Information for Central Sydney Planning Committee

FILE: D/2025/405 **DATE:** 23 October 2025

TO: The Central Sydney Planning Committee

FROM: Graham Jahn AM, Chief Planner / Executive Director City Planning,
Development and Transport

SUBJECT: Information Relevant To Item 6 – 155 Mitchell Road, Erskineville - D/2025/405

Alternative Recommendation

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

Drawing Number	Drawing Name	Date
ARDA-02-10 C	Level 10 Plan	23 September 2025
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	<i>12 September 2025</i>
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

<i>Total housing and productivity contribution per stage</i>	<i>\$5,899,113.85</i>	<i>\$3,387,357.04</i>
<i>Total housing and productivity contribution</i>	<i>\$9,286,470.89</i>	

<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 wash bay	1

Car Parking Type	Number
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.

Background

A copy of the recommended conditions were provided to the applicant 7 days prior to the CSPC meeting in accordance with the recent Planning Circular. The purpose being to provide the applicant an opportunity to review and provide feedback on the recommended conditions.

The applicant has reviewed the recommended conditions and provided comments in response, generally related to the timing certain conditions are required to be satisfied. The recommended conditions permit the staging of construction certificates to assist with construction level documentation and delivery of the buildings separately. The comments provided by the applicant generally seek to defer the timing of certain conditions to later construction certificates.

For reference, Condition 6 (Staged Construction) stages the Construction Certificates (CC) as follows:

CC1 – Structure

CC2 – Facade

CC3 – Fit out, services, landscaping, public art and public domain works

Each construction certificate is broken into (A) and (B) for:

(A) – Buildings F&I

(B) – Buildings G&H

The applicants request to defer the staging conditions is addressed in table below:

Condition number	Recommended CC Stage	Applicant requested CC stage	Supported
(7) Design Modification			
(a) Alpha Street	CC1	CC3	Not supported
(b) Sun Shading	CC1	CC2	Not supported
(8) Materials and Finishes	CC1	CC2	Not supported
(19) Additional Design Details			
(a)(i)	CC1	CC2	Supported
(a)(ii)	CC1	CC2	Supported
(a)(iii)	CC1	CC3	Not Supported
(a)(iv)	CC1	CC3	Not Supported
(a)(v)	CC1	CC2	Supported
(a)(vi)	CC1	CC2	Supported
(b)(i)	CC1	CC2	Supported
(b)(ii)	CC1	CC3	Supported
(b)(iii)	CC1	CC2	Not supported
(b)(iv)	CC1	No change	N/A
(b)(v)	CC1	CC3	Supported
(b)(vi)	CC1	CC2	Supported
(35) Design Modifications – Basement Plans	CC1	CC3	Partly supported
(69) Public Domain Lighting Upgrade	Any CC	CC3	Supported
(71) BASIX Certificate – Details to be lodged with a CC	CC1	CC2	Not supported

Condition number	Recommended CC Stage	Applicant requested CC stage	Supported
(73) Landscaping of the Site	CC1	CC3	Not supported
(74) Inaccessible Green Roofs – Buildings F&I	CC1	CC3	Not supported
(75) Inaccessible Green Roofs – Buildings G&H	CC1	CC3	Not supported
(76) Accessible Green Roofs	CC1	CC3	Not supported
(77) Operational Waste Management Plan	CC1	CC3	Not supported
(78) Waste Infrastructure	CC1	CC3	Not supported
(79) Waste Chutes – Acoustics	CC1	CC3	Supported
(80) Acoustic / Natural Ventilation	Above ground CC	CC3(A)	Partly support - CC2(A)
(91) Telecommunications in New Developments	Any CC	CC3	Supported
(92) Utility Services	CC1	CC3	Not supported

Where the applicant's deferred staging is not supported, this is generally because the condition either directly or partly relates to the structure of the building and therefore must be satisfied prior to Construction Certificate 1. This is often the case where there is a structural implication or may require consideration of the installation of services or fixtures as part of the building structure.

The following conditions are requested to be deleted:

- Condition (59) Temporary Dewatering During Construction

The applicant requested this to be deleted as it is a duplicate of conditions imposed on early works consent (D/2025/301 & D/2025/335). Deleting this condition is not recommended as dewatering will continue under this development consent.

- Condition (60) Construction Traffic Management Plans

The applicant requested this to be deleted as it is a duplicate of conditions imposed on early works consent (D/2025/301 & D/2025/335). Deleting this condition is not recommended as the submitted and approved CTMP is required to be updated to address the additional requirements raised by TfNSW.

- Condition (82) Demolition, Excavation and Construction Noise and Vibration Management Plan

The applicant requests this to be deleted as it is a duplicate of conditions imposed on early works consent (D/2025/301 & D/2025/335). Deleting this condition is not recommended as the submitted and approved Noise and Vibration Management Plans have not been reviewed with respect to construction noise and therefore cannot be relied upon to satisfy the condition as recommended to be imposed.

Correct minor typographical errors to the following conditions are supported:

- Condition (3) Approved Development
- Condition (53) Public Art
- Condition (86) Allocation of parking

Other matters

Following a further review of the Housing and Productivity Contribution Order 2024 it is noted that a Housing and Productivity Contribution cannot be staged for residential development, only residential subdivision. This has been raised with the applicant directly, who confirmed they understood that the condition (Condition 18) should be amended to strictly align with the requirements of the Ministerial Order. There is not change to the total contribution amount.

Summary

Following consultation with the applicant, certain conditions are recommended to be amended to align with the applicant's proposed construction staging. This will provide greater flexibility for the developer and assist in streamlining and expediting the construction of the development. Other conditions are recommended to be amended to correct minor typographical errors.

Prepared by: Michael Stephens, Senior Planner

Approved

A handwritten signature in black ink, appearing to be 'GJAHN', written over a horizontal line.

GRAHAM JAHN AM

Chief Planner / Executive Director City
Planning, Development and Transport