Item 4.

Development Application: 7-19 Coulson Street, 5 Goddard Street and 23 Eve Street, Erskineville - D/2024/652

File Number: **D/2024/652**

Summary

Date of submission:	7 August 2024, amended between 4 March and 9 April 2025
Applicant:	SJB Planning
Architect:	DKO Architecture
Owner:	Brightwell Real Estate Pty Ltd, and Brightwell Holdings Pty Ltd
DAP:	24 October 2024
Cost of works:	$124,782,800.00
Zoning:	The site is zoned MU1 Mixed-Use, and the concept proposal is defined as a 'mixed-use development', comprising residential flat buildings, attached dwellings and commercial premises, all of which are permissible with consent.
Proposal summary:	The subject application was reported to the Central Sydney Planning Committee (CSPC) on 8 May 2025. The application seeks consent for concept building envelopes for a mixed-use development comprising 4 residential flat buildings with 2 basement levels, 2 attached terraces and the adaptive reuse of a heritage warehouse. The application is subjected to a Public Benefit Offer to enter into a Voluntary Planning Agreement (VPA) to dedicate and embellish essential land for the southward extension of Goddard Street, the 2.5m footpath widening to the northern side of Coulson Street, and the delivery of Carter's Park.

At the recommendation of the 8 May 2025 report, the CSPC resolved to delegate authority to the Chief Executive Officer:

- to determine the application, following the drafting, and conclusion of the public exhibition of the VPA and considering any public submissions received, and

- that consideration be given to granting consent, subject to a deferred commencement condition requiring the execution of the VPA and the recommended conditions that were contained in Attachment A of that 8 May 2025 report.

However, the finalisation of the VPA has since become protracted (16 months) due to extended negotiations between the existing and future owners of 7-19 Coulson Street and 5 Goddard Street.

City staff were advised on 1 September 2026 that a draft VPA cannot be progressed without further lengthy delays awaiting the future sale and transfer next year

As the application was lodged on 7 August 2024, and the VPA is essential to secure the relevant public benefits and remains outstanding some 16 months after the matter was considered and delegated by the CSPC, the application is reported back to the CSPC with the alternative recommendation to refuse consent. The need to determine the application has been discussed with the future owner.

Summary recommendation: This proposal is recommended for refusal.

Development controls:

(i) Environmental Planning and Assessment Act 1979

(ii) Environmental Planning and Assessment Regulation 2021

(iii) SEPP (Resilience and Hazards) 2021

(iv) SEPP (Housing) 2021

(v) SEPP (Transport and Infrastructure) 2021

(vi) SEPP (Biodiversity and Conservation) 2021

(vii) SEPP (Sustainable Buildings) 2022

(viii) Sydney Local Environmental Plan 2012

(ix) Sydney Development Control Plan 2012

Attachments:

A. May 2025 CSPC report

B. Concept envelope drawings

C. Public benefit offer

Recommendation

It is resolved that consent be refused for Development Application Number D/2024/652.

Reasons for Recommendation

The application is recommended for refusal for the following reasons:

(A) The application without securing the Public Benefit Offer is not orderly development under Section 1.3 of the Environmental Planning and Assessment Act 1979.

(B) The application without securing the Public Benefit Offer fails to address the requirements of Clause 7.20(4) of Sydney Local Environmental Plan 2012, particularly the proposed impact to the Ashmore locality and the quality and amenity of the public domain, including the road network.

(C) The application without securing the Public Benefit Offer is contrary to the locality statement in Section 2.7.8 and the site-specific requirements of Section 5.5 of Sydney Development Control Plan 2012 to contribute to a high-quality public domain by contributing to a permeable network of streets and providing a new public park and public domain upgrade.

(D) Having regard to the reasons above, the application is not considered to be in the public interest, contrary to section 4.1.5(1)(e) of the Environmental Planning and Assessment Act 1979.

Background

The Site

1. The site comprises 3 properties, being 5 Goddard Street, 7-19 Coulson Street, and 23 Eve Street, Erskineville.

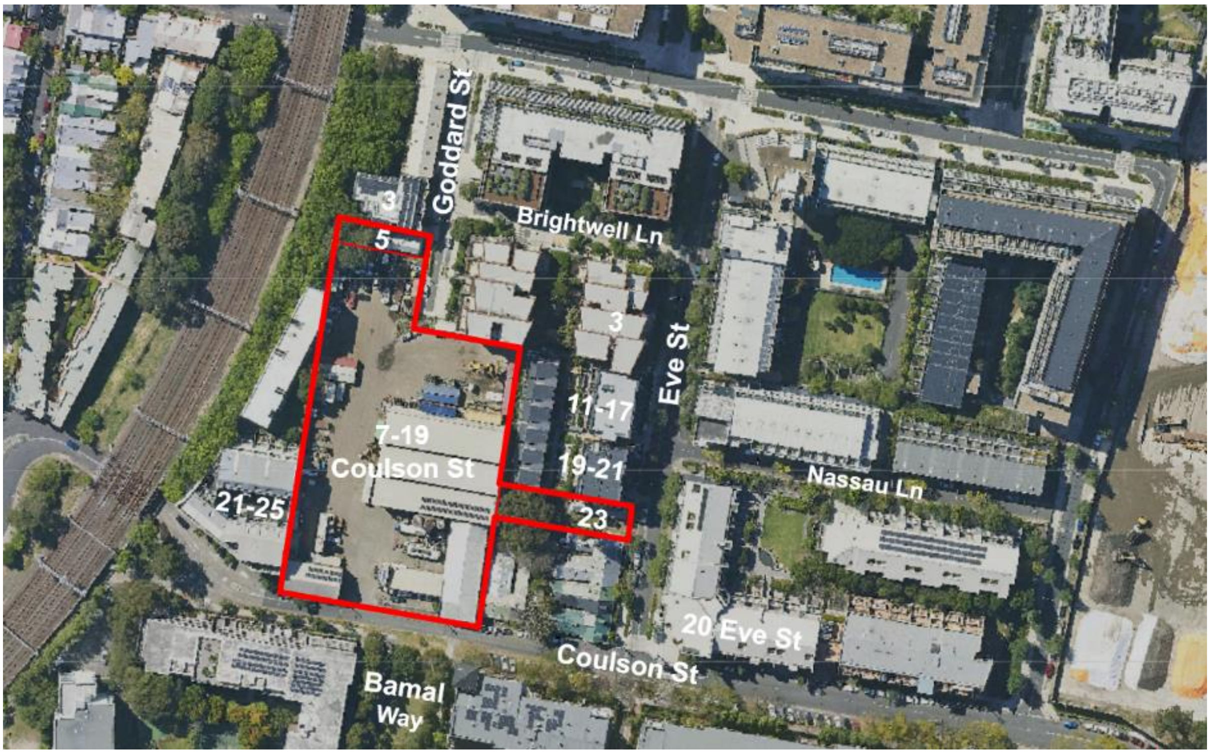

Figure 1: Aerial view of site and surrounds

Proposal

2. The application seeks consent for concept building envelopes for a mixed-use development comprising 4 residential flat buildings with 2 basement levels, 2 attached terraces and the adaptive reuse of a heritage warehouse.

3. No physical works, including any demolition, excavation or tree removal, form part of the subject application.

4. The application was supported by a Public Benefit Offer to enter into a VPA with the City of Sydney. The VPA would be to secure the dedication and embellishment of land for the following public domain works, including:

   (a) Southward extension of Goddard Street through the site, connecting to Coulson Street

   (b) 2.5m footpath widening to the northern side of Coulson Street, west of the future Goddard Street extension and

   (c) Delivery of the future Carters Park with an area of 500m²

   The above dedication and embellishment of land are consistent with the site-specific requirements of Section 5.5 (Ashmore Neighbourhood) of Sydney Development Control Plan 2012.

Reasons for Reporting

5. The application was reported to the CSPC on 8 May 2025, when the Public Benefit Offer had been accepted and the VPA was being negotiated and drafted.

6. At the time of reporting the application to the CSPC in May 2025, as the VPA had not been finalised and publicly exhibited, the planning assessment report recommended, and the CSPC subsequently resolved:

   (a) To delegate authority to the Chief Executive Officer to determine the application, following the drafting, and conclusion of the public exhibition, of the VPA and considering any public submission received

   (b) If the Chief Executive Officer determines to approve the application, consideration be given to supporting the variation sought to Clause 4.3 'Height of buildings' pursuant to Clause 4.6 of Sydney Local Environmental Plan 2012, and to granting deferred commencement consent requiring the execution of the VPA and subject to the recommended conditions attached to the May 2025 report.

7. In June 2025, the existing owner of the site, Brightwell Real Estate Pty Ltd and Brightwell Holdings Pty Ltd (Brightwell), reviewed the City's draft VPA and made suggested changes. City staff responded to those suggested changes on 31 July 2025 and offered to meet with Brightwell to assist in the finalisation of the VPA.

8. City staff were advised in December 2025 that Brightwell had entered into a contract to sell 2 of the 3 properties subject of this application, being 7-19 Coulson Street and 5 Goddard Street.

9. City staff subsequently met with the future owner of the above sites, Point Capital Partners, on 29 January 2026 and were advised that the draft VPA was progressing.

10. In April and June 2026, Point Capital Partners advised that there were delays in negotiating an agreed position with Brightwell. However, it was anticipated that a draft VPA should be submitted to the City by end of July 2026.

11. City staff met with Point Capital Partners again on 22 August 2026 and advised that the determination of the Concept DA cannot continue to be delayed noting the expected settlement date for the property.

12. Point Capital Partners subsequently advised on 1 September 2026 that the draft VPA cannot be progressed without further delays and understands that the application would be reported back to the CSPC for determination. Brightwell's legal and planning representatives were also informed.

13. The VPA is essential to secure the relevant public benefits identified in the site-specific requirements for the Ashmore Neighbourhood as outlined in Section 5.5 of Sydney Development Control Plan 2012, and the City has allowed an extended timeframe for the existing and future owners to negotiate a VPA with the City. The VPA remains outstanding some 16 months since the application was considered by the CSPC in May 2025, and the City is unable to progress the application towards determination in accordance with the resolution of the CSPC. As such, the application is now being reported back to the CSPC with a recommendation for refusal.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Bryan Li, Senior Planner