

Item 4.**Modification Application: 905 South Dowling Street, Zetland - D/2023/724/B****File Number:** D/2023/724/B**Summary**

Date of Submission:	2 April 2025 Amended drawings were received on 15 April 2025.
Applicant/ Owner:	Karimbla Properties (No 60) Pty Ltd
Architect:	Mako Architecture
Developer:	Meriton
Cost of Works:	\$506,521,727.80
Zoning:	The site is zoned MU1 - Mixed Use under the Sydney Local Environmental Plan 2012.
Proposal Summary:	This is a Section 4.55(1A) modification seeking to amend the concept consent as it relates to the Stage 2 North-Western site and Stage 3 Southern site, as follows: • Modify Condition 2 - Approved Development to reflect the amended concept drawings; • Insert a new Condition 2A requiring amended drawings to be submitted; • Modify Condition 6 - Floor Space Ratio to redistribute residential and non-residential floor space (within the maximum permitted); • Modify Condition 13 - Security Gates to allow for an exception within Building S2; and • Modify Condition 20 - Deep Soil to redistribute deep soil across the site.

This application is referred to the Central Sydney Planning Committee concurrently with the detailed design development applications for the Stage 2 North-Western site (D/2024/1029) and the Stage 3 Southern site (D/2024/1055). The proposed modifications are sought to ensure the detailed designs are consistent with the concept consent.

The proposed modifications to the concept consent are of minimal environmental impact and the modified development remains substantially the same as the development to which consent was originally granted.

In accordance with the City's Community Participation Plan 2019 the application, being a section 4.55(1A) application involving minimal environmental impact, was not required to be notified.

Summary Recommendation: The modification application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
- (ii) State Environmental Planning Policy (Transport and Infrastructure 2021)
- (iii) State Environmental Planning Policy (Resilience and Hazards) 2021
- (iv) State Environmental Planning Policy (Housing) 2021
- (v) State Environmental Planning Policy (Sustainable Buildings) 2022
- (vi) Sydney Local Environmental Plan 2012
- (vii) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Modified Conditions of Consent
- B. Modified Concept Drawings

Recommendation

It is resolved that consent be granted to Section 4.55(1A) Application Number D/2023/724/B subject to the amendment of the following conditions (with modifications shown in ***bold italics*** (additions) and **~~bold strikethrough~~** (deletions):

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/724 dated 17 August 2023 and the following drawings prepared by MAKO Architecture Pty Ltd:

Drawing Number	Drawing Name	Date
01100 Rev E	Setout - Blocks	23 April 2024
01110 Rev G	Setout – Public Domain	23 April 2024
03100 Rev G	Structure Plan - Staging	23 April 2024
03101 Rev <i>E H</i>	Structure Plan – Floor Space Allocation	23 April 2024 <i>15 April 2025</i>
03200 Rev E	Structure Plan – Openspace	23 April 2024
03201 Rev <i>E F</i>	Structure Plan – Deep Soil	23 April 2024 <i>26 March 2025</i>
04100 Rev E H	Setbacks – Gnd Floor	23 April 2024 24 February 2025
04200 Rev E H	Setbacks – Typical Floor	23 April 2024 13 February 2025
04700 Rev G <i>J K</i>	Height of Building - Storeys	26 April 2024 13 February 2025 <i>15 April 2025</i>

and as amended by the conditions of this consent.

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

Reason

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

(2A) AMENDED DRAWINGS

The following amended drawings are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for the Detailed Design development applications:

- (a) ***The 'Structure Plan – floor space allocation' is to ensure consistency with staging relating to Peters Street.***
- (b) ***The 'Setbacks - gnd floor' plan is to be amended to provide a 0.0 setback to Building S2 along Epsom Road.***
- (c) ***The 'Height of Building – Storeys' plan is to be amended to reinstate the 3m western setback for the northern portion Building H as per Rev J dated 13 February 2025.***
- (d) ***The 'Height of Building Storeys' plan is to be amended to ensure all dimensions annotated are accurate.***

Reason

To ensure consistency between the concept drawings and the detailed design development applications.

(6) FLOOR SPACE RATIO

The following applies to Floor Space Ratio (FSR):

- (a) The Floor Space Ratio (FSR) of development contained within the site must not exceed the maximum permitted FSR calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) A maximum GFA of 81,700sqm is approved, which is to be apportioned to the approved development stages in accordance with the following table:

Development Stage	Total GFA	Residential GFA	Non-Residential GFA
Northeast	34,250sqm	31,928sqm	2,322sqm
Northwest	25,550sqm	24,693sqm 24,748sqm	857sqm 802sqm
South	21,900sqm	20,527sqm 21,009sqm	1,373sqm 891sqm

- (c) Notwithstanding the above, the development stages in a competitive process phase may be eligible up to 10% additional floor space pursuant to the provisions of Clause 6.21D(3) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that subsequent development application(s) for the detailed design of the buildings exhibit design excellence and is the result of a competitive design process.
- (d) Each competitive process phase will be only eligible for a maximum of an additional 10% of the floorspace apportioned to it. Additional floor space is not transferrable between Competitive Process Site. If a Competitive Process Site is not able to accommodate the full amount of additional floor space apportioned to it, the remaining balance of additional floor space cannot be transferred to another development lot set out in (a) (b).

Reason

To specify the relevant floor space ratio controls applicable to the development.

(13) SECURITY GATES

If any detailed building design submitted as part of any subsequent DA incorporates a car park accessed by a security gate, then that gate must be located at least 6 metres within the site from the property boundary with the street, ***except for Building S2 where the security gate must be located at least 3 metres within the site from the property boundary.***

Reason

To ensure any subsequent detailed building design provides adequate space between security gates and the street.

(20) DEEP SOIL

Deep soil must be provided within each development stage as per the approved stamped plan titled Structure Plan – Deep Soil, drawing number 03201 Revision E (dated 23 April 2024) as follows:

- (a) Northeast Stage: 527sqm
- (b) Southern Stage: ~~3,541sqm~~ **3,429sqm**
- (c) Northwestern Stage: ~~1,018sqm~~ **1,200sqm**

All deep soil areas should be designed to incorporate only permeable surfaces, maximise canopy trees and other planting, and be designed in accordance with the Sydney Development Control Plan 2012 and the Sydney Landscape Code Volume 2.

Reason

To ensure adequate deep soil is allowed for in the development.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed modified development is substantially the same as the development to which development consent D/2023/724 was granted (and as modified by D/2023/724/A) and is consistent with section 4.55(1A) of the Environmental Planning and Assessment Act 1979.
- (B) The assessment has considered the reasons for approval given by the Central Sydney Planning Committee for the grant of the development consent that is proposed to be modified in accordance with section 4.55(3) of the Environmental Planning and Assessment Act 1979.
- (C) The proposed modifications to the approved building envelope and applicable conditions of consent ensures that the detailed development applications for Stage 2 NW (D/2024/1029) and Stage 3 S (D/2024/1055) are consistent with the concept approval as required by section 4.24 of the Environmental Planning and Assessment Act 1979.
- (D) The proposed modifications to the approved building envelope in select and minor locations would not have an unreasonable impact on the amenity of the surrounding development or public domain area and would remain in keeping with the desired future character of the Epsom Park locality.
- (E) The proposed modified building envelope remains capable of accommodating a future building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of Sydney Local Environmental Plan 2012, as demonstrated by the concurrent applications for Stage 2 NW and Stage 3 S.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 72 in Deposited Plan 1310004 and is known as 905 South Dowling Street, Zetland. It is irregular in shape with an area of approximately 40,866sqm.
2. The site is bound by Zetland Avenue (future road) to the north, Link Road to the east, Epsom Road to the south and Letitia Street, Peters Street and George Julius Avenue to the west.
3. The site previously contained a car sales and service centre (Suttons), which was demolished in early 2024 under development consent D/2023/720. Remediation of the land and construction of internal roads commenced in late 2024 under development consent D/2023/753.
4. The site is located directly east of the Green Square Town Centre and sits within the Epsom Park portion of the Green Square urban renewal area. The Epsom Park locality is identified as a new neighbourhood characterised by a mixture of land uses, including residential with a variety of commercial, retail, and recreation uses. The site is identified as being subject to flooding.
5. A site visit was carried out on 6 March 2025. Photos of the site and surrounds are provided below.

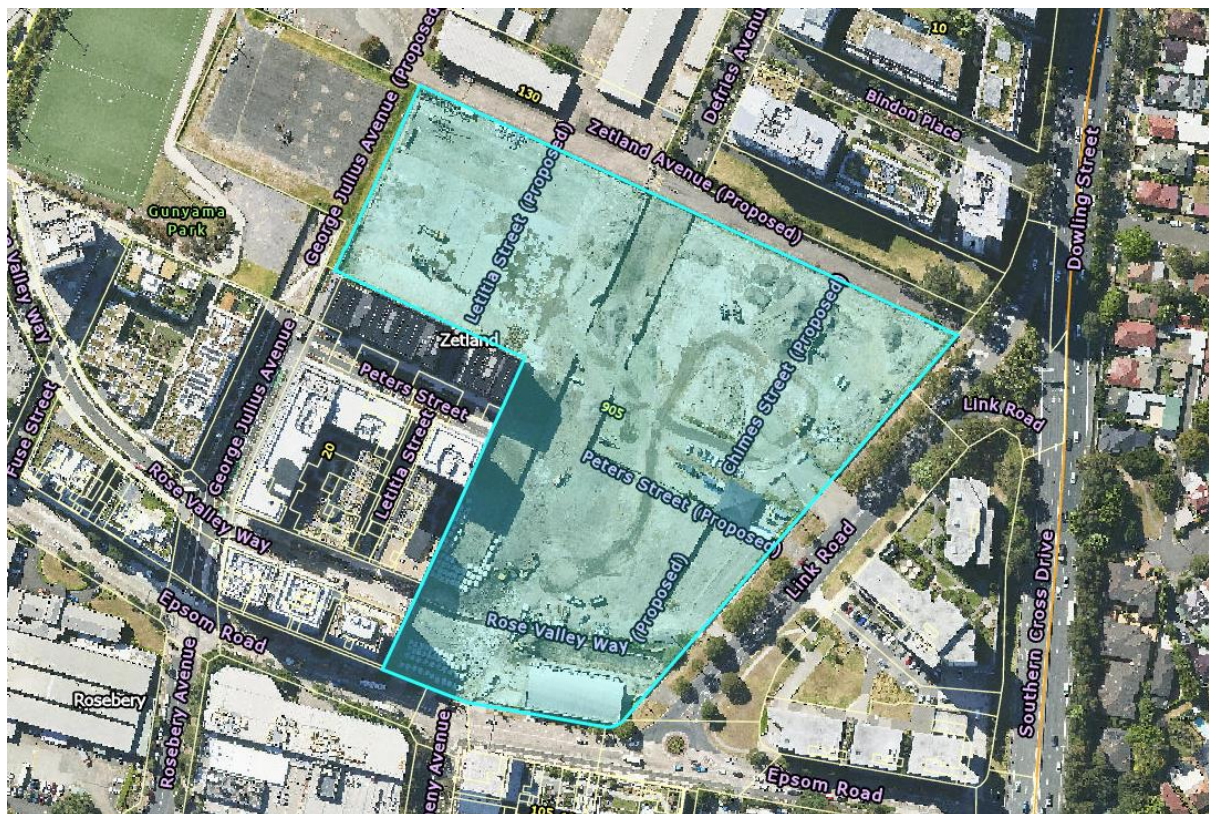


Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from Link Road looking north



Figure 3: Site viewed from Link Road looking south



Figure 4: Site viewed from Epsom Road looking east



Figure 5: Site viewed from Peters Street looking east



Figure 6: Site viewed from George Julius Avenue looking north-east



Figure 7: Site viewed from Defries Avenue looking south

History Relevant to the Development Application

Planning proposal

6. A site-specific planning proposal was prepared by the City following a request by Meriton Group Pty Ltd to change the site's planning controls. The planning proposal allowed for a redistribution of height, with additional height in some locations balanced with areas of height reduction. The planning proposal allowed for alternative building heights up to 90m, subject to a site-specific provision which secures:
 - (a) exceedance of BASIX targets
 - (b) minimum 4% non-residential gross floor area
 - (c) no additional height awarded for design excellence and
 - (d) a 1,200sqm supermarket to be provided on the site.
7. The amendments to the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 commenced on 3 May 2024.

Development Applications

8. The following applications are relevant to the current proposal:

Broader redevelopment site

- **D/2023/720** – Development consent was granted on 3 November 2023 for demolition of all existing structures to accommodate the future redevelopment of the site.
- **D/2023/724** - Deferred commencement development consent was granted on 28 June 2024 for a Concept development application for building envelopes for a mixed use development comprising 9 individual development blocks ranging in height between one and 25 storeys; concept design for public domain works including new streets, public open spaces and trunk drainage; and indicative land uses including basement car parking, storage and services, ground floor retail, commercial uses and a centre-based childcare facility, and residential uses. The application was made operational on 5 July 2024.

The application was accompanied by Voluntary Planning Agreement (VPA/2023/10) for community infrastructure identified in the Sydney Development Control Plan 2012 for Epsom Park precinct including roads, Mulgu Park, 2 pocket parks, footpath widening along Epsom Road and an extension of the Green Square trunk drain.

Modification A was approved on 13 March 2025 to modify the concept envelope in accordance with the detailed design DA for Stage 1 NE (D/2024/816).

- **D/2023/753** - Development consent was granted on 5 August 2024 for construction of roads (kerb to kerb), sewer, stormwater and water supply infrastructure, remediation and subdivision.

Stage 1 North-East

- **D/2024/844** - Development consent was granted on 16 December 2024 for early works including shoring and bulk excavation for 2-3 levels of basement to facilitate Stage 1 (North-East) of the future mixed use development.
- **D/2024/816** - Development consent was granted by the Central Sydney Planning Committee on 13 March 2025 for a Stage 2 application for construction of a mixed use development comprising a mixed use 27-storey tower with 230 apartments and a 125 place childcare centre and supermarket on the lower levels, an 8-storey residential flat building with 72 apartments, and 28 townhouses, over basement parking for 444 cars, and associated landscaping.
- **Stage 2 North-West**
 - **D/2024/1073** - Development consent was granted on 7 March 2025 for early works including shoring and bulk excavation for a part 2, part 3 level basement within the North-West stage of the future development.
 - **D/2024/1029** - A Development Application was lodged on 18 November 2024 for construction of a mixed use development on the Stage 2 North-Western portion of the site, comprising eight new buildings and a part 2, part 3 level basement.
- **Stage 3 South**
 - **D/2024/1074** - Development consent was granted on 18 March 2025 for early works including shoring and bulk excavation for 3 and 4 levels of basements to facilitate the South stage of the future development.
 - **D/2024/1055** - A Development Application was lodged on 21 November 2024 for site preparation and construction of a mixed use development on the Southern blocks, comprising 4 new buildings with 3 and 4 basement levels. The buildings include 2 mixed use buildings and 2 residential buildings.

Amendments

9. On 3 April 2025, Council Officers wrote to the applicant to identify a number of discrepancies between the CAD model submitted with the subject modification and the detailed design of the buildings for Stage 2 NW (D/2024/1029). It was requested that these discrepancies be rectified to ensure the entire Stage 2 NW proposal sits wholly within the amended envelope.
10. The applicant responded to the request on 11 April 2025 and submitted an amended CAD Model. However, discrepancies between the detailed design DA, the concept drawings and the CAD model remained. Further amendments were requested on 14 April 2025.
11. The applicant submitted revised concept drawings and CAD model on 15 April 2025 to address the outstanding discrepancies.

Proposed Development

12. The application seeks approval for the following changes to the concept consent:

- (a) Modify the approved concept plans as follows:

Stage 2 North West site

- (i) Building A - Minor change to the tower envelope to reflect the height permitted by the 'hatched tower zone' as per the detailed design DA. The maximum height remains unchanged.
- (ii) Building B - Minor adjustments to the building depth as per the detailed design DA. The maximum height remains unchanged.
- (iii) Building C - Increase building depth as per the detailed design DA and increase height to 35.4 AHD.
- (iv) Building D - Increased building depth as per the detailed design DA and increase height to 35.4 AHD, with a localised area of 37.1 AHD for the lift overrun.
- (v) Building E - Localised increase in height on the eastern edge. The maximum height of the building remains unchanged.
- (vi) Building F - Localised increase in height to 54.32 AHD to allow for the lift overrun.
- (vii) Building G - Increase building depth as per the detailed design DA and increase height to 38 AHD.
- (viii) Building H - Increase building depth.

Stage 2 South site

- (ix) Building S1 - Localised increase in height to 55.1 AHD to allow for the lift overrun.
- (x) Building S2 - Localised increased in height to 49.38 AHD and 50.19 AHD to allow for the lift and stair overrun on the podium and 75.65 AHD to allow for the lift overrun on the tower.
- (xi) Building S3 - Localised increase in height to 49.13 AHD to allow for the lift overrun.
- (xii) Building S4 - Localised increase in height to 51.64 AHD to allow for the lift overrun.
- (xiii) Building S4 - Change of shape to the 'Solar zone'

Staging Plan

- (xiv) To incorporate western end of Peters Street within the North West stage.
- (b) Modify Condition 6 - Floor Space Ratio to redistribute residential and non-residential floor space (within the maximum permitted);

- (c) Modify Condition 13 - Security Gates to allow an exception to the 6m requirement for Building D2; and
 - (d) Modify Condition 20 - Deep Soil to redistribute deep soil across the site.
13. The proposed amended concept plans are provided at Attachment B.

Assessment

14. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
15. The development as proposed to be modified has satisfied Section 4.55(1A) of the EP&A Act as follows:
- (a) Section 4.55(1A)(a) - the development as proposed to be modified is of a minimal environmental impact.
 - (b) Section 4.55(1A)(b) - the development as proposed to be modified is substantially the same as the concept plan approved by D/2023/724.
 - (c) Section 4.55(1A)(c) - the modification application does not require notification pursuant to the City of Sydney Community Participation Plan 2024.
 - (d) Section 4.55(1A)(d) - accordingly, no submissions were received.
16. The assessment has considered the reasons for approval given by the Central Sydney Planning Committee, and adopted by the CEO, for the grant of the development consent, under delegation, that is proposed to be modified in accordance with section 4.55(3) of the EP&A Act.
17. In accordance with section 4.55(3) of the Act, an assessment against the relevant provisions of section 4.15(1) of the Act are provided under headings below.

State Environmental Planning Policies

State Environmental Planning Policy (Housing) 2021

Chapter 4 - Design of Residential Apartment Development

18. The aim of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.
19. A modification application made under section 4.55(1A) of the Act does not require a design verification statement by a qualified designer pursuant to section 102 of the Environmental Planning and Assessment Regulation 2021.
20. Accordingly, under section 146 of the Housing SEPP the application is not required to be referred to the relevant design review panel (DAP).

21. Where relevant to the proposed modifications, the design quality principles in Schedule 9 to the SEPP have been considered. The proposed modifications would not inhibit the attainment of the principles.
22. Where relevant to the proposed modifications, the associated Apartment Design Guide (ADG) has been considered. An assessment against the relevant provisions of the ADG have been provided below where the provisions relate to the proposed modifications.

2F Building Separation	Compliance	Comment
Up to 4 storeys (approximately 12 metres): • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms	Able to comply	A detailed assessment of building separation is provided under the detailed design DAs for Stage 2 NW and Stage 3 South.
5 to 8 storeys (approximately 25 metres): • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms		
9 storeys and above (over 25m): • 24m between habitable rooms / balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms		

3E Deep Soil Zones	Compliance	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m	Yes	The minimum required amount of deep soil is maintained.

3F Visual Privacy	Compliance	Comment
Up to 4 storeys (12 metres): 6m between habitable rooms / balconies 3m between non-habitable rooms	Able to comply	A detailed assessment of building separation is provided under the detailed design DAs for Stage 2 NW and Stage 3 South.
5 to 8 storeys (25 metres): 9m between habitable rooms / balconies 4.5m between non-habitable rooms		
9 storeys and above (over 25m): 12m between habitable rooms / balconies 6m between non-habitable rooms		

Local Environmental Plans

Sydney Local Environmental Plan 2012

23. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is zoned MU1 mixed use. There are no changes proposed to the approved uses. The development remains consistent with the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	The site is subject to the site-specific provisions in clause 6.60J Mulgu Precinct in SLEP which includes an Alternative Height of Buildings map. The proposed changes to building heights do not exceed the maximum heights permitted.
4.4 Floor space ratio	Yes	The proposed reallocation of gross floor area does not result in any changes to the net floor space ratio permitted across the site.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.21 Flood planning	Yes	The proposed modifications are minor in nature and would not affect flood behaviour.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	The proposal remains capable of exhibiting design excellence in accordance with the objective and matters for consideration in clause 6.21C of SLEP as demonstrated by the detailed development applications considered concurrently.
Division 5 Site specific provisions		
6.60J Mulgu Precinct	Yes	The site is subject to the Alternative Height of Buildings map in Section 6.60J(4) Mulgu Precinct in SLEP. Relevant to where the proposed modifications are located, the following height limits apply: Stage 2 NW • Z - 55m • U1 - 30m • U2 - 33m • P - 18m  Stage 3 South • Z - 55m

Provision	Compliance	Comment
		• V - 35m • U1 - 30m • T2 - 27m  The proposed modifications are within the maximum permitted building heights.

Part 7 Local provisions – general

Provision	Compliance	Comment
7.20 Development requiring or authorising preparation of a development control plan	Yes	The approved concept plan satisfies this provision by virtue of section 4.32 of the Act. The proposed modifications to the concept plan adequately address the matters for consideration specified in this clause with respect to height, bulk, massing, streetscape and environmental impacts.

Development Control Plans

Sydney Development Control Plan 2012

24. The proposed development has been considered against the relevant provisions within the Sydney Development Control Plan 2012. The proposal remains consistent with the desired future character for the Epsom Park locality. Implications of the proposed modification with regard to Section 3 General Provisions, Section 4 Development Types and Section 5 Specific Areas are discussed below.

Discussion

Changes to Stage 2 NW concept envelope - Height and building depth

25. The following changes are proposed to the concept plans as they relate to the Stage 2 NW site:
- (a) Building A - Minor change to the tower envelope to reflect the height permitted by the 'hatched tower zone' as per the detailed design DA. The maximum height remains unchanged.
 - (b) Building B - Minor adjustments to the building depth as per the detailed design DA. The maximum height remains unchanged.
 - (c) Building C - Increase building depth as per the detailed design DA and increase height to 35.4 AHD.
 - (d) Building D - Increased building depth as per the detailed design DA and increase height to 35.4 AHD, with a localised area of 37.1 AHD for the lift overrun.
 - (e) Building E - Localised increase in height on the eastern edge. The maximum height of the building remains unchanged.
 - (f) Building F - Localised increase in height to 54.32 AHD to allow for the lift overrun.
 - (g) Building G - Increase building depth as per the detailed design DA and increase height to 38 AHD.
 - (h) Building H - Increase building depth.
26. These changes are proposed to accommodate the detailed development lodged for Stage 2 NW under D/2024/1029, considered concurrently with this application.
27. The localised increases in height to accommodate the lift overruns comply with the permitted LEP heights and do not cause adverse amenity impacts to the proposed development or surrounding sites.
28. The changes to building depth and implications on building separation distances have been considered in detail under D/2024/1029. Where non-compliances with ADG recommended building separation distances occur, these are considered acceptable subject to conditions.

29. As per point (h) above in relation to Building H, the concept plan includes an increase in building depth, resulting in a reduction in the 3m western setback, as shown in Figure 8 below.

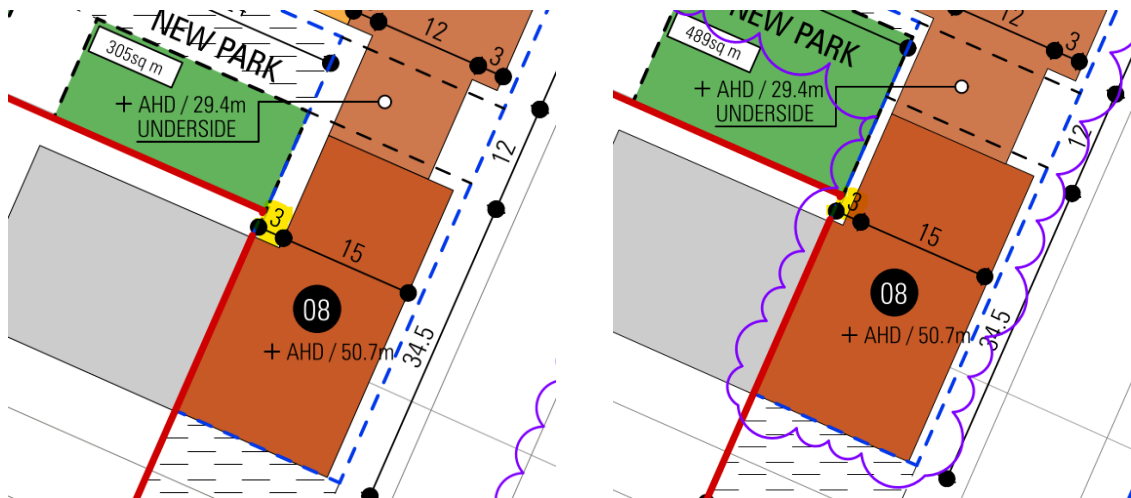


Figure 8: Approved Building H envelope (left) compared to the proposed Building H envelope (right), with a reduction of the 3m western setback proposed

30. The reduction to the 3m western setback is not supported, nor is it required by the detailed design DA which achieves the 3m setback. A condition of consent is recommended that requires the concept plan to be updated to reinstate the 3m setback.

Changes to Stage 3 South concept envelope - Height

31. The following changes are proposed to the concept plans as they relate to the Stage 3 South site:
- (a) Building S1 - Localised increase in height to 55.1 AHD to allow for the lift overrun
 - (b) Building S2 - Localised increased in height to 49.38 AHD and 50.19 AHD to allow for the lift and stair overrun on the podium and 75.65 AHD to allow for the lift overrun on the tower
 - (c) Building S3 - Localised increase in height to 49.13 AHD to allow for the lift overrun
 - (d) Building S4 - Localised increase in height to 51.64 AHD to allow for the lift overrun
32. These minor changes are proposed to accommodate the detailed development lodged for Stage 3 South under D/2024/1055, considered concurrently with this application.
33. The localised increases in height to accommodate the lift and stair overruns comply with the permitted LEP heights and do not cause adverse amenity impacts to the proposed development or surrounding sites.

Changes to Stage 3 South concept envelope - Solar Zone

34. The application proposes to amend the design of the 'Solar Zone' on Building S4.

35. The concept drawings state that the 'Solar Zone' is an area that may be occupied only subject to:
- achieving ADG solar access compliance for Block S-4, and
 - achieving 75% 4 hours' solar access to Mulgu Park (June 21).
36. It is noted that part of the built form of Building S4 occupied the original solar zone and no built form is proposed within the amended solar zone. The proposed amendment ensures that the detailed design DA is consistent with the concept DA.
37. The amended solar zone is acceptable as the overall Stage 3 South development achieves 69% solar access which is a marginal non-compliance with the 70% design criteria of the ADG. The proposal also achieves 4 hours of solar access to 75% of Mulgu Park at midwinter.

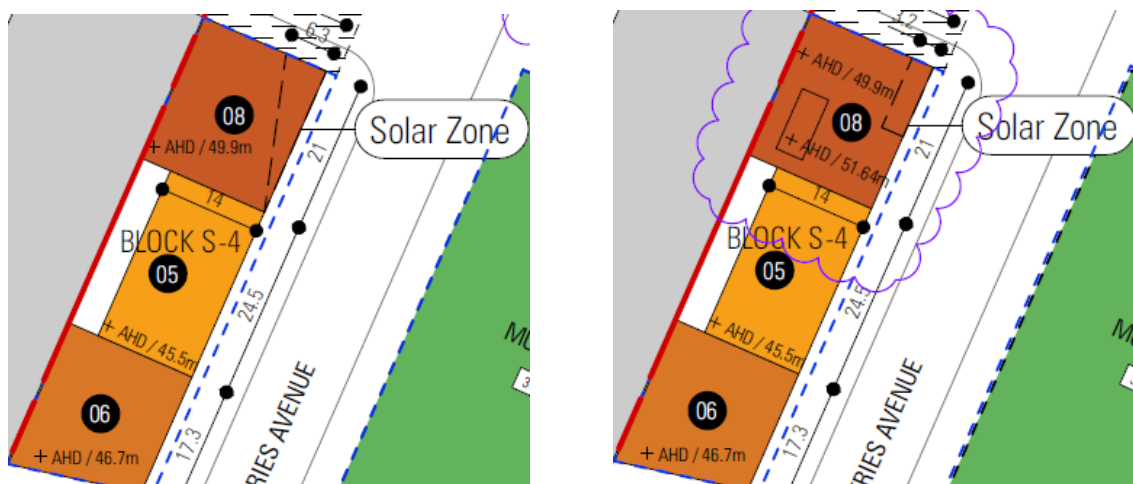


Figure 9: Approved solar zone (left) compared to the amended solar zone (right)

Distribution of gross floor area

38. The application seeks to modify Condition 6 - Floor Space Ratio to redistribute residential and non-residential floor space in both the Stage 2 NW and Stage 3 S sites, as follows.

Stage 2 NW

39. Condition 6 allocates a maximum GFA of 25,550sqm (excluding any design excellence bonus) to the Stage 2 NW site. The condition currently apportions this maximum GFA as follows:
- Residential GFA - 24,693sqm
 - Non-residential GFA - 857sqm
 - Total GFA - 25,550sqm
40. This application seeks to redistribute the GFA to increase the residential GFA and reduce the non-residential GFA as follows:
- Residential GFA - ~~24,693sqm~~ **24,748sqm**

- Non-residential GFA - ~~857sqm~~ **802sqm**
- Total GFA - 25,550sqm

41. The total quantum of GFA for the Stage 2 NW site remains unchanged.

Stage 3 South

42. Condition 6 allocates a maximum GFA of 21,900sqm (excluding any design excellence bonus) to the Stage 3 South site, apportioned as follows:

- Residential GFA - 20,527sqm
- Non-residential GFA - 1,373sqm
- Total GFA - 21,900sqm

43. The modification seeks to redistribute the GFA to increase the residential GFA and reduce the non-residential GFA as follows:

- Residential GFA - ~~20,527sqm~~ **21,009sqm**
- Non-residential GFA - ~~1,373sqm~~ **891sqm**
- Total GFA - 21,900sqm

44. The total quantum of GFA for the Stage 3 South site remains unchanged.

45. No objections are raised to the proposed redistribution of floor space for both stages. Importantly, the maximum permitted GFA is not exceeded and therefore there will be no material adverse impacts from this change. Sufficient non-residential floor space is provided on the ground floor along George Julius Avenue and Zetland Avenue in Stage 2 NW and along Link Road, Chimes Street, Epsom Road and Rose Valley Way for Stage 3 South. The objectives of the DCP in relation to active frontage and land uses are achieved notwithstanding this minor change.

46. It is also noted that the proposed redistribution does not inhibit the proposal's ability to comply with the obligations of the VPA requiring a minimum of 4% of the total GFA across the site to be non-residential.

Deep soil

47. The application seeks to redistribute the provision of deep soil across the site. This requires changes to the wording of Condition 20 - Deep Soil and a revised 'Structure Plan - Deep Soil' in the concept drawings.

48. The changes involve decreasing the amount of deep soil provided to Stage 3 South from 3,511sqm to 3,429sqm, and increasing deep soil on the Stage 2 NW site from 1,018sqm to 1,200sqm. No net reduction in deep soil is proposed.

49. The reallocation of deep soil is sought as the detailed design for Mulgu Park, in accordance with the City of Sydney Epsom Park Public Domain Concept Plan, does not allow for the approved quantum of deep soil to be delivered. Mulgu Park was previously shown on the Concept Plan as being entirely deep soil, whereas the detailed design involves areas of paving and hardstand spaces.

50. The proposed reallocation of deep soil to the north-western side is supported.

Staging

51. Changes are sought to the approved Staging Plan to allow the easternmost end of Peters Street to be constructed as part of the north-western stage (Stage 2), instead of the north-eastern stage (Stage 1).
52. To justify this change, the SEE states that this is "to enable to coordinated construction of the permissible basement underneath the roadway between the North-West and South stages."
53. No further details have been submitted to allow an assessment of how this change may impact vehicle circulation and movement throughout the precinct.
54. Insufficient information has been submitted to justify this change. The implications of separating this portion of Peters Street from the rest of the north-eastern block are unclear, and further assessment would be required to understand the traffic impacts, particularly to the north-eastern stage.
55. It is therefore recommended that the amended staging plan not be approved as part of this modification.

Building S2 - Epsom Road ground floor setback

56. The approved ground floor setback plan of the Concept DA requires a 2.5 metre setback along Epsom Road.
57. The applicant has not requested that this condition be amended, however the design of Building S2 provides a substation, water meter, gas meter and fire brigade booster with a nil setback to Epsom Road. Adjacent to the proposed services are retail tenancies, and Council's Urban Designer has recommended that the street setback of the retail building line be reduced to ensure that the services are not prominent within the streetscape, and this is addressed via a design modification condition of the detailed design DA.
58. Therefore, a condition is recommended that the 'setbacks - gnd floor' plan be amended to allow a 0m setback to Building S2 along Epsom Road.

Condition 13 - Security Gates

59. Condition 13 (Security Gates) requires car park security gates to be located at least 6 metres within the site from the property boundary.
60. The applicant has not requested that this condition be amended, however the design of Building S2 vehicle entry locates the security gate 3 metres within the site. Due to the location of the basement ramp it is not possible to set the security gate by 6m from the property boundary. The security gate design will result vehicles waiting to enter the site having their backend overhang the public way. On balance, this is acceptable given that this section of Rose Valley Way will only be providing vehicle access to Building S2 and the shared zone design is wide enough to allow pedestrians and cyclists to comfortably pass any waiting cars.
61. Therefore, it is recommended that Condition 13 be amended to allow the security gate to Building S2 to be located at least 3 metres within the site.

Advertising and Notification

62. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development is not required to be notified or advertised.

Financial Contributions**Contribution under Section 7.11 of the EP&A Act 1979**

63. The City of Sydney Development Contributions Plan 2015 applies to the site. The development is subject to a section 7.11 local infrastructure contribution under this Plan.
64. Contributions are applicable for all subsequent detailed design development applications.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

65. The site is located within the Green Square affordable housing contribution area. Contributions will be applicable for all subsequent detailed design development applications.

Housing and Productivity Contribution

66. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
67. The site is located with the Greater Sydney region, the development is a type of residential and commercial development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.
68. Contributions are applicable for all subsequent detailed design development applications.

Relevant Legislation

69. Environmental Planning and Assessment Act 1979.

Conclusion

70. The proposed modification application is recommended for approval. The modifications are required to accommodate detailed design proposals for Stage 2 NW and Stage 3 South. The required changes have arisen through the competitive design process and preparation and assessment of the detailed design development applications.
71. The proposed modifications are of minimal environmental impact and the proposed modified development remains substantially the same as the development to which consent was originally granted.

72. The proposed modifications would not result in any significant impacts to the amenity of the development, surrounding development, or the existing or future public domain.
73. The modified building envelopes will facilitate a development that is consistent with the desired future character of the Epsom Park neighbourhood as demonstrated through the assessment of the accompanying detailed design development applications.

GRAHAM JAHN, AM

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