

Resolution of Central Sydney Planning Committee

9 May 2024

Item 5

Development Application: 905 South Dowling Street and 118-130 Epsom Road, Zetland - D/2023/724

Moved by the Chair (the Lord Mayor), seconded by Councillor Chan -

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application Number D/2023/724 following the drafting and conclusion of the public exhibition of the draft Voluntary Planning Agreement generally in accordance with the public benefit offer dated 2 May 2024 and considering any public submissions received in response;
- (B) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2023/724 subject to 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;
- (C) authority be delegated to the Chief Executive Officer to determine whether the Design Excellence Strategy for 118-130 Epsom Road and 905 South Dowling Street, Zetland, prepared by Meriton and dated 8 April 2024, as shown in Attachment D to the subject report, ought to be approved pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and
- (D) if the Chief Executive Officer determines to approve the application, consideration be given, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, to granting deferred commencement consent to Development Application Number D/2023/724 subject to the conditions set out in Attachment A to the report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(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	857sqm
South	21,900sqm	20,527sqm	1,373sqm

- (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.

(37) NEW ROAD DESIGN

Preparation of the detailed design and construction documentation for the proposed public road system must include all necessary liaison with, and requirements of, all relevant public utility authorities, Transport for NSW, the City of Sydney, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals and construction compliance.

A design package must be prepared based on the requirements outlined in Council's Public Domain Manual. A design report for the road works must be prepared by an appropriately qualified civil engineer certifying that the design complies with the City of Sydney's policies, Austroads

and specifications and those of all other relevant authorities as applicable. All engineering plans and calculations must be checked, signed and certified by a suitably qualified practicing professional engineer and included in the report. The design package and report must be submitted with any subsequent detailed design DA for building construction.

Reason

To ensure the new road design complies with Council's policies, standards and specifications and those of all other relevant authorities.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of appropriate conditions as recommended, 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) The concept proposal is for building envelopes for nine (9) development blocks for a mixed-use development comprising indicative commercial, retail, childcare centre and residential uses. The proposal secures public benefits comprising land dedication, the delivery of trunk drainage, roads and parks and embellishment works for footpath widening and a through-site link between pocket parks and Defries Avenue.
- (C) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (D) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (E) The building envelope complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012 and provides capacity for an additional 10 per cent of additional floorspace available under Clause 6.21D(3)(b) of the Sydney Local Environmental Plan 2012 for any subsequent detailed design resulting from a design competition process and demonstrating design excellence.
- (F) The indicative reference design accompanying the application demonstrates that the envelope can accommodate a building which complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (G) Subject to compliance with the Design Excellence Strategy, the undertaking of a competitive design process and the recommended conditions of consent, the proposed development provides building envelopes capable of accommodating future buildings which can exhibit design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

- (H) Condition 6 was amended to correct an incorrect reference in part (d) of the condition.
- (I) Condition 37 was added to ensure the orderly and timely delivery of the community infrastructure required by the development.

Carried unanimously.

D/2023/724