

Item 10.**Development Application: 94-104 Epsom Road, Zetland - D/2019/976****File No.:** D/2019/976**Summary****Date of Submission:** 3 September 2019. Several iterations of amendments were submitted up until 15 June 2020.**Applicant/Developer:** Karimbla Construction Services (NSW) Pty Ltd**Architect/Designer:** SJB Architects**Owner:** City of Sydney Council - to be purchased by Karimbla Properties (No.48) Pty Ltd**Cost of Works:** \$108,279,464**Zoning:** B4 Mixed Use zone - the proposed uses comprise residential flat apartment buildings, shop top housing and commercial premises, all of which are permissible with consent in the zone.**Proposal Summary:** The application seeks consent for excavation, remediation, and construction of a mixed-use development comprising:

- three buildings between 4 and 13 storeys in height;
- 271 residential apartments;
- ground level retail and commercial tenancies;
- basements including 184 car-parking spaces;
- associated landscaping;
- community infrastructure provision including land dedications for footpath widening and new streets, construction of new footpaths on Epsom Road and construction of parts of Rose Valley Way, George Julius Avenue and the Green Square trunk drain; and
- subdivision of development lots.

This is an Integrated Development Application requiring approval under the Water Management Act 2000.

Assessment by external consultant planner

The site is currently owned by the City of Sydney Council and is subject to an option deed (between the City and the Developer) for the Developer to purchase the land. For this reason this application has been assessed by an external consultant planner in accordance with the protocols of the City's Planning Assessments Unit.

The external consultant planner's assessment report is provided at Attachment A. It provides a detailed account of:

- notification details and issues raised in submissions;
- amendments made to the proposal over the course of the assessment;
- assessment against various planning instruments, development control plans (DCPs) and other policies;
- the competitive design process and consideration that preparation of a site-specific DCP is unnecessary in this instance;
- details of the Voluntary Planning Agreement that has been entered into and that is associated with the subject DA; and
- recommendations for conditions of consent.

It is noted that the site is subject to another DA (D/2019/1159) for early works including tree removal, excavation, remediation, shoring and piling and which is currently under assessment by City staff. The early works DA is to be determined by the Local Planning Panel.

Subject to the recommended conditions the proposed development provides a sympathetic response to its context, is in keeping with the desired future character of the locality and is considered to exhibit design excellence.

Summary Recommendation: The development application is recommended for deferred commencement approval.

- Attachments:**
- A. Independent Assessment Report
 - B. Recommended Conditions of Consent
 - C. Selected Drawings
 - D. Clause 4.6 Variation Request - Building Height
 - E. Clause 4.6 Variation Request - Floor Space Ratio
 - F. Voluntary Planning Agreement
 - G. Competitive Design Process Report

Recommendation

It is resolved that:

- (A) the variations requested to Clauses 4.3 'Height of Building' and 4.4 'Floor Space Ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances; and
- (C) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2019/976 subject to the conditions set out in Attachment B to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The applicant's written requests have adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the 'Height of Building' and 'Floor Space Ratio' development standards is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clauses 4.3 and 4.4 of the Sydney LEP 2012; and
- (B) The proposal is in the public interest because it is consistent with the objectives of the B4 - Mixed Use zone and the 'Height of Building' and 'Floor Space Ratio' development standards.
- (C) The proposal has been assessed against the aims and objectives of the relevant planning controls including SEPP 65, the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (D) The development is consistent with the design intent of the winning scheme of a competitive design process. The scale, form, articulation, materiality and architectural contribution of the proposed development is consistent with the Sydney DCP 2012 provisions for the Epsom Road precinct and the proposed development is consistent with the desired future character of the locality. The development satisfies design excellence provisions pursuant to Clause 6.21 of Sydney LEP 2012.
- (E) The proposed development is considered to be appropriate within its setting and is a mixed-use development comprising compatible uses that will support the vitality of the Epsom Park precinct, consistent with the desired future character for the locality.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

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