

RECORD OF DECISION – APPLICATION TO AMEND A DEVELOPMENT APPLICATION UNDER S37 OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021*

SYDNEY SOUTH PLANNING PANEL

DATE OF PANEL DECISION	8 September 2025
PANEL MEMBERS	Annelise Tuor (Chair), Penelope Holloway, Glennis James
DECLARATIONS OF INTEREST	Khal Asfour and Karl Saleh, both Councillors previously considered the matter during council meetings.

Application to Amend a Development Application under section 37 and 38 of the *Environmental Planning and Assessment Regulation 2021*

REQUEST – APPLICATION TO AMEND DEVELOPMENT APPLICATION PPSSTH-340

Application Details

PPSSSH-182 – CANTERBURY-BANKSTOWN – DA-1182/2024 – 83, 85 & 99 North Terrace BANKSTOWN 2200 – Compass Centre - Redevelopment of the Compass Centre site including the demolition of all existing structures, tree removal, site preparation and early works, bulk excavation, remediation works, and construction of a mixed-use development comprising a 2-level basement and a 5-storey mixed-use podium with three towers above, being a 19-storey hotel tower and two 24-storey residential towers

Background

The development application was lodged on 22 October 2024. Given the proposal has an Estimated Development Cost (EDC) greater than \$30 million, the Sydney South Planning Panel is the consent authority in accordance with Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*.

On 14 August 2025, the panel approved the application to amend the development application under section 37 and 38 of the Environmental Planning and Assessment Regulation 2021. The amended application had been uploaded to the planning portal on 1 July 2025 (First Amended Plans).

On 5 September 2025, the applicant uploaded further amendments to the planning portal. These amendments had been presented at a panel briefing held on 1 September. The additional amendments sought are specified in the letter from Ethos Urban (DA-1182-2024 – Minor amendment of development application), dated 5 September 2025 (attached as Schedule 1). The applicant states that:

In summary, the proposed change is minor in nature and includes:

- Increasing the ground level setback to Phil Engisch Reserve from a varied setback of 1.4m – 4.4m to allow for a consistent 4m setback to Phil Engisch Reserve.*
- On the basis of the above change, the total GFA of the development has been reduced by 33m², amounting to a total GFA of 40,837m².*

Discussion

In accordance with s38 of the *Environmental Planning and Assessment Regulation 2021*, the panel as the consent authority, may through the NSW planning portal, approve or reject an application for an amendment to a development application submitted under section 37 of the EP&A Reg 2021.

The application for amendment satisfies the relevant provisions set out in Section 37 of the EP&A Regulation For this reason, the application can be approved by the consent authority pursuant to Section 38(1) of the EP&A Regulation; and

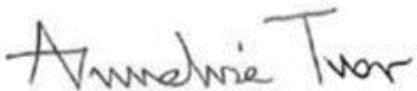
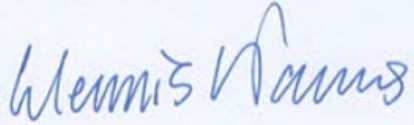
The proposed amendments do not materially change the development and are considered minor pursuant to Section 38(2). Therefore, date of lodgement does not change.

Panel Resolution

The panel has considered the proposed amendments outlined in Schedule 1 against the development as originally proposed and approves the amendment in accordance with section 38 of the *Environmental Planning and Assessment Regulation 2021*.

For the purpose of section 38(2) of the *Environmental Planning and Assessment Regulation 2021*, the panel considers the amendments to the development application to be minor, and consequently, the date of lodgement of the development application does not change.

This is a resolution of the panel made on 8 September 2025.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Penelope Holloway
 Glennis James	

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5 September 2025

2220681

Matthew Stewart
Chief Executive Officer
Canterbury-Bankstown Council
66/72 Rickard Road
Bankstown NSW 2200

Attention: Daniel Bushby (Canterbury-Bankstown Council) and Joanne McGuinness (SJB Planning)

Dear Daniel and Joanne,

**DA-1182/2024 – MINOR AMENDMENT OF DEVELOPMENT APPLICATION
COMPASS CENTRE – 83-99 NORTH TERRACE, BANKSTOWN**

This letter has been prepared by Ethos Urban on behalf of Barings Real Estate Australia (Barings) for Canterbury-Bankstown Council (Council) and SJB Planning as the independent assessment authority on behalf of the Sydney South Planning Panel (the Panel). Since the lodgement of the response to SJB Planning's request for information (RFI), further work has been undertaken to optimise the interface with Phil Engisch Reserve through an increased setback to Phil Engisch Reserve, which we are seeking to capture in the scope of the Development Application (DA).

Accordingly, this letter constitutes an application to amend the DA pursuant to section 37 of the *Environmental Planning and Assessment Regulation 2021*. This letter should be read in conjunction with the latest DA package that was submitted on the Planning Portal on 1 July 2025 as part of the response to SJB Planning's RFI. This increased setback provides additional response to RFI item 9.03 (as detailed in the RFI and in the subsequent email correspondence from SJB Planning dated 10 June 2025), which was addressed in detail in the RFI Response Letter and supporting attachments.

In summary, the proposed change is minor in nature and includes:

- Increasing the ground level setback to Phil Engisch Reserve from a varied setback of 1.4m – 4.4m to allow for a consistent 4m setback to Phil Engisch Reserve.
- On the basis of the above change, the total GFA of the development has been reduced by 33m², amounting to a total GFA of 40,837m².

The above changes are supported by the following revised attachments:

- Updates to Relevant Architectural Drawings (**Attachment A**); and
- Updates to Relevant Landscape Plans (**Attachment B**).

The amendments are minor for the purposes of section 38(2) of the *Environmental Planning and Assessment Act 1979*. Accordingly, the lodgement date does not change.

For absolute clarity, it is confirmed that the abovementioned minor amendment has not resulted in any other amendment to the latest DA package as detailed in the RFI response that was submitted on the Planning Portal on 1 July 2025.

Re-exhibition and referral

The proposed increase to this setback is minor in nature and results in a reduction in environmental impacts. Additionally, the amendments made as part of the RFI response submitted on 1 July 2025 do not increase environmental impacts. Accordingly, subject to Schedule 1, Clause 23 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), re-exhibition is not required as the environmental impact has been reduced or not increased.

Council's *Community Participation Plan* also sets out that 'If in the opinion of the relevant Council officer, the amended plans to a development application under assessment will have no additional adverse impact on any adjoining or nearby properties, no notification will be required.' This reaffirms that re-exhibition is not required as the RFI response submitted on 1 July 2025 and the proposed amendment that is the subject of this letter, do not result in additional adverse impacts.

The amendments do not warrant re-exhibition or referral because the environmental impacts have been reduced or not increased, as follows:

- The proposal generally maintains the same design apart from minor changes that have been made to the design to resolve concerns raised in SJB's RFI.
- There is no additional intensity of built form, land use or other aspect of the development, with the amendments resulting in a reduction of three (3) dwellings, reduction of one (1) car space, and a reduction of 37m² GFA compared to the original proposal that was lodged to Council 22 October 2024.

Moreover, if re-referral is undertaken for the RFI Response submitted on 1 July 2025 and the proposed amendment that is the subject of this letter, we expect that re-referral will not be required for:

- Water NSW as their comments have been resolved as detailed in correspondence issued to Council, SJB and the Panel on 1 September 2025, confirming that General Terms of Approval have been issued by Water NSW.
- Transport for NSW as they did not raise any issues in their initial submission and no changes were made which would impact their submission.
- Any internal Council teams that did not raise issues with the original DA.

We also expect that referrals that may be required include a maximum duration of 14 days for responses to be provided from agencies and from internal Council teams, which is consistent with the approach taken for State Significant Development Applications.

Benefits of the proposed 4m setback

The proposed amendment has been made in response to concerns raised by Council in RFI item 9.03 that the 1.4m setback is insufficient, and in turn achieves an optimised interface with Phil English Reserve that enhances connectivity and access. This additional setback also improves the activation of the northern retail tenancies.

Moreover, the proposed urban design response which retains an interface to Phil English Reserve represents the optimal urban design outcome for the site, as detailed in Section 2.1 of the RFI Response Letter submitted on 1 July 2025 and in the Urban Design Analysis prepared by Hatch included at Attachment F to the RFI Response Letter. This urban design response will be further enhanced by the proposed increased setback.

Conclusion

We trust that this information clarifies the amendments to DA-1182/2024 and is sufficient to enable a prompt assessment of the application without further exhibition or referral. Should you have any queries about this matter please do not hesitate to contact me on 0424 445 345.

Yours sincerely,



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