COUNCIL ASSESSMENT REPORT

SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSEC-369 – [DA2024/0220]
PROPOSAL	Demolition of existing buildings and construction of a seven-storey residential flat building with 51 apartments, associated landscaping, communal open space, and basement parking with vehicular access from Leicester Avenue
ADDRESS	Lot 8 in DP 4072 and Lot 1 in DP 136337 [38 Leicester Avenue, Strathfield Lot 1 in DP 965698 [40 Leicester Avenue, Strathfield] Lot 5 in DP 667462 [No. 42 Leicester Avenue, Strathfield]
APPLICANT	Huajun Investment Pty Ltd (Contact: Thomas Suthons) Email: tsuthons@urbis.com.au Contact number: 0284245185
OWNER	Huajun Investment Pty Ltd
DA LODGEMENT DATE	27 November 2024
APPLICATION TYPE	DA
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021:* General development over $30 million
CIV	$32,740,909.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Clause 4.3 Height of buildings
KEY SEPP/LEP	• *State Environmental Planning Policy (Biodiversity and Conservation) 2021* • *State Environmental Planning Policy (Housing) 2021* • *State Environmental Planning Policy (Sustainable Buildings) 2022* • *State Environmental Planning Policy (Transport and Infrastructure) 2021* • *State Environmental Planning Policy (Resilience and Hazards) 2021* • *Canada Bay Local Environmental Plan 2013*
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Five (5) unique submissions Key issues include: • Height of building • Lack of infrastructure • Impact on public transport-Trains

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On-site parking & vehicular access
Traffic & parking
Schools & public amenities
ADG compliance
Overshadowing
Environmental/Heritage
Privacy
View sharing
Increased population/density & congestion

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<tr><td>DOCUMENTS SUBMITTED FOR CONSIDERATION</td><td>
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<tr><th colspan="5">Plans</th></tr>
<tr><td>Drawing No</td><td>Revision No.</td><td>Plan Title</td><td>Drawn by</td><td>Dated</td></tr>
<tr><td>A-002</td><td>B</td><td>Project Summary</td><td>Olsson Architecture / Urban Projects</td><td>07/03/2025</td></tr>
<tr><td>A-112</td><td>B</td><td>Site Plan</td><td>Olsson Architecture / Urban Projects</td><td>07/03/2025</td></tr>
<tr><td>A-200</td><td>C</td><td>GA Plan- Basement Level 3</td><td>Olsson Architecture / Urban Projects</td><td>07/03/2025</td></tr>
<tr><td>A-201</td><td>C</td><td>GA Plan- Basement Level 2</td><td>Olsson Architecture / Urban Projects</td><td>07/03/2025</td></tr>
<tr><td>A-202</td><td>D</td><td>GA Plan- Basement Level 1</td><td>Olsson Architecture / Urban Projects</td><td>07/03/2025</td></tr>
<tr><td>A-203</td><td>C</td><td>GA Plan- Level 1 (Ground)</td><td>Olsson Architecture / Urban Projects</td><td>07/03/2025</td></tr>
<tr><td>A-204</td><td>C</td><td>GA Plan- Level 2</td><td>Olsson Architecture / Urban Projects</td><td>07/03/2025</td></tr>
<tr><td>A-205</td><td>C</td><td>GA Plan- Level 3</td><td>Olsson Architecture / Urban Projects</td><td>07/03/2025</td></tr>
<tr><td>A-206</td><td>B</td><td>GA Plan- Level 4</td><td>Olsson Architecture / Urban Projects</td><td>07/03/2025</td></tr>
<tr><td>A-207</td><td>C</td><td>GA Plan- Level 5</td><td>Olsson Architecture / Urban Projects</td><td>07/03/2025</td></tr>
<tr><td>A-208</td><td>C</td><td>GA Plan-</td><td>Olsson Architecture</td><td>07/03/2025</td></tr>
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		Level 6	/ Urban Projects	
A-209	C	GA Plan-Level 7	Olsson Architecture / Urban Projects	07/03/2025
A-210	C	GA Plan-Level 8	Olsson Architecture / Urban Projects	07/03/2025
A-211	C	GA Plan-Level Roof	Olsson Architecture / Urban Projects	07/03/2025
A-220	B	GA Plan-Adaptable Apartments	Olsson Architecture / Urban Projects	07/03/2025
A-300	B	Elevations-East	Olsson Architecture / Urban Projects	06/03/2025
A-301	B	Elevations-South	Olsson Architecture / Urban Projects	06/03/2025
A-302	B	Elevations-West-Rear	Olsson Architecture / Urban Projects	06/03/2025
A-303	B	Elevations-North	Olsson Architecture / Urban Projects	06/03/2025
A-400	B	Sections-AA	Olsson Architecture / Urban Projects	06/03/2025
A-401	B	Sections-BB	Olsson Architecture / Urban Projects	06/03/2025
A-402	B	Sections-CC	Olsson Architecture / Urban Projects	06/03/2025
A-503	B	Schedule of Colours & Materials	Olsson Architecture / Urban Projects	06/03/2025
A-901	A	Street Numbering Schedule	Olsson Architecture / Urban Projects	15/11/2024

LS00	D	Landscape Cover Page	Melissa Wilson Landscape Architects	05/03/2025
LS01	D	Landscape Site Plan	Melissa Wilson Landscape Architects	05/03/2025
LS02	D	Landscape Ground Floor	Melissa Wilson Landscape Architects	05/03/2025
LS03	D	Landscape Roof	Melissa Wilson Landscape Architects	05/03/2025
LS04	C	Landscape Mood Board	Melissa Wilson Landscape Architects	05/03/2025
LS04.1	D	Landscape Mood Board Roof	Melissa Wilson Landscape Architects	05/03/2025
LS05	D	Landscape Plant Species	Melissa Wilson Landscape Architects	05/03/2025
LS05.1	D	Landscape Plant Species Roof	Melissa Wilson Landscape Architects	05/03/2025
LS06	D	Landscape Notes	Melissa Wilson Landscape Architects	05/03/2025
LS07	D	Typical Details	Melissa Wilson Landscape Architects	05/03/2025

Stormwater Drainage Design Plans

Drawing No	Revision No.	Plan Title	Drawn by	Dated
20210084/S01-SW200	B	Stormwater Concept Design Basement 3 Floor Plan	SGC Consultants	06.03.2025
20210084/S01-SW201	B	Stormwater Concept Design Ground Floor Plan	SGC Consultants	06.03.2025
20210084/S01-SW300	B	Stormwater Concept Design Details Sheet	SGC Consultants	06.03.2025
20210084/S01-SW301	B	WSUD Catchment Plan	SGC Consultants	06.03.2025
20210084/S01-SW301	B	OSD Catchment Plan Details Sheet	SGC Consultants	06.03.2025

Documents

Doc. Ref.	Revision No.	Plan Title	Prepared by	Dated
23S0003	B	Traffic Impact Assessment	PeopleTrans	06/03/2025
-	-	Clause 4.6 Variation Request - Clause 4.3 Height of Buildings	Urbis	11/11/2024
-	-	Response to RFI	Urbis	07/03/2025

	23NL111-WMP3	-	Waste Management Plan	LOKA Consulting Engineers Pty Limited	05/11/2024
	23NL111-L1	-	Waste - Response to RFI	LOKA Consulting Engineers Pty Limited	03/03/2025
	2401	-	Design Verification Statement	Olsson Architecture / Urban Projects	11/11/2024
	20230836.1	1	Acoustic Assessment	Acoustic Logic	07/11/2024
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Not Applicable				
RECOMMENDATION	Approval				
DRAFT CONDITIONS TO APPLICANT	YES				
SCHEDULED MEETING DATE	27 May 2025				
PLAN VERSION	7 March 2025 Version No. B & C				
PREPARED BY	Peter Giaprakas				
DATE OF REPORT	15 May 2025				

EXECUTIVE SUMMARY

Owner
Huajun Investment Pty Ltd

Applicant
Huajun Investment Pty Ltd

Zoning
This property is zoned *R4 High Density Residential* which permits *residential flat buildings*.

Proposal
Demolition of existing buildings and construction of a seven storey residential flat building with associated landscaping, communal open space, and basement parking with vehicular access from Leicester Avenue.

Issues, including those matters raised by objectors

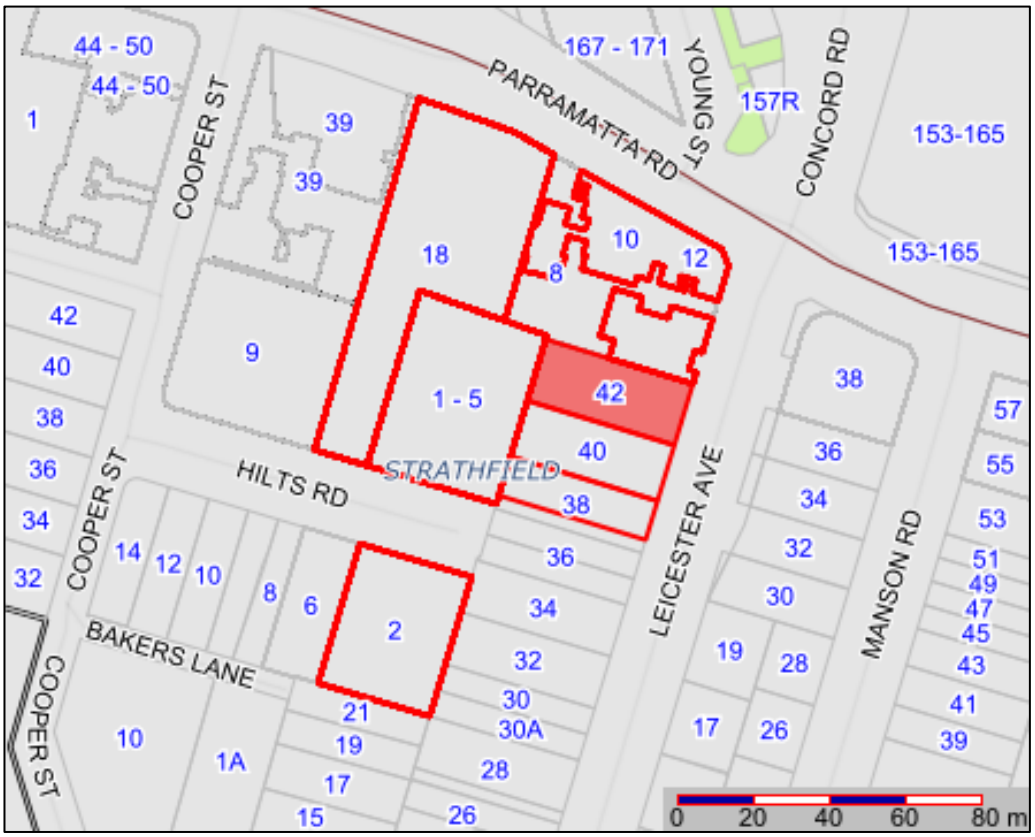
Height of building, Lack of infrastructure, Impact on public transport-Trains, On-site parking & vehicular access, Traffic & parking, Bulk waste dumping, Impact on public parks, Fire risk, Schools & public amenities, ADG compliance, Overshadowing, Impact on rental yield & rental demand, Environmental/Heritage, Privacy, View sharing, Decrease in Property Value, Noise and Disruption During Construction, and Increased population/density & congestion

Reason for Referral to the Local Planning Panel
Clause 2, Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*: General development over $30 million

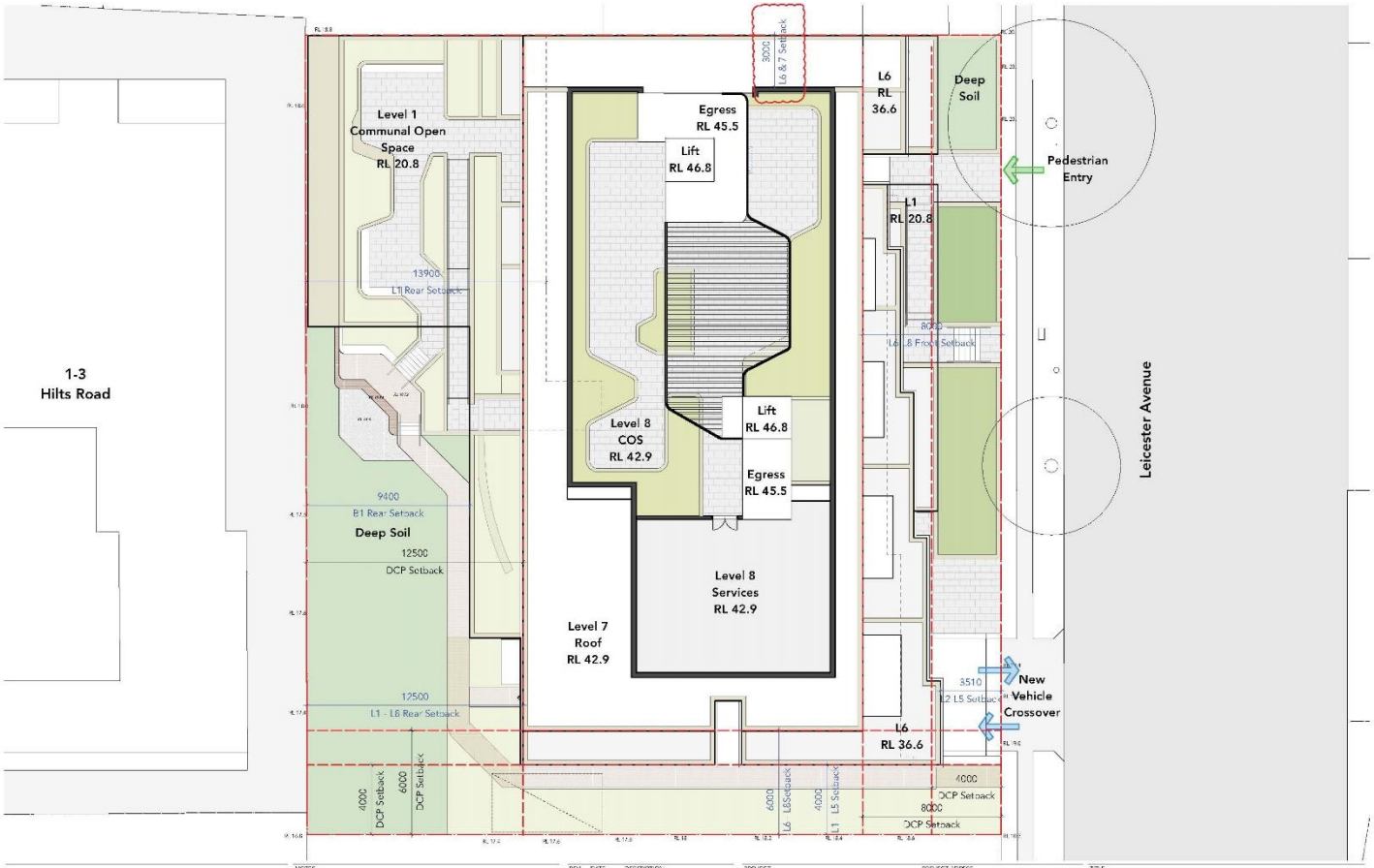
Value of development
$36,015,000.00 (incl. GST)

CIV
$32,740,909.00 (excluding GST)

Location



Subject Site: *38-42 Leicester Avenue, Strathfield*		*Submitters*		**North**



OLSSON
ARCHITECTURE | URBAN PROJECTS

REV	DATE	DESCRIPTION
P2	25/10/24	For Consultant Coordination
A	30/10/24	For Development Application
B	7/3/2025	For Council RFI Response

PROJECT: 38 - 42 Leicester Avenue
PROJECT ADDRESS: 38 - 42 Leicester Avenue, Strathfield NSW 2135
CLIENT: HUAJUN INVESTMENT PTY LTD

TITLE: Site Plan

SCALE	DRAWN	CHECKED BY
1:200	TC	RO
PROJECT NO.	DATE	STAGE
1914	7/3/2025	DA
DWG NO.		REVISION
A-112		B

Elevation - East-Leicester Avenue

OLSSON
ARCHITECTURE | URBAN PROJECTS

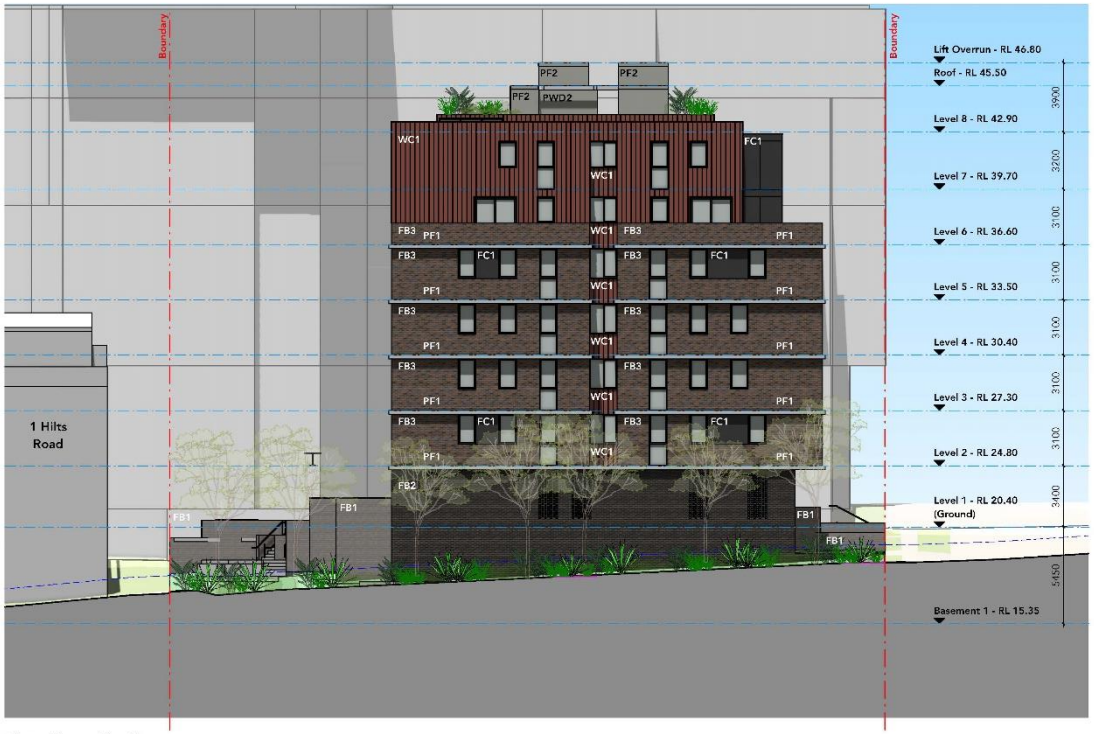
NOTES

REV	DATE	DESCRIPTION
P2	22/10/24	For Consultant Coordination
A	31/10/24	For Development Application
B	6/3/2025	RFI Co-ordination

PROJECT: 38 - 42 Leicester Avenue
PROJECT ADDRESS: 38 - 42 Leicester Avenue, Strathfield NSW 2135
CLIENT: HUAJUN INVESTMENT PTY LTD

TITLE: Elevations-East

SCALE	DRAWN	CHECKED BY
1:200	TC	RO
PROJECT NO.	DATE	STAGE
1914	6/3/2025	DA
DWG NO.		REVISION
A-300		B



Elevation - South

OLSSON
ARCHITECTURE | URBAN PROJECTS

NOTES

REV	DATE	DESCRIPTION
P2	22/10/24	For Consultant Coordination
A	31/10/24	For Development Application
B	6/3/2025	RFI Co-ordination

PROJECT: 38 - 42 Leicester Avenue
PROJECT ADDRESS: 38 - 42 Leicester Avenue, Strathfield NSW 2135
CLIENT: HUAJUN INVESTMENT PTY LTD

TITLE: Elevations-South
SCALE: 1:200
DRAWN: TC
CHECKED BY: RO
PROJECT NO.: 1914
DATE: 6/3/2025
STAGE: DA
DWG NO.: A-301
REVISION: B

Elevation - West-Rear

OLSSON
ARCHITECTURE | URBAN PROJECTS

NOTES

REV	DATE	DESCRIPTION
P2	22/10/24	For Consultant Coordination
A	31/10/24	For Development Application
B	6/3/2025	RFI Co-ordination

PROJECT: 38 - 42 Leicester Avenue
PROJECT ADDRESS: 38 - 42 Leicester Avenue, Strathfield NSW 2135
CLIENT: HUAJUN INVESTMENT PTY LTD

TITLE: Elevations-West

SCALE	DRAWN	CHECKED BY
1:200	TC	RO
PROJECT NO.	DATE	STAGE
1914	6/3/2025	DA
DWG NO.		REVISION
A-302		B

OLSSON
ARCHITECTURE | URBAN PROJECTS

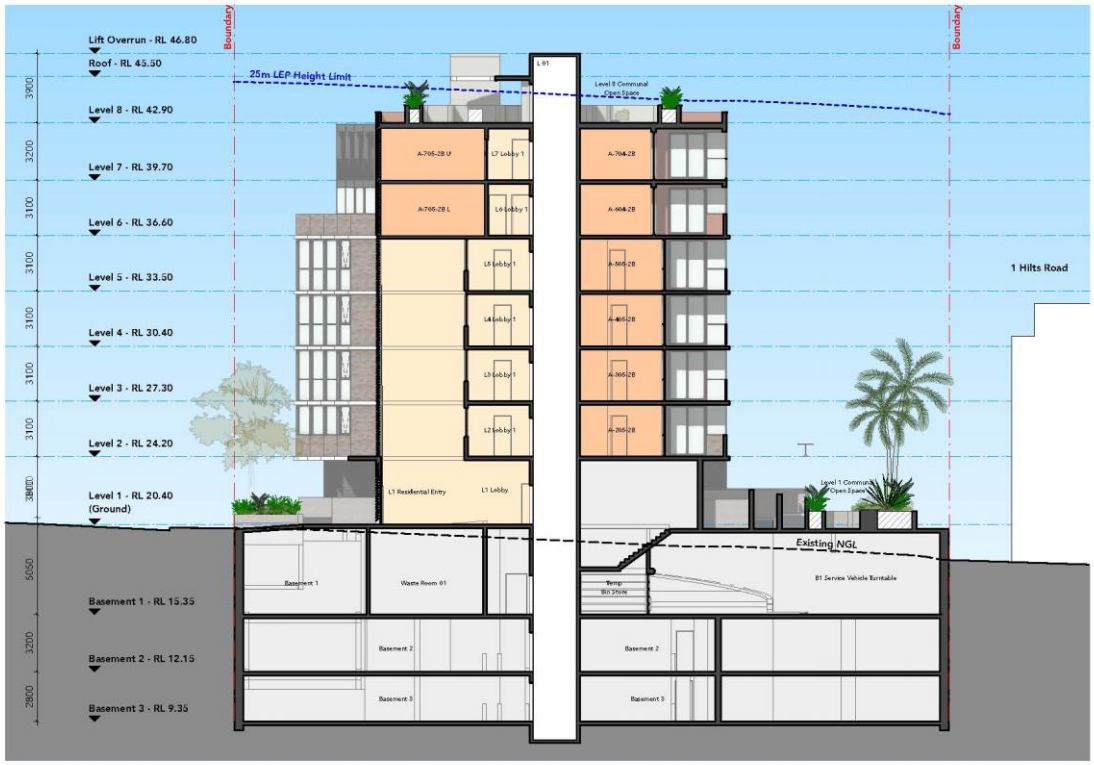
NOTES

REV	DATE	DESCRIPTION
P1	22/10/24	For Consultant Coordination
A	31/10/24	For Development Application
B	6/3/2025	RFI Co-ordination

PROJECT: 38 - 42 Leicester Avenue
PROJECT ADDRESS: 38 - 42 Leicester Avenue, Strathfield NSW 2135
CLIENT: HUAJUN INVESTMENT PTY LTD

TITLE: Elevations-Streetscape

SCALE	DRAWN	CHECKED BY
1:200	TC	RO
PROJECT NO.	DATE	STAGE
1914	6/3/2025	DA
DWG NO.		REVISION
A-304		B



Section A-A

OLSSON
ARCHITECTURE | URBAN PROJECTS

NOTES

REV	DATE	DESCRIPTION
P2	22/10/24	For Consultant Coordination
A	31/10/24	For Development Application
B	6/3/2025	RFI Co-ordination

PROJECT: 38 - 42 Leicester Avenue
PROJECT ADRESS: 38 - 42 Leicester Avenue, Strathfield NSW 2135
CLIENT: HUAJUN INVESTMENT PTY LTD

TITLE: Sections-AA

SCALE	DRAWN	CHECKED BY
1:200	TC	RO
PROJECT NO.	DATE	STAGE
1914	6/3/2025	DA
DWG NO.		REVISION
A-400		B

REPORT

1. BACKGROUND

Development Applications / Court Appeals

06/10/2015 – A Pre DA Lodgement application was lodged with Council on 6 October 2015 and sought written advice from Council on a similar residential flat building development but with vehicular access proposed from the rear boundary of the site off Hilts Road, Strathfield. Written advice was provided to the applicant (which was a different architecture firm the current development application) on 8 February 2016.

01/11/2016 – Development Application No. 2016/0429 was lodged with Council on 1 November 2016 and seeks approval to demolish the existing dwellings and structures on-site and for the construction of an eight storey residential flat building comprising 70 residential apartments with two levels of basement parking for 73 vehicles.

02/05/2017 – On 2 May 2017, the applicants lodged a Class 1 Appeal *Huajun Investments Pty Ltd v City of Canada Bay*, Case No. 17/131433, with the Land and Environment Court as a deemed refusal of Development Application No. 2016/0429.

21/02/2018 – s34(3) Agreement between Parties. Huajun and Council reached an agreement with respect to the DA in a s 34 conference which the Court purported to approve in *Huajun Investments Pty Ltd v City of Canada Bay Council [2018] NSWLEC 1087*. That agreement involved constructing a driveway on the land owned by Al Maha in the absence of owners' consent. This was attempted to be rectified by way of an amendment to the orders pursuant to the slip rule (r 36.17 of the Uniform Civil Procedure Rules 2005 (NSW).

26/11/2018 – By notice of motion filed 26 November 2018, Al Maha Pty Ltd ('Al Maha') sought to be joined as a respondent to these Class 1 proceedings. Al Maha is the owner of land adjoining the development site relevant to the Class 1 appeal.

27/11/2018 – *Huajun Investments Pty Ltd v City of Canada Bay Council (No 2)*. Al Maha commenced proceedings in the NSW Supreme Court of Appeal [Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245] to challenge the decision of the Land and Environment Court for [Huajun Investments Pty Ltd v City of Canada Bay, Case No. 17/131433].

31/07/2019 – *Huajun Investments Pty Ltd v City of Canada Bay Council (No 3) [2018] NSWLEC 194*. Ultimately, Al Maha was successful, and the consent granted to Huajun Investments was declared to be invalid and of no effect. Reasons included:

- Lack of demonstration from the Applicant that access from Hilts Road for a development on the site was not practicable thus clause 102(2)(a) of the State Environmental Planning Policy (Transport and Infrastructure) 2021 prohibits consent.
- Lack of demonstration from the Applicant that the design of the vehicular access to the site would not adversely affect the ongoing operation of Leicester Avenue (a classified road) thus clause 102(2)(b)(1) of the State Environmental Planning Policy (Transport and Infrastructure) 2021 prohibits consent.
- The request for dispensation with compliance of the building height limit did not satisfy the necessary requirements for a clause 4.6 variation request. Therefore, this could not be granted given the development was in exceedance of the height control and non-compliant with clause 4.3 of the Canada Bay LEP 2013.

The other matters raised in the court decision supporting the refusal included:

- Access and vehicle servicing considerations
- Poor solar amenity
- Poor ventilation outcomes for a significant number of the proposed dwellings

Homebush Transport Orientated Development (TOD) Precinct
The NSW Government, on 27 November 2024 gazetted the rezoning for the Homebush Transport Orientated Development (TOD) Precinct, [*State Environmental Planning Policy Amendment (Homebush Transport Oriented Development Precinct) 2024*], with urban design guided by requirements under the Homebush Transport Oriented Development Precinct Design Guide. The site is located within the Precinct boundary, as indicated in the 'Homebush TOD Accelerated Precinct Map' below (Figure A).

However, this development application was lodged on 19 November 2024 prior to the TOD provisions which therefore do not apply. In accordance with CBLEP Clause 1.8A(5), 'A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Homebush Transport Oriented Development Precinct) 2024* must be determined as if that policy had not commenced'.

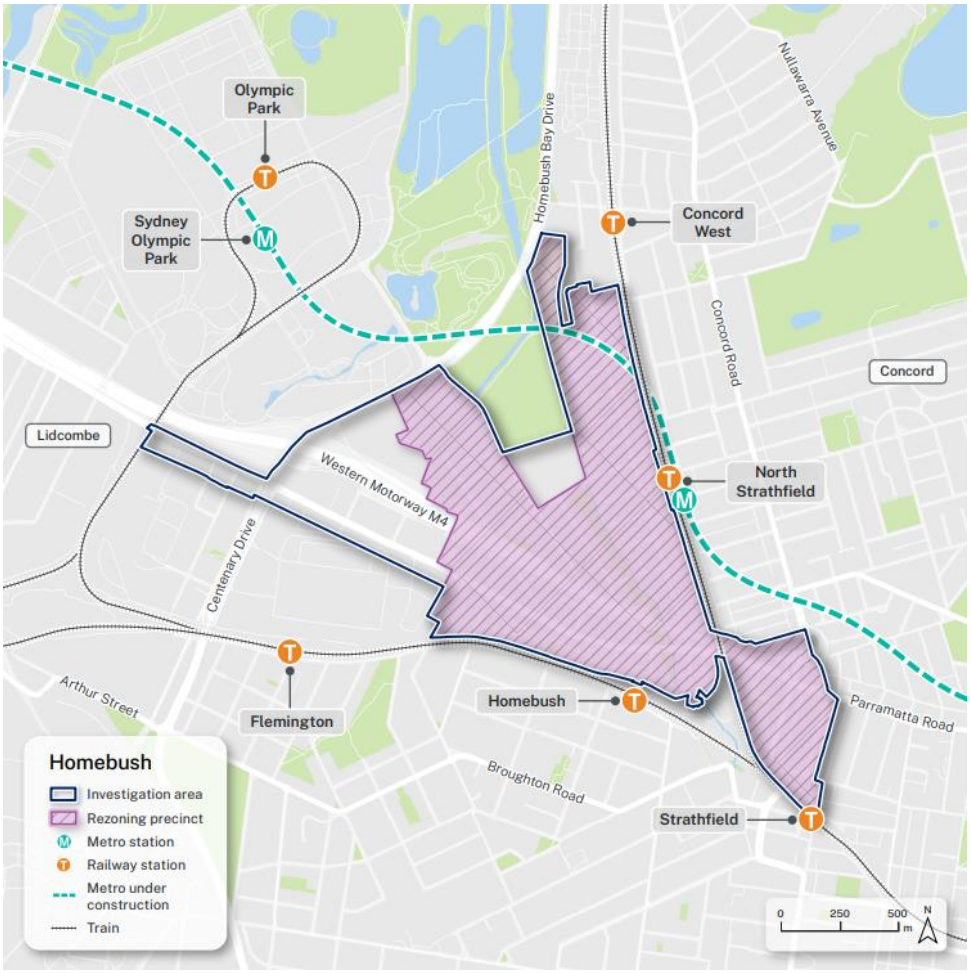


Figure A: Homebush TOD Accelerated Precinct Map (Source: https://www.planning.nsw.gov.au/plans-for-your-area/priority-growth-areas-and-precincts/parramatta-road/homebush)

Current Development Application

This development application seeks Council consent for demolition of existing buildings and construction of a seven storey residential flat building with associated landscaping, communal open space, and basement parking with vehicular access from Leicester Avenue.

Request for Additional Information

Council requested additional information from the applicant on 11 February 2025, with issues raised around Design Review Panel (DRP) comments, general planning, landscaping, traffic and parking, stormwater, waste management, and acoustic mitigation.

Response to Request for Additional Information

The applicant responded to Council's additional information with a letter titled 'Response to Council RFI – 38-42 Leicester Avenue, Strathfield (Council Ref: DA2024/0220)', dated 7 March 2025, accompanied by supporting information including Appendix A to

Appendix L (incl.), a detailed response to each information request item in tables attached to the applicant's letter, and the applicant's response to submissions.

Relevant Contribution Levies

- *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* – High Density Residential Development in Greater Sydney generates a contribution amount of $10,000.00 per new dwelling.

  Note: Clause 13(2) The number of dwellings that will result from a conversion of a building from one type of residential accommodation to another is reduced by the number of dwellings in the building when the development application for the HPC development is made.

  Note: Clause 19(2) The housing and productivity contribution for the HPC development must be paid before the issue of the first construction certificate required for a HPC component of the development authorised by the development consent, unless a different time for payment is provided by subclause (3) or (4).

  Note: Clause 22 Indexation at time of payment (1) The contribution amount set out in the development consent or the amount of each instalment for a staged subdivision, as the case may be, is to be adjusted at the time of payment by multiplying it by the following fraction

  highest PP I number over **consent PP number**
  where –
  highest PP/ number is the highest PPI number for a quarter following the June quarter 2023 up to and including the 2"d last quarter before the quarter in which the payment is made.
  consent PP/ number is the PPI number last used to adjust the base component amount, SBC amount or TPC amount when consent was granted.
  June quarter 2023 is the quarter commencing on and including 1 April 2023 and ending on and including 30 June 2023.

  However, if the adjustment of a contribution amount or amount of an instalment results in a lesser amount, the contribution amount or amount of the instalment set out in the consent must be paid instead.

- City of Canada Bay Local Infrastructure Contribution Plan – Section 7.11 Strathfield Triangle Levy – 19 x 1-bed, 22 x 2-bed, and 10 x 3-bed apartments proposed

Relevant Statutory Controls
The proposed development is subject to the following Statutory Controls:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Housing) 2021* – Chapter 4 Design of residential apartment development
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Canada Bay Local Environmental Plan 2013* (**CBLEP 2013**) - the subject site is zoned *R4 High Density Residential* under this LEP. Residential flat buildings are permitted with development consent under this zoning. Under Clause 4.3 of this plan, a maximum building height of 25 metres applies to the subject site. Under Clause 4.1A, a minimum allotment size of 1500sqm is required residential flat buildings in *R4 High Density Residential* zones. Under Clause 6.1, the site is not located within an Acid Sulphate Soil area.

Relevant Non-Statutory Controls
The proposed development is also subject to the following non-statutory Development Control Plans and Guidelines:

- City of Canada Bay Development Control Plan 2021;
- Strathfield Triangle Development Control Plan (**STDCP**), (currently superseded by Homebush Transport Oriented Development Precinct Design Guide 2024, however not applicable to this application given the application was lodged prior the Design Guide coming into effect);

2. THE SITE AND ITS CONTEXT

The subject site is known as Lot 8 in DP 4072 and Lot 1 in DP 136337, No. 38 Leicester Avenue, Lot 1 in DP 965698, No. 40 Leicester Avenue, and Lot 5 in DP 667462, No. 42 Leicester Avenue, Strathfield. The site is located on the western side of Leicester Avenue between Parramatta Road to the north and Cooper Street to the south. A single storey detached dwelling house constructed in brick with a slate or tile roof is currently

located on each of the three (3) properties that comprise the development site.

The three properties have a combined frontage to Leicester Avenue of 46.235 metres and a depth of between 40.135 metres and 40.245 metres. The site has a total area of 1858.3sqm according to the submitted survey plan based on boundary calculations (no site areas are specified on the submitted survey plan for each lot). The rear boundary is equal in length to the frontage at 46.255 metres. The site falls from the northern side boundary down towards the southern side boundary by approximately 3.5 metres and falls from the eastern (front) boundary to the western (rear) boundary by between approximately 600mm and 1.2 metres.

The submitted survey plan indicates that vegetation existing on the site includes 17 trees and shrubs scattered across all sites but primarily contained to the rear yard areas of each lot. All existing vegetation is to be removed from the site. There are also 3 existing street trees outside the subject site along the Leicester Avenue frontage.

The subject site is located within an established, low and high density residential area. The site is adjoined on its northern boundary (on the south-western corner of Parramatta Road and Leicester Avenue) by a part 7/part 10 storey mixed use building comprising ground floor commercial/retail space with residential flats above known as 4 – 14 Parramatta Road, Strathfield.

A single storey detached brick and tile dwelling is located to the south at No. 36 Leicester Avenue, Strathfield.

A 5 storey residential flat development is located to the west known as 1 – 5 Hilts Road, Strathfield.

A row of single storey brick and tile detached dwellings to the east on the opposite side of Leicester Avenue, known as 32 – 36 Manson Road, Strathfield.

To the north-east (on the north-eastern corner of Parramatta Road and Leicester Avenue) is a part 3 storey/part 6 storey mixed use building comprising ground floor commercial/retail space and units with further residential units above.

The wider surrounding area is generally a mix of residential flat developments and detached dwelling houses with some commercial establishments along the Parramatta Road corridor to the north of the site.

3. PROPOSED DEVELOPMENT IN DETAIL

Demolition of existing buildings and construction of a seven (7) storey residential flat building with associated landscaping, communal open space, and basement parking with vehicular access from Leicester Avenue, including:

- Demolition of the three existing dwellings and associated structures, including fencing and driveways
- Construction of a seven-storey residential flat building with 51 apartments including 19 (37%) x 1-bed, 22 (43%) x 2-bed, and 10 (20%) x 3-bed apartments.
- Excavation and construction of a three-level basement with residential and visitor car parking and bicycle storage spaces
- Vehicle access from one consolidated driveway on Leicester Avenue to basement parking
- Communal rooftop and terrace open spaces with deep soil planting at the rear

See applicant's visual representation in Figure B below.

Figure B: Applicant's photomontage representation of the proposal as viewed from Leicester Avenue (Source: Olsson Associates)

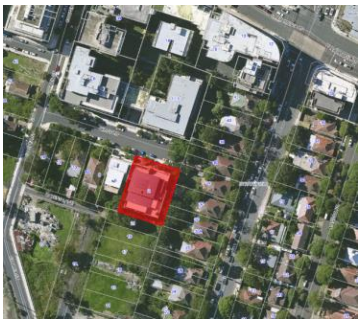
4. PUBLIC SUBMISSIONS

In accordance with Council's Development Control Plan, adjoining and nearby property owners and occupiers were advised of the proposal and invited to comment.

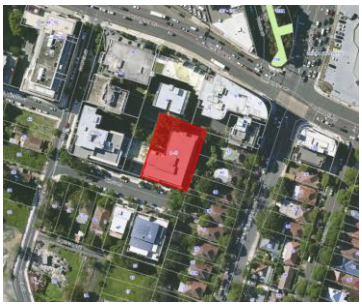
The application was placed on public notification from 20/11/2024 to 11/12/2024. Council received five (5) submissions objecting to the proposal for the following reasons:

Figure 1: Aerial overview of submission sites and the subject site (Source: Applicant's 'Response to Council RFI – 38-42 Leicester Avenue, Strathfield (Council Ref: DA2024/0220)', dated 7 March 2025, page 21)

Address / Submitter's Name / Contact	Issues	Comments
18 Parramatta Road, Strathfield (Unit number not identified) Patrick Long pilong1@outlook.com  ***Figure 2: Aerial view of 18 Parramatta Road, Strathfield (Source: IntraMaps)***	**Public infrastructure** – lack of infrastructure to support high density housing at the moment	Existing infrastructure and relevant development contributions are envisaged to support projected densities
	Public trains – impact on public trains as a result of increased density	This is not a planning consideration however the site is in relatively close proximity to public transport
	On-site parking & traffic & parking – impact on street parking and local traffic if sufficient on-site parking is not provided. Food delivery and taxi services often block streets forcing traffic to go around them as they illegally park	The proposal provides sufficient on-site parking.
	Bulk waste – dumping from additional apartments. Concerns	Bulk waste storage room is provided on Basement level 1.

	with bulk rubbish spilling over onto roads and causing car accidents	
	Public parks – lack of public parks to cope with increased density and damage to existing parks	The LGA includes various public open spaces as well as future public open space in accordance with the CBLEP and STDCP
	Fire risk. Lots of units in the area are sub-leased and have more occupants than allowed and it is not uncommon for fire doors and exits to be tampered with	This is not a planning consideration.
	Schools & public amenities – the area is at capacity already. How do we address that before adding more population and straining the limited capacity which already exists?	The proposal is within projected densities for the area. The provision of schools is a State Government matter.
Unit 8 / 2-4 Hilts Road, Strathfield Dylan Coyne dcoyne95@gmail.com  ***Figure 3: Aerial view of 2-4 Hilts Road, Strathfield (Source: IntraMaps)***	**ADG compliance** – building separation, privacy, light access, and visual amenity. Non-compliance with building separation/ setbacks to southern boundary. **Levels 1–4**: Minimum 6m building separation required. Proposal provides 4m setback along south boundary for levels 1 to 5. In addition, the inclusion of habitable rooms facing this boundary, the ADG requires a 12m building separation. **Levels 5–7**: Minimum 9m separation for developments of 5–8 storeys. The proposal provides a 6m setback for levels 6 to 8	The proposal performs adequately against the ADG. See ADG assessment below under section 5.1
	Overshadowing – elevation shadow analysis should be provided for better understanding of impacts to 2-4 Hilts Road and compliance with ADG	The submitted shadow diagrams indicate acceptable overshadowing as a result of the proposal.
	Access, parking &	The applicant has

	traffic – inconsistent with the access requirements of Strathfield Triangle DCP and Transport Oriented Development State Environmental Planning Policy, both of which do not support access via Leicester Avenue	made numerous attempts to provide vehicular access from Hilts Road, all being unsuccessful and out of the control of the applicant.
Unit 13 / 2-4 Hilts Road, Strathfield Cheryl Lai ctslai2@hotmail.com  ***Figure 4: Aerial view of 2-4 Hilts Road, Strathfield (Source: IntraMaps)***	**Reduced Sunlight** – for residents of 2-4 Hilts Road, particularly between 9:00am–12:00pm	No perceivable or additional overshadowing beyond a compliant building envelope.
	Increased traffic – proposal includes two driveways connecting to Leicester Avenue which will increase traffic and compromise pedestrian safety on an already busy road and impact surrounding streets	TfNSW has provided concurrence to the proposal.
	Traffic & parking during construction – disruption as Hilts Rd does not have the capacity to accommodate the working crew and heavy machinery	CMTP
	Street parking issue Hilts Rd – proposal has only 55 residential car spaces for 51 apartments which will increase parking issues on Hilts Road	Complies with required on-site parking.
	Environmental/Heritage – mature tree canopy will be reduced, loss of habitat for the local wildlife	Street trees will be protected as required by condition of consent.
	Public infrastructure and facilities – no government plan to allocate space for new schools, health facilities or other infrastructure that is needed for future residents	This is a State Government matter.
Unit 21 / 1-5 Hilts Road, Strathfield Joanne Ting joanneting11@gmail.com	**Privacy** – proposed development would be directly facing my apartment and into my living area and both of the bedrooms.	Proposed units are sufficiently separated from adjoining dwellings in accordance with the ADG and STDCP.

 ***Figure 5: Aerial view of 1-5 Hilts Road, Strathfield (Source: IntraMaps)***	I respectfully request for the height to not exceed the maximum height allowed, and for privacy screening to be put in place, e.g. by keeping the current trees, planting new ones which are of sufficient height and density, or any other appropriate measures to maintain the privacy and ensure the residents of the new block cannot see into my home.	
	Solar Access & View Sharing – proposed development is much higher than my apartment block and therefore would block natural light from entering the living space and also diminishes the views currently enjoyed.	Any compliant development on the site would be higher than 1-5 Hilts Road, which has a 17m height limit under the applicable CBLEP.
	Decrease in Property Value – negative impact on the value of my property	Not a valid planning consideration. Refer to discussions throughout this report related to solar access, loss of views, and reduction in privacy
	Impact on Rental Yield & Rental Demand – construction of this development is likely to reduce rental yield of my apartment by creating an environment that is less desirable for tenants	Not a valid planning consideration. Any consent granted will include relevant conditions of consent requiring adherence to Construction Management Traffic Plan, protection of surrounding resident amenity and the like.
	Noise & Disruption During Construction – construction process itself will cause significant noise, disruption, and general inconvenience for the neighbourhood	Standard conditions of consent apply to minimise potential impacts to surrounding residents.
	Increased Population/Density & Congestion – the proposed development will increase the population density in the	The proposal is consistent with density envisioned under the applicable CBLEP as well as *State Environmental*

	area. Parramatta Road is already very congested, and parking availability around the area is limited. Pressure on local amenities and infrastructure would detract from the overall quality of life in the neighbourhood, making it less desirable for both current and future residents	*Planning Policy Amendment (Homebush Transport Oriented Development Precinct) 2024*.
Unit 108 / 8 Parramatta Road, Strathfield Jasmine Phaktham jasadisa@hotmail.com  ***Figure 6: Aerial view of 8 Parramatta Road, Strathfield (Source: IntraMaps)***	**Privacy** – The proposed development would directly compromise this privacy by creating sightlines into my apartment unit, as part of the unit windows face Leicester Avenue. Also concerned with the large tree, that creates privacy, will be removed to allow for the proposed development	Proposed units are sufficiently separated from adjoining dwellings in accordance with the ADG and STDCP.
	Loss of views & Property value – loss of the current views would significantly affect the desirability and value of the apartment block	Any compliant development on the site would be either equal in height to, or higher than, 8 Parramatta Road, which has a 25m height limit to the Parramatta Road half of the site, and a 17m height limit to the rear half of 8 Parramatta Road, under the applicable CBLEP.

5. ASSESSMENT UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

5.1. Environmental Planning Instruments [Section 4.15 (1) (a) (i & ii)]

State Environmental Planning Policies
Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Housing) 2021 - Chapter 4 Design of residential apartment development

Clause 142 of the Policy outlines the aims of the Chapter, which includes providing socially and environmentally sustainable housing, achieving the urban planning policies for local and regional areas, and achieving better built form and aesthetics of buildings, streetscapes and public spaces.

Clause 145 Referral to design review panel for development applications, requires, before determining the development application, referral to the design review panel. The application has been referred to Council Design Review Panel (Refer to attached minutes from meeting held on 11 December 2024.

Clause 147 Determination of development applications and modification applications for residential apartment development

(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,

(b) the Apartment Design Guide,

(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

(2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.

(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.

Design Principles

Principle 1: Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including

sites in established areas, those undergoing change or identified for change

Comment: The site located at 38-42 Leicester Avenue is at the northwest corner of the developing Strathfield suburb. It currently serves as a transition between the existing single-storey houses to the south of the subject site and the medium-rise developments to the west. To the north is a street wall of buildings on Parramatta Road.

Zoned *R4 High Density Residential*, Council's objectives for the site is to replace existing low-density housing with higher-density development.

The proposed residential flat building development is consistent with the desired future character that has been established through the deliberate and considered rezoning of this site. The proposed development is considered to relate well to the surrounding key natural and built features fulfilling this principle.

Principle 2: Built Form and Scale
Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook

Comment: The proposed development to align with the future desired character of the street.

The design includes an appropriate four story scale along the street alignment before stepping back the upper levels.

The corner of Leicester Avenue addresses the slope through a combination of landscaped planters. The building is set back 4 meters from the southern boundary up to the fifth level, with an additional 2 meters from the sixth level to the roof, in line with the aims of the STDCP. The nil side setback on the northern boundary aligns with the existing building at 4-14 Parramatta, facilitating a transition to the lower heights permissible to the south.

The setbacks from the rear boundary with 1 Hilts Road exceed the ADG minimum, featuring a wide band of deep soil planting that

further enhances privacy between the proposal and the existing multi-residential apartment to the west.

Principle 3: Density
Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context

Appropriate densities are consistent with the area's existing or projected population

Appropriate densities can be sustained by existing or proposed infrastructure, public transport, and access to jobs, community facilities and the environment

Comment: The building density is consistent with the envisioned character for the Strathfield Triangle precinct.

The proposal complies with Canada Bay Councils side and rear setback controls for the site.

The height non-compliance is considered relatively minor, does not contribute to unreasonable density, and has negligible impacts in relation to traffic, overshadowing or privacy.

Principle 4: Sustainability
Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge

Comment: The design incorporates strong principles of passive sustainable design. It meets or exceeds BASIX sustainability standards and complies with the ADG requirements for solar access, cross ventilation, and deep soil planting.

Apartment living areas open onto either east or west-facing balconies. West-facing balconies, provide shade to the bedrooms in summer while maximizing solar access to the living areas during mid-winter.

In areas where heat loss is a concern, the ratio of glazing to façade has been minimised, ensuring thermal comfort and reducing energy usage.

The deep soil areas significantly exceed ADG standards. At the rear of the site, a 29-meter-wide by 8-meter-deep soil zone offers space for groundwater recharge and the planting of new vegetation.

Principle 5: Landscaping
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood

Good landscape design enhances the development's environmental performance by retaining positive natural features, which contribute to the local context, co-ordinating water and soil management, solar access, microclimate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management

Comment: The proposal includes a comprehensive landscaping design which provides:

- soft landscaping at the front of the site, with a 3.3-meter-wide setback, and a deep soil zone at the rear, measuring 8 meters wide
- screening and contextual planting
- two distinct communal open spaces, one at the ground floor above the basement parking podium, and the other on an extensive roof terrace
- planting along the ground-level street setbacks creating a buffer between public and private

Principle 6: Amenity
Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility

Good amenity is provided for neighbours and residents through appropriate setbacks, built forms, apartment layouts and window placements

Comment: The proposal provides adequate cross-ventilation and natural light. Winter gardens allow residents to enjoy balconies along busy Leicester Avenue.

Apartment and room sizes exceed the requirements of the Apartment Design Guide (ADG), with the design meeting or exceeding the ADG standards for solar access and cross-ventilation.

Principle 7: Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose

Comment: The relationship between public and private spaces is achieved through clearly defined secure access points and the building orientation provides passive surveillance of the primary street.

The design of the building optimises safety and security, of both the development and the public domain. Controlled vehicular access is provided through secured car park entry from Leicester Avenue, with direct access from the car park to the main lobby for residents. An intercom system at the main entry and car park entrance will facilitate communication with residents, and key card access will enhance security. Common areas will be well-lit to ensure safety after dark.

The large communal areas reinforce social interaction through shared ownership.

Principle 8: Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of

people, providing opportunities for social interaction amongst residents.

The proposal includes a balanced mix of apartment sizes and configurations, which will activate the area and provide housing for variety of users from families to single residents.

The proposed unit mix includes:

- One bedroom units (36.5%);
- Two bedroom units (42.3%); and
- Three bedroom units (21.2%).

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures

The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape

Comment: The proposal relates well visually to both the adjacent multi residential unit development and lower rise residential houses to the east of Leicester Avenue.

The proposal features a tri-partite material composition. Federation black bricks on the lower floors anchor the building, contrasting with lighter bricks used for the Level 1 private open spaces and landscaping.

The two lift cores within the rooftop communal open space are well set back and painted out in a light grey colour to minimise their impact. A pergola structure extends between each core providing an open and lightweight canopy.

Further to these design quality principles, the Apartment Design Guide (ADG) must also be taken into consideration prior to any consent. A detailed analysis of the proposed development against this guide has been carried out in the compliance table below.

Apartment Design Guide

Design Criteria	***Comment***
Part 3 – Siting the Development	
3A Site Analysis	A site analysis plan was submitted with the application.
3B Orientation	The building design and layout responds adequately to the orientation of the site.

3C Public Domain Interface	The proposal provides a landscaped interface to each frontage and boundary.
3D Communal and Public Open Space – Min. 25% 50% direct solar access to principle useable part, Min. 2 hours between 9am and 3pm.	The overall communal open space equates to 471.2m^2 which is 25.3% of the overall site area. The communal open space areas collectively receive the minimum required solar access.
3E Deep Soil Zones – Min. 7% and 6m dimensions.	12.8% or 237.8m^2
3F Visual Privacy – Height up to 25m (5-8 storeys) Habitable – min. 9m Non-habitable – min. 4.5m	Rear (western building face) is adequately set back 12.5m from the rea boundary. Nil setback to the north side of the building, with a blank common wall to interface with the adjoining residential apartment development at 4-14 Parramatta Road. N/A to the south face of the building, as this addressing future public space.
3G Pedestrian Access and Entries	Clearly defined pedestrian entry is provided from Leicester Ave.
3H Vehicle Access	Vehicular access provided from Leicester Ave for both residents and on-site waste collection. TfNSW has provided concurrence for the proposed development with vehicular access from Leicester Ave.
3J Bicycle and Parking Access	The proposal incorporates compliant car and bicycle parking. Car parking complies with the applicable Canada Bay Council DCP 2023 and Strathfield Triangle DCP Rates for the subject site.
Part 4 – Designing the Building	
4A Solar Access and Daylight – Min. 70% direct sunlight to living room and private open space between 9am and 3pm at mid-winter Max. 15% receive no direct sunlight	71.2 % of apartments receive 2 hours or more direct sunlight between 9 am and 3 pm at mid-winter. 1.9 % of apartments receive no direct sunlight between 9 am and 3 pm at mid-winter.
4B Natural Ventilation – Min. 60% cross ventilated	60% of Apartments are cross-ventilated. All habitable rooms are naturally ventilated.
4C Ceiling Heights – Residential Min. 2.7m	Floor to ceiling of min. 2.7m
4D Apartment Size and	Compliant

Layout – Studio – 35m^2 1 Bed – 50m^2 2 Bed – 70m^2 3 Bed – 90m^2	
Every habitable room must have a window in an external wall with a total minimum glass area of 10%	Compliant
Habitable room depths maximum 2.5 x ceiling height	Compliant
In open plan layouts the maximum habitable room depth is 8m from a window	Compliant
Min. area main bedroom 10m^2 Other bedrooms 9m^2 (excluding wardrobe)	Compliant
Bedroom Min. width 3m	Compliant
Living room min width Studio and 1 bed – 3.6m 2 and 3 bed – 4m	Compliant
Cross-through min width 4m	Compliant
Max habitable depth 8m	
4E Private Open Space and Balconies Studio – 4m^2 1 bed – 8m^2, 2m 2 bed – 10m^2, 2m 3+ bed – 12m^2, 2.4m Ground level 15sqm,3m	Compliant
4F Common Circulation and Spaces – Max unit off single core is 8	6 max.
4G Storage Studio – 4m^2	Compliant A minimum of 50% of the required storage is located within each apartment.

1 bed – 6m^2 2 bed – 8m^2 3+ bed – 10m^2 Min 50% in apartment	
4H Acoustic Privacy	The apartment layouts minimise noise transmission with the general grouping of bedroom and living room uses.
4J Noise and Pollution	No significant external noise sources generally. Where openings face Leicester Avenue they are to comply with, NCC and EPA requirements for noise insulation.
4K Apartment Mix	The unit mix includes: 36.5% - one bedroom units; 42.3% - two bedroom units; and 21.2% - three bedroom units.
4L Ground Floor Apartments	Ground floor units are accessed through common foyers. Apartments A-103 and A-104 privates open spaces are elevated between 0.6m -1.2m above the street. A-102 – A104 Private Open Spaces are set back behind generous soft landscaping. Each space is screened by solid walls, minimising direct sight lines from the street or main pedestrian entry.
4M Facades	Building facades are generally considered acceptable with effective articulation provided.
4N Roof Design	A flat roof form is proposed which is consistent with emerging surrounding high density developments in the area.
4O Landscape Design	The proposal has been reviewed by Council's Landscape Team. Conditions apply.
4P Planting on Structures	The applicant has demonstrated that adequate soil depths are provided for any planting proposed on structures.
4Q Universal Design Min. 20% Living Housing Guideline's silver level universal design features	Liveable design requirements are able to me met. 21.2% of total apartments will comply to the Liveable Housings Guideline 'Silver Level' 8 adaptable units are provided, representing 15.4% of the total class 2 units.
4R Adaptive Reuse	N/A
4S Mixed Use	N/A
4T Awnings and Signage	N/A
4U Energy Efficiency	A BASIX certificate was submitted with the application providing compliance with targets.
4V Water Management and Conservation	The BASIX Certificate provided for the proposal provides a target pass for water conservation.
4W Waste Management	A waste management plan was submitted with appropriate storage and recycling areas provided.
4X Building Maintenance	The selected materials and finishes will require typical ongoing maintenance.

State Environmental Planning Policy (Resilience and Hazards) 2021
In Accordance with Clause 4.6 (1) Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in it contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Due to the existing and surrounding residential uses there is nothing to indicate that the site would be affected by soil contamination. As such the site is considered suitable in its current state for continued residential use and the proposed residential development.

The proposal is consistent with this Policy subject to the recommended conditions of consent.

State Environmental Planning Policy (Sustainable Buildings) 2022
To encourage sustainable residential development, all new dwellings must comply with the provisions of State Environmental Planning Policy (Sustainable Buildings) 2022 - Chapter 2 Standards for residential development—BASIX. The Applicant has submitted a BASIX Certificate which achieved compliance with the required water and energy targets.
No compliance issues identified subject to imposition of conditions on any consent granted.

The proposal is consistent with this Policy subject to the recommended conditions of consent.

State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapter 2 Vegetation in non-rural areas applies to non-rural areas of the State inclusive of the subject local government area and aims to (a) protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

All 25 trees currently on the site are being removed as part of the proposal. The proposal includes replanting of 24 trees plus 27 shrubs.

The application is supported with an arboricultural impact assessment to identify the trees, species and to clarify their condition and justification for removal. Refer to section 6 below for

Urban Forest and Landscape referral comments and recommendations regarding landscaping provisions and replacement planting. The proposal is supported with conditions recommended by relevant Council officers.

Chapter 10 Sydney Harbour Catchment
The entire site falls within the map area shown edged heavy black and hence is affected by SEPP (Biodiversity and Conservation) 2021 Chapter 10 Sydney Harbour Catchment. The proposed has been assessed against Division 2 and will not have an impact upon the biodiversity, water quality of the catchment and waterways.

The proposal is consistent with this Policy subject to the recommended conditions of consent.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)
Vehicular access to the site has been a crucial matter since the early stages of this development. The site is located along on a classified road and clause 2.119 of the T&I SEPP requires that access is provided by a road other than a classified road where practicable and safe.

Clause 2.119(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that-*

> *(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*

Comment: The applicant has made numerous attempts to satisfy the jurisdictional requirements under clause 2.119 of the T&I SEPP, having explored multiple avenues to gain access to the site off Hilts Road (see pages 18 to 21 of the applicant's SEE for further details). To date, all attempts by the applicant in this regard have been unsuccessful. The proposal has subsequently been designed with vehicular access off Leicester Avenue.

The Development Application was referred to Transport for NSW (TfNSW) in accordance with clause 2.119 and 2.122 of the T&I SEPP. TfNSW has reviewed and provided concurrence to the proposed civil works on Leicester Avenue under section 138 of the *Roads Act, 1993*, subject to relevant Consent Authority approval and amended requirements being included in the Development Consent. These requirements have been included in the conditions of consent with the recommendation for approval. See section 7 below for details on TfNSW requirements.

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land,

Comment: The design has been assessed by TfNSW and Council's Traffic Engineer, both supporting the proposal subject to conditions of consent. See section 6 and 7 below for further details.

and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment: An Acoustic Assessment has been prepared by Acoustic Logic, dated 03/03/2025, ref: 20230836.3, in support of the proposal. The development application and revised design have been reviewed by Council's Coordinator Environmental Health and is supported subject to conditions of consent. See section 6 below for details.

5.1.1. Local Environmental Planning Instruments

The proposed development, defined as *residential flat building* is permissible with the consent of Council, within a *R4 High Density Residential* zone under *Canada Bay Local Environmental Plan 2013*. Following is a summary table indicating the performance of the proposal against relevant statutory standards.

Statutory Standards

Requirement	***Proposed***	***Compliance***
Cl 2.3 - Zone objectives		
The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	Consistent with the objectives of the zone. • provides for the housing needs of the community within a high-density residential environment • To provide a variety of housing types within a high-density residential environment	✓

Cl 2.7 - Demolition requires development consent		
The demolition of a building or work may be carried out only with development consent.	Demolition forms part of the proposal seeking consent	✓
Cl 4.3 - Height of buildings		
Maximum height applicable to site - 25m	27.8m (max) 11.2% variation	X (Refer to Clause 4.6 discussion below)
Cl 4.4 - Floor space ratio ('FSR')		
Maximum FSR is not applicable to the site Site area = 1858.21m^2 Proposed GFA: 5408.11m^2 Proposed GFA expressed as FSR: 2.9:1	N/A	N/A
Cl 5.10 - Heritage conservation		
Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance) - (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the	38 - 42 Leicester Avenue: • is not a heritage item • is located within the immediate vicinity of the following heritage item – item no. I341 – House, 30 Manson Road • is not located within a Heritage Conservation Area Refer to section 6 below for Heritage comments and recommendations.	✓ (with conditions recommended in section 6 below)

disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land - (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land - (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.		
Cl 6.1 - Acid sulfate soils		
Development consent is required for the carrying out of works described in the Table to this sub-clause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. The subject site is not located within land shown on the Acid Sulfate Soils Map.	N/A	N/A
Cl 6.2 - Earthworks		
Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the	The proposal includes excavation to accommodate basement parking levels. The application is supported with a geotechnical report with recommendations for mitigating potential environmental impacts. Further, any approval will be subject to relevant standard conditions of consent.	✓

development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
Cl 6.11 – Mix of dwelling sizes in residential flat buildings and mixed use development		
(3) Development consent must not be granted to development to which this clause applies unless— (a) at least 20% of the dwellings, to the nearest whole number of dwellings, in the development will be studio or 1 bedroom dwellings, and (b) at least 20% of the dwellings, to the nearest whole number of dwellings, in the development will have at least 3 bedrooms.	19 (37%) x 1-bed 22 (43%) x 2-bed 10 (20%) x 3-bed	✓
6.12 Affordable housing		

(1) This clause applies to development on land in an affordable housing contribution area that involves— (a) the erection of a new building with a gross floor area of more than 200 square metres, or (b) alterations to an existing building that will result in the creation of more than 200 square metres of gross floor area that is intended to be used for residential purposes, or (c) the demolition of existing floor area and the subsequent creation, whether for the same or a different purpose, of more than 100 square metres of gross floor area. (3) The affordable housing levy contribution for development in the following affordable housing contribution areas is 4% of the relevant floor area— (a) the Burwood affordable housing contribution area, (b) the Homebush affordable housing contribution area, except for 3 King Street, Concord West and 176–184 George Street, Concord West, (c) the Kings Bay affordable housing contribution area. (7) A condition imposed under this clause must provide for the affordable housing levy contribution to be satisfied— (a) by dedication in favour of the Council of land comprising— (i) 1 or more dwellings, each having a gross floor area of not less than 50 square metres, with any remainder paid as a monetary contribution to the Council, or (ii) other land approved by the Council in accordance with the Affordable Housing	The site is located within the Homebush affordable housing contribution area. 4% contribution applies to the relevant floor area (uplift) of the proposal. Total proposed floor area = 5408.11m^2 Less Exiting 427m^2 GFA, comprised of: • 42 & 42A Leicester Ave: 148m^2 • 40 Leicester Ave: 158m^2 • 38 Leicester Ave: 121m^2 Relevant floor area = 4981.11m^2 The proposal does not include floor space to be provided to the City of Canada Bay Council to be used for the sole purpose of affordable housing. Therefore, the applicable monetary contribution will be required. The contribution is $2,623,849.50 based on the total uplift in residential GFA of 4981.11m^2 at $526.76 per square metre as at the 2022 (June March Quarter). The total uplift GFA 5408.11m^2 less the residual GFA up to 0.5:1 (427m^2).	As conditioned to be paid prior to CC

Contributions Scheme, with any remainder paid as a monetary contribution to the Council, or (b) if the person chooses, by monetary contribution paid to the Council. (8) The rate at which a dedication of land or monetary contribution is taken to be equivalent to the relevant floor area for the purposes of the affordable housing levy contribution is to be calculated in accordance with the Affordable Housing Contributions Scheme. Note: The Affordable Housing Contributions Scheme adopted by the Council on 28 March 2023.		

As indicated in the compliance table above, the proposal is consistent with the LEP except for Clause 4.3(2) Height of buildings. See Clause 4.6 discussion below.

Clause 4.6 Request
The applicant seeks to vary LEP Clause 4.3(2) Height of buildings and Clause 18 of the Housing SEPP. The variation being 2.8m (max) or **11.2%**. Refer to visual representation of non-compliance in the figure below.

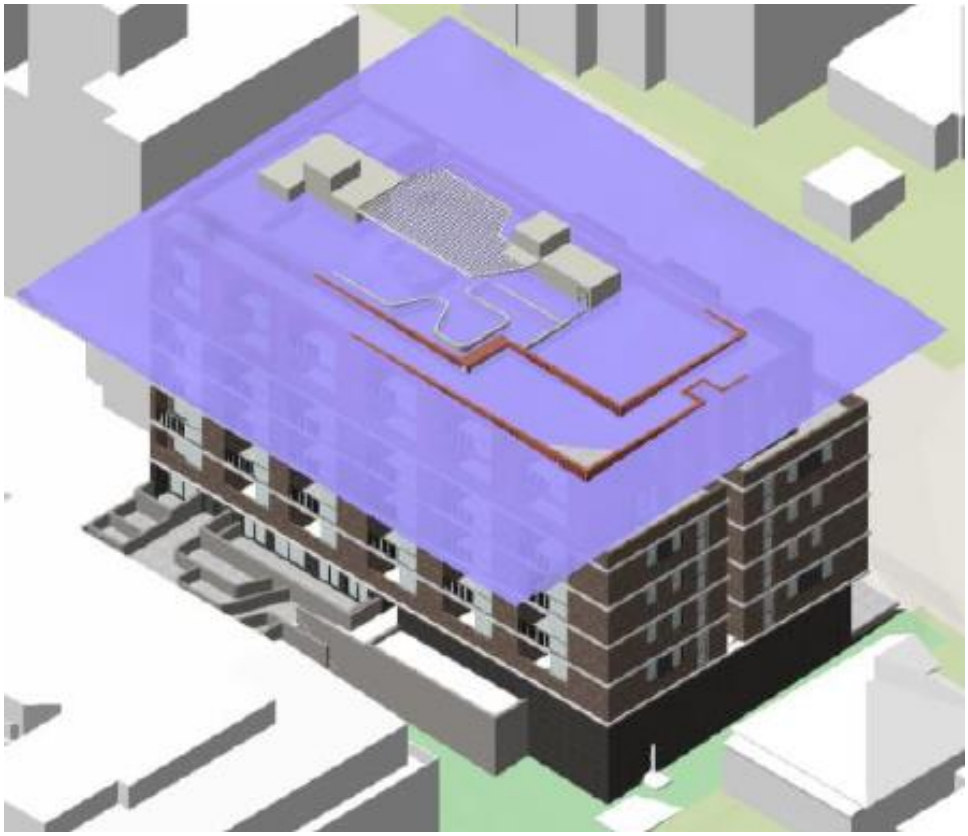


Figure 7: Height Plane Diagram showing extent of building height non-compliance – looking north-east (Source: Olsson Associates)

Preconditions to be satisfied

Clause 4.6(4) of the LEP establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard. Clause 4.6(2) provides this permissive power to grant development consent for a development that contravenes the development standard is subject to conditions.

The two preconditions include:

1. Tests to be satisfied pursuant to Cl 4.6(4)(a) – this includes matters under Cl 4.6(3)(a) and (b) in relation to whether the proposal is unreasonable and unnecessary in the circumstances of the case and whether there are sufficient environmental planning grounds to justify contravening the development standard and whether the proposal is in the public interest (Cl 4.6(a)(ii)); and

2. Tests to be satisfied pursuant to Cl 4.6(b) – concurrence of the Planning Secretary.

These matters are considered below for the proposed development having regard to the applicant's Clause 4.6 request.

Clause 4.6 – Exemption of Development Standards

(1) The objectives of this clause are as follows—
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

(4) The consent authority must keep a record of its assessment carried out under subclause

1. What Clause is sought to be varied:

Clause 4.3(2) of the Canada Bay Local Environmental Plan 2013 (CBLEP 2013) states that *the height for a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map* (see extract of LEP height map in ***Figure 10*** below for reference to the site's maximum height apportionment). The Height of buildings Map shows that the maximum building height permitted for a building on the subject land is 16m to the front portion of the site and 22m to the rear portion. A building height bonus afforded however under the Housing SEPP including, 30% of the maximum LEP height of 16m, which applies to the front portion of the site (allowing **20.8m**) and 30% of maximum LEP height of 22m, which applies to the rear portion of the site (allowing **28.6m**).

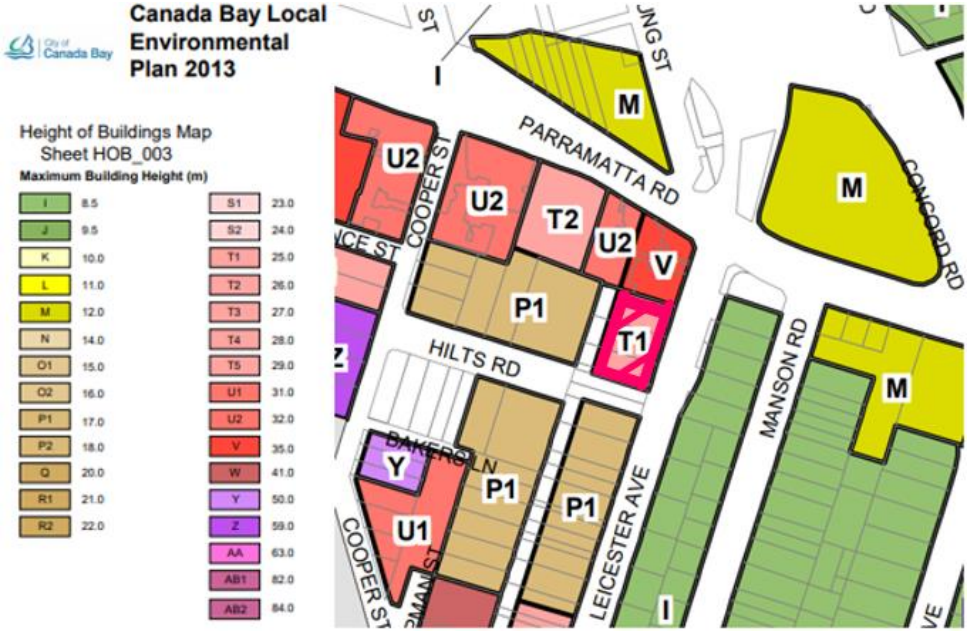


Figure 8: Height of building Map Extract (Source: CBLEP Height of buildings Map HOB_003 – 26 Feb 2021 to 1 Dec 2022)

The proposed development has a maximum height of **28.7m**, therefore exceeding the development standard by 2.7m or **11.2%**.

It is noted that the Height of buildings maximum height for the site under the current amended CBLEP is 35m (which is not applicable to this application). See Figure 9 below. This is consistent with the *State Environmental Planning Policy Amendment (Homebush Transport Oriented Development Precinct) 2024* gazetted 27 November 2024.

Figure 9: Height of buildings extract – Maximum 35m (Source: NSW Planning Portal Spatial Viewer)

2. Clause 4.6 Objectives:

The following objectives are contained in Clause 4.6 of the Canada Bay Local Environmental Plan 2013:

> *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
> *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In consideration of the applicant's written submission, Council is satisfied that it is appropriate to invoke the provisions of Clause 4.6 to vary the Height of buildings development standard allowing flexibility in the application of the Height of buildings given the circumstances of the development proposal as follows:

- The applicant's written request demonstrates that compliance is both unreasonable and unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify contravening the Height of buildings development standard.

- The proposed non-compliant height results in a built form that achieves a better outcome for the site and does not result in any unreasonable environmental impacts.
- The proposal satisfies the objectives of the Height of buildings development standard and is consistent with zone objectives.

3. Clause 4.6(3) Provisions:

Sub-clause (3) of Clause 4.6 of the CBLEP 2013 states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating the following:

> *(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
> *(b) there are sufficient environmental planning grounds to justify contravening the development standard.*

In consideration of the applicant's written submission prepared by, Council is satisfied that it is unreasonable and unnecessary to require strict compliance with the Height of buildings development standard under Clause 4.3(2) of the CBLEP 2013, and that there are sufficient environmental planning grounds to justify contravening the Height of buildings standard for the reasons set out below.

Council is also satisfied that the proposed development is in the public interest because it is consistent with the following objectives of the Height of buildings development standard, as contained in Clause 4.3(1) of the CBLEP 2013, for the reasons set out below:

> *a) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively contribute to the streetscape and public spaces,*
> *b) to protect the amenity of residential accommodation, neighbouring properties and public spaces in terms of—*
> *i. visual and acoustic privacy, and*
> *ii. solar access and view sharing,*
> *c) to establish a transition in scale between medium and high density centres and adjoining lower density and open space zones to protect local amenity,*
> *d) to ensure that buildings respond to the natural topography of the area.*

The proposal is considered to satisfy the above objectives for the following reasons:

- The proposal is of an appropriate height and scale within the context of the site and locality.
- The proposed development is well articulated with the height non-compliance primarily confined to rooftop elements including two lift shafts (providing better access for residents to the rooftop communal open space), pergola structure and small sections of parapet structure around the south-wester area of the roof (see Figure 7 above).
- Non-complying elements do not result in any perceivable additional overshadowing to adjoining residential property. The highest elements of the development have been designed to be central to the rooftop area, minimising their visibility from the public domain. The applicant's shadow diagrams demonstrate the lift overrun elements (the highest elements of the building) do not overshadow beyond the extent of the proposed building, and do not have an impact on neighbouring properties. Minor shadow impacts arise from the parapets on the south-western edges of the building. These fall largely on the rooftop of the buildings to the south with no impact to the amenity of residential dwellings.
- The proposed development is adequately setback from adjoining properties.
- The proposed development reduces in density from development immediately to the north of the site adjacent to Parramatta Road, transitioning towards the lower density of the Strathfield Triangle and across Leicester Avenue.
- The proposal will not result in view impacts or loss of significant views from adjoining buildings given the context of the built form in the area.
- The proposed building height for the subject development is 27.8m, which is consistent with the heights for neighbouring sites in the Homebush Transport Oriented Development (TOD) rezoning proposal that was recently on exhibition. These heights range from 35-28m along Leicester Avenue, to 17m on Hilts Road.

Council is also satisfied that in accordance with sub-clause (4) (ii) of Clause 4.6, the proposal will be in the public interest because it is consistent with the following objectives of the *R4 High Density Residential* zone in which the site is located, for the reasons stated below:-

- *To provide for the housing needs of the community within a high density residential environment.*

- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- Comments in relation to the above objectives are as follows:-

- The proposal will provide an appropriate density and mix of additional general housing in the area.
- The proposal will not unreasonably impact on existing surrounding residential developments in terms of noise and visual amenity, overshadowing or generate any notable increase in traffic and on-street parking.

Council is satisfied that the contravention of the Height of buildings development standard in this case will not raise any matter of significance for state or regional environmental planning and that the public benefit of the Height of buildings development standard will be maintained as the proposal meets the objectives of the development standard and zone objectives

5.2. **Draft Environmental Planning Instruments [Section 4.15 (1) (a) (i & ii)]**

Homebush Transport Orientated Development (TOD) Precinct

The TOD Program is part of the NSW Government's response to the ongoing housing crisis. The TOD Program proposes to amend the planning controls to support density around specified metro and train stations.

The subject site falls within the Homebush TOD, one of eight accelerated
precincts for state-led rezoning.

The program went on exhibition in the latter half of 2024 and on 27 November 2024 the NSW Government gazetted the rezoning for the Homebush Transport Orientated Development (TOD) Precinct, [*State Environmental Planning Policy Amendment (Homebush Transport Oriented Development Precinct) 2024*], along with publishing the Homebush Transport Oriented Development Precinct Design Guide to guide urban design for applicable development.

The development has been assessed against the applicable development standards and controls for the site under the CBLEP 2013 and STDCP, prior to the commencement of *State Environmental Planning Policy Amendment (Homebush Transport Oriented Development Precinct) 2024* on 27 November 2024.

Notwithstanding this, the proposed development has been considered against the objectives of the TOD program for the delivery of additional housing in well located areas and is considered consistent with those objectives.

5.3. Development Control Plans, Council Policies or Codes [Section 4.15(1)(a)(iii)]

The proposed development is affected by the provisions of the Strathfield Triangle DCP. Following is a summary table indicating the performance of the proposal against relevant non-statutory standards.

Clause	Provisions	Comment/Assessment	Complies
Part 3 Urban Form			
3.1 Urban Form Principles			
3.2 Uses	*C.1 Locate retail premises at ground level fronting Parramatta Road; and* *C.2 The remainder of the Triangle to be the preferred location for medium to high density residential use.*	The development does not have a frontage on Parramatta Road. No retail uses are proposed. Development consists of medium density residential use.	Yes
3.3 Block Principals	*C.3 Max. building depth is 18 metres (glass to glass line) for all residential buildings;* *C.4 Max. depth of single aspect apartments: 8m from a window.* *C.5 Kitchens to be located a max. of 8m from windows.* *C.6 Locate taller buildings along the railway corridor to help define the edge of the Triangle;* *C.7 Step heights down in centre of Triangle & adjacent public park to protect residential & public amenity; and* *C.8 Within each block, provide generous open space for deep soil zones & to maximise building separation and solar access.*	At its widest point, the building depth is 24m. Whilst this does slightly exceed the maximum building depth, the articulation of the built form allows for greater residential amenity (particular solar access) and results in a better urban outcome. The maximum depth of single aspect apartments does not exceed 8m maximum. No kitchens are proposed to be located 8m or more away from a window.	Acceptable
3.3 Block Principals (Heights)	*C.1 Max. building heights: not exceed those shown by Map 2- Maximum Building Heights;* *C.2 Buildings in the centre of the precinct to be predominantly 5 storeys; and* *C.3 Tall buildings are to be setback above certain heights to maintain a consistent street scale and ameliorate building mass.*	Map 2 shows the site of 38-42 Leicester Avenue having a maximum height of buildings not exceeding seven storeys. The development proposes seven storeys above ground level. The upper levels of the building have been set back to maintain street scale and ameliorate building mass.	Yes
3.4 Floor to Ceiling Heights	*C.1 Residential buildings must provide a min. floor to ceiling height of 2.7m for habitable rooms on all floors; and* *C.2 Buildings comprising retail uses on the ground floor must provide a minimum floor to ceiling height of 3.3 metres.*	Residential floors achieve floor to ceiling heights of 2.7m. No retail use is proposed.	Yes

3.5 Setbacks	***Front (street) Setbacks*** *C1. Minimum building setbacks are to be provided in accordance with those shown in Map 3- Minimum Street Setbacks.* *C.2 No building structures should be provided in the setback area, including stairs, ramps and planter boxes at footpath level.* *C.3 Building setbacks shown on Map 3 are measured from the new boundary following road widening.* ***Rear/Side Setbacks*** *C.4 The minimum building separation is controlled by the required provision of deep soil zones, and solar access controls contained in Part 5 of this DCP.* *C.5 The southern end of Cooper Street will be closed. There is opportunity to formally close this section of Cooper Street and incorporate the land into the adjacent development site. In circumstances where this occurs, the required 4 metre setback may be reduced to nil.* ***Upper Level Setbacks*** *C.6 Minimum upper level building setbacks i.e. the separation between the 'build-to' line between the upper and lower storeys are to be provided in accordance with those shown in Map 4 - Minimum Upper Level Setbacks.*	Map 3 demonstrates that the minimum building setback for the site is 4m to Leicester Avenue and 4m to the south of the lot. The development achieves a minimum street back of 4m to the south, and 3.51m setback to Leicester Avenue. The setback to Leicester Avenue is 0.49m less than required by C1, but results in a better development outcome that allows for more apartments to achieve solar access during midwinter. Map 4 demonstrates that minimum setback of the building from level four upwards is 8m to Leicester Avenue and 6m to the south of the lot. The development achieves a min. setback of 8m to Leicester Avenue and 8m to the south of the lot from levels 6 upwards.	Acceptable
3.6 Vehicular and Pedestrian Access	*C.1 Access to sites fronting Leicester Avenue should be provided from the rear, facilitated by the creation of a new lane way as shown in Map 5 - Vehicle and Pedestrian Access;* *C.2 The laneway will be provided by Council as a public lane way for pedestrians and vehicles; and* *C.3 Pedestrian access must be provided between Hilts Road and Leicester Avenue in accordance with Map 5- Vehicle and Pedestrian Access.* *C.4 Vehicle access points are to be provided generally in accordance with those locations identified on Map 6 - Building Access Point.*	Access is proposed from the front of the development to Leicester Avenue. Council is yet to provide the relevant laneways to allow for alternative access arrangements to the site. As Leicester Avenue is the only street immediately adjoining the site, access to and from is considered appropriate. This is supported with concurrence from TfNSW with conditions. The reduction of vehicle access points from 3 to 1 is considered an improved development outcome.	Acceptable

3.7 Site Amalgamation	*C.1 The redevelopment of allotments shown in Figure 8 must wherever possible conform to the amalgamation pattern illustrated;* *C.2 Where a development may result in the creation of an isolated site, the applicant is required to demonstrate that negotiations between the owners of the properties commenced at an early state that was prior to the lodgement of the development application. Where no satisfactory result is achieved, the development application must include negotiations with the owners of the properties. These details must include offers to the owner of the isolated property. Such offers are to be reasonable and are to be based on at least one recent independent valuation and include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.* *C.3 Where a development may result in the creation of an isolated site the applicant must demonstrate that orderly and economic use and development of the separation sites can be achieved that is consistent with the planning controls. Such demonstration is achieved by the applicant providing an envelope for that site, indicating height, setbacks, resultant site coverage (building and basement), sufficient to understand the relationship between the development and that site, the likely impacts the development will have on each other, such as solar access, visual and acoustic privacy, impacts for residential development and traffic impacts if that site is on a main road.* *C.4 Site amalgamation should seek to minimise the number of driveway crossings provided to the street; and* *C.5 Amalgamated sites must make provision for new laneways (rear access for sites fronting Leicester Avenue) and pedestrian access (between Hilts Road and Leicester Avenue) as shown in Map 5- Vehicle and Pedestrian Access. The new lane and pedestrian access have been identified for acquisition by Council.*	Amalgamation of four lots is proposed and is consistent with Figure 8 in the DCP. The amalgamation of the four lots into one will reduce the number of driveway crossings from three to one. No public domain is proposed in Map 8 of the DCP is nominated on the amalgamated site. Therefore, no provision of a new laneway to the rear of the site is proposed in accordance with C5.	Yes
Part 4 Street Principles			
4.2 Leicester Avenue	***Location*** *North-south between Parramatta Road and the western railway line. These controls apply to the western side of Leicester Avenue* ***Character*** *Leicester Avenue provides the main connection to Parramatta Road from the Triangle. There are mature street trees on both sides of the road. It is intended that an opportunity to increase the bulk and scale of buildings will promote urban renewal and accommodate a broad range of housing types. Fencing to new development is to be low and permit*	**Character** The proposed development actions the opportunity to increase the bulk and scale of buildings on the western side of Leicester Avenue to accommodate a wide range of household needs. Minimal fencing is proposed, largely of low scale to accommodate for soft landscaping. **Heights** The height of the proposed development is seven storeys, and consistent with the height map within the DCP (Map 2). **Front Setback** The front setbacks are proposed to be varied slightly from the control, but will result in an improved urban outcome that addresses the	Justification provided.

	glimpses to front gardens through the use of vertical elements with narrow gaps, or sections of transparent materials ***Heights*** *Corner of Leicester Avenue and Parramatta Road: 10 storeys. North of Cooper Street: 5-7 storeys. South of Cooper Street: 10- 18 storeys. Refer to Map 2* ***Front Setback*** *Ground: 4 metres (refer to Map 3).* *Upper Setback: 4 metres at the 4th storey (refer to Map 4)*	objectives of the control (see 3.5 Setbacks).	
Part 5 Design Guidelines			
5.1 Design Guide			
5.1.1 Apartment Sizes	*C.1 Comply with the minimum apartment sizes below:*	The apartment sizes exceed the minimum size required under C1. The smallest: • 1bedroom apartment is 50.3m2 • 2bedroom apartment is 75.9m2 • 3bedroom apartment is 95.2m2	Yes
5.1.2 Apartment Mix	*C.1 All residential and mixed use development should provide a range of dwelling types, including 1, 2 and 3+ bedroom dwellings.*	The development provides a range of dwelling types that consists of 19 x 1-bedroom, 22 x 2-bedroom, and 10 x 3-bedroom apartments.	Yes
5.1.3 Adaptable Housing	*C.1 Adaptable Housing units are to be designed and constructed to meet the performance requirements and provide the essential features required by AS4299 Adaptable Housing at the rates specified in the following table.* *Where the total number of adaptable housing units to be provided is not a whole figure, the figure is to be rounded up to the next whole figure.* *Where a residential development provides adaptable housing units in accordance with this plan, one accessible car parking space should be provided for each adaptable unit. This is in addition to any accessible parking required by this DCP.*	The development provides a total of 51 apartments. Therefore, 15% are required to be adaptable. The development achieves 15.4% of adaptable apartments at a quantity of 8.	Yes
5.2 Building Massing			
5.2.1 Building Separation	*C.1 For building elements up to four storeys (12 metres), the following separation is to be achieved:* 12 metres between habitable rooms/balconies; *9 metres between habitable rooms/balconies and non-habitable rooms; and* *6 metres between non-habitable rooms and blank walls.* *C.2 For building elements from five to eight storeys (up to 25 metres), the following separation is to be achieved:* 18 metres between habitable rooms/balconies; *13 metres between habitable rooms/balconies and non-habitable rooms;* *9 metres between non-habitable rooms and blank walls.*	**To the north** No building separation is proposed to the north of the site. This is considered acceptable as no openings are proposed on the building's northern façade and is built to boundary with the neighbouring 4-14 Parramatta Road development. **To the east** The development offers a 3.51m to 8m setback to Leicester Avenue, which is approximately 20m wide. This is more than sufficient building separation at all levels. **To the west** The building is setback 12.5m from the site boundary. This allows for significant separation to be achieved beyond the 12m required for levels 1-4. For the upper levels, this is more than half of the 18m required, with the onus on the neighbouring development to achieve the other half. This is considered an acceptable setback. **To the south** Current development to the south consists of a single storey detached house. If redeveloped, a public domain extension to Hilts Road should form part of the scope of	Yes

		works in order to be consistent with the DCP. The proposed setback of 4-6m on the site boundary is considered appropriate given the existing is one storey tall, and future development of the site to the south would require significant public domain works, allowing for significant building separation to accommodate the Hilts Road extension.	
5.2.3 Façade composition and articulation	C.1 Facades are to incorporate a balance of horizontal and vertical elements, to visually address any apparent building bulk. This may be achieved by the use of strong lines of verandahs, balconies, brick coursing and openings. C.2 Unrelieved facades, such as those created by curtain walling, large expanses of glass and concrete, are to be avoided. C.3 The composition of a building facade or series of facades is to form a rhythm that complements and is in harmony with the streetscape. The facade composition is to respond to environmental and energy needs, such as sun shading, light shelves and wind mitigation. C.4 Mechanisms which can be employed are: ▪ Definition of a base, middle and top related to the overall proportion. ▪ *Setting back the top level on taller buildings; and setting back at upper levels to maintain a consistent street wall height (see Part 3.4 Heights).* ▪ Appropriate use of a mixture of window types. ▪ *Balustrade detailing which relates to the type and location of the balcony and its impact on the façade.* ▪ Clear identification of building entries. ▪ The use of architectural features which give pedestrian scale at street level.	The façade of the building uses horizontal bands at each floor level and consistent lines of balconies, winter gardens, and windows to address any apparent bulk of the building. Large expanses of glass and concrete have been avoided. The façade of the building is articulated in a way that maximises solar access to residents and responds contextually to 4-14 Parramatta Road to the north. The development consists of an appropriate mix of windows, open balconies, and winter gardens on Leicester Avenue, and open balconies to the rear of the development	Yes
5.2.4 Roof Design	*C.1 Roof forms are to:* *Generate an interesting skyline and enhance views from adjoining developments. Relate to the size and scale of the building.* *C.2 Outdoor recreation areas located on flat roofs are to be landscaped and incorporate shade structures and wind screens to encourage use;* *C.3 The maximum roof top service zone height is 5m;* *C.4 The roof top service zone (comprising all plant and machinery) is to be set back a minimum of 4m from the parapet;* *C.5 The total area in plan for roof top services may not exceed 80 per cent of the building footprint area;* *C.6 Lift towers, machinery plant rooms, chimneys, stacks, vent pipes and television antennae should be designed to minimise their visibility and size;*	The roof form consists of a pergola for the communal open space, roof egress and lift overrun, and is relates to the size and scale of the building. The communal outdoor space includes recreation areas on the flat roof that incorporates landscaping and shade structures. The shade structures are set back significant from the parapet. Building services are embedded into the roof top and do not increase the visual bulk of the proposed building, despite being set back less than 4m from the parapet.	Yes

	C.7 The design of rooftop structures is to be integrated with the overall building design; and *C.8 Rooftop signage is not permitted.*		
5.3 Public Domain Interface			
5.3.1 Street Trees	*C.1 Retain existing street tree planting and strengthen avenue planting; and* *C.2 Ensure that the location of entrances and the position of driveways for new buildings do not interrupt continuous avenues of street trees.*	The development proposes to retain the street trees in the north-east corner of the site. The street tree in the south-east corner of the site is proposed to be removed to facilitate the proposed driveway.	Yes (with condition to replace)
5.3.2 Entrances	*C.1 Entrances are to be a clearly identifiable element of the development when viewed from the street. Avoid entry elements to buildings which are concealed, or ambiguous (ie. it is unclear if they are part of the public or the private part of the development);* *C.2 Provide a direct physical connection from the street into the development and from the entry foyer to circulation spaces;* *C.3 Design entrances and associated circulation spaces of an adequate size to facilitate movement of furniture between public and private spaces;* *C.4 Provide sheltered, well lit and highly visible spaces to enter the building, meet and collect mail; and* *C.5 Provide separate entries for:* • *pedestrians and cars* • *commercial and residential tenants* • *residences located at ground level.*	Residential lobby is visible and accessible from Leicester Avenue. Entry elements are not ambiguous. The lobby provides direct connections from the street into the development and directly into the circulation and lobby spaces. Flush mounted letter boxes are setback from the street in a sheltered, visible, and well-lit space as one enters the building. Separate entries are provided for vehicles and cars. Residences at ground level do not have separate entrances, but given the constraint of Leicester Avenue, this is a better planning outcome.	Acceptable
5.3.4 Awnings	*C.1 Locate awnings over entries to commercial and residential apartment buildings;* *C.2 Provide awnings to neighbourhood shops;* *C.3 Awnings are to be in the height range 3.6-4 metres; and* *C.4 Awnings are to be no deeper than 3.6 metres, and may extend over public footpaths to within 600mm of the kerb face, so long as street trees are not required. In this instance, awnings may not extend closer than 1.5 metres to the centre of the tree hole. (In general within the Strathfield Triangle, buildings are set back from the front boundary and awnings will therefore not extend over the whole width of the footpath).*	An awning is provided above the residential entry. No commercial entries are proposed as part of the development.	Yes
5.4 Open Space and Landscape			
5.3.4 Awnings	*C.1 Locate awnings over entries to commercial and residential apartment buildings;* *C.2 Provide awnings to neighbourhood shops;*	An awning is provided above the residential entry. No commercial entries are proposed as part of the development.	Yes
5.4.2 Communal open space	*C.1 A minimum of 30% of the residential site area is to be open space made up of ground level private open space and/or ground level communal open space and/ or setbacks;*	Communal open space is provided via a communal terrace and open space on the rear. This has a combined area of 175m^2 and has minimum dimensions exceeding 6m. Over 50 per cent of the communal space is	Yes

	C.2 Provide communal open space to all residential apartment buildings at a minimum size of 60m² with a minimum dimension of 6m x 6m; *C.3 Ensure a minimum of 50 per cent of the communal space area is unpaved and planted;* *C.4 Ensure communal open space is designed to provide:* . *A balance of sunshine and shade.* . *Accessible and safe routes through the area between buildings.* . *Privacy for dwellings and their associated outdoor spaces.* . *Service areas that are accessible and screened.*	unpaved when including the deep soil areas, which is immediately adjacent to the terrace space at the rear of the site. Open space has been designed to include a balance of solar access and shade, is safe and accessible, and fencing offers privacy for residential dwellings at the ground rear level.	
5.4.3 Private open space – ground level	*C.1 The minimum area of private open space at ground level is 25m² for each ground level dwelling;* *C.2 Provide for a range of possible activities including: clothes drying, storage, outdoor dining, barbeques, gardening, children's play;* *C.3 Private open space must be directly accessible from the main internal living area;* *C.4 Establish clear boundaries between private open space and communal open space with appropriate landscaping and fencing; and* *C.5 The minimum dimension for private open space is 4 x 4 metres.*	Ranging from 17.5m^2 to 30.7m^2. Whilst two apartments on the ground level have a smaller private open space area that specified in the DCP, these areas are ADG compliant and are designed to facilitate an increase deep soil/soft landscaping zone. As noted in the Housing SEPP, the ADG is of more statutory weight than a development control plan. Private open space is designed to provide for a range of possible activities and is accessible from the main living area in three of the four ground level apartments. Due to the constrained nature of the site with the northern building being built to boundary, this was not achievable for the fourth ground level apartment. To still ensure amenity is provided, this ground level apartment is designed to have two terraces, one on the east and one on the west. This results in a better planning outcome. Clear boundaries have been established between the private open space and the communal open space with landscaping and fencing	Acceptable
5.4.4 Private Open Space – balconies and terraces	*C.1 A minimum of one open or enclosed balcony or terrace per apartment is to be provided;* *C.2 The main balcony is to be located adjacent to the living area and accessible from it;* *C.3 Sun screens, pergolas, shutters, and operable walls are encouraged appropriate to the balcony orientation;* *C.4 Balconies should not overlook or be overlooked by others in order to protect visual privacy;* *C.5 Balustrades are to be constructed of lightweight materials. Transparent glazed balustrades are inappropriate as they do not provide privacy for either the balcony or the apartment interior, especially at night;* *C.6 The primary balcony is to be a depth of between 2 and 4 metres, with a minimum area of 8m², to be*	Every apartment has a minimum of one open or enclosed balcony/terrace space. Some apartments have two balconies or winter gardens, providing a better amenity outcome than the control specifies. Balconies are accessible from main living area on every level except ground floor. This is discussed further in 5.4.3. Every apartment has a balcony/winter garden with appropriate minimum dimensions and an area of over 8m2. Where a balcony has a smaller area than 8m^2, a primary balcony exceeding that area is provided in the same apartment. Secondary balconies have a minimum depth between 0.9m and 1.5m.	Yes

	sufficiently large and well proportioned to promote indoor/ outdoor living: • *To accommodate a dining table and chairs.* • *To provide space for flower boxes or potted plants.* *C.7 Secondary balconies are to have a depth between 0.9 and 1.5 metres.* *C.8 For architectural, air quality or noise reasons, it may be desirable to include the balcony area as part of the main living room. The following controls apply:* • *Ensure the apartment size is increased - refer to Table 1 Minimum Apartment Sizes.* • *Provide a balustrade that allows the open doors to create a minimum aperture of 2.4m wide and 2.1m high.* • *Provide an eave, awning or weather protection sufficiently wide to shelter the aperture and enable it to remain open during rain*		
5.4.5 Deep Soil	*C.1 A minimum of 25 per cent of the site's open space is to be deep soil;* *C.2 Areas included as deep soil are to have a minimum dimension of 2m x 2m;* *C.3 Consolidate areas of deep soil within sites and between adjacent sites to increase the benefits;* *C.4 Locate basement car parks predominantly within the building footprint; and* *C.5 Plant a minimum of one large tree with a mature minimum height of 12m in deep soil, per 60m² of Communal Open Space.*	The development provides 13.8 per cent (257.7m^2) of deep soil space. This is considered sufficient given the generous provision of communal open space this permits. The aim (A.1) of clause 5.4.5 is for deep soil to be of sufficient area to allow the growth of medium to large trees. Several large trees are proposed to be planted in the communal open space. Refer to Landscape Plan prepared by Melissa Wilson Landscape Architects. This demonstrates that the aim of the provision is met. Deep soil areas confirm to the minimum dimension size and is largely consolidated at the rear of the site. This is a result of the basement car parks being predominately within the building footprint.	Acceptable
5.4.6 Fences and Walls	*C.1 Fences are to:* • *Provide privacy and security while not eliminating views, outlook, light and air.* • *Be low and/or open, so that front setback areas are clearly visible from the Street.* • *Be visually permeable at the front of developments.* • *Use the designs and materials suitable for the desired future character of the area.* *C.2 Retaining walls are to:* • *Be limited in length and height along street frontages.* • *Relate to the design of the overall building.* *C.3 Fences and retaining walls can add amenity, beauty and functionality to private and communal open spaces by incorporating some of the following:* • *benches and seats* • *planter boxes* • *pergolas and trellises*	The fences are proposed on the rear and front that provide security while allowing views, outlook, light, and area into both communal and private open space. These fences are low and clearly established where the front setback area is from Leicester Avenue. While the fence is not visually permeable at the front, the fence is low enough to allow sightlines to and from the ground level apartment windows, complying with the intent of the control. Fencing along the rear incorporates planter boxes and barbeques which adds amenity, beauty and functionality to the fencing	Yes

	• *barbeques* • *water features* • *Composting boxes and worm farms.*		
5.4.7 Landscape Elements	*C.1 High quality landscape design should be provided in all developments including indigenous species, landmark sculptures, pavement design and other appropriate elements;* *C.2 Existing vegetation is to be retained and incorporated into new development where appropriate;* *C.3 Native species are to form the basic plant material for all streets;* *C.4 East-west streets are also to use feature trees to accentuate the view corridors;* *C.5 Use appropriate species to provide shade for public spaces and to cast shade on walls of the building which catch low-level sun;* *C.6 Vegetation is to: -- Be in scale with the development. -- Relate to street planning. -- Relate to the building form. -- Be robust and easily maintained.* *C.7 Landscape design is to:* • *Provide for private gardens on ground floor apartments where appropriate.* • *Facilitate stormwater infiltration by use of permeable surfaces.* • *Reduce the overland flow with vegetation.* • *Ensure roof and balcony gardens are to have a minimum soil depth of 800mm.* • *C.8 Trees along the rail corridor boundary need to meet Railcorp requirements to prevent roots and foliage from damaging infrastructure within the rail corridor.*	The proposed development includes high quality landscape design. Refer to Landscape Plan prepared by Melissa Wilson Landscape Architects. As per the Landscape Plan, the development includes the retention of several mature trees where appropriate and includes a native species in the planting. A minimum soil depth for roof and balcony gardens of 800mm is achieves.	Yes
5.5 Amenity			
5.5.1 Visual Privacy	*C.1 Minimise direct overlooking of rooms and private outdoor space, both within the development and of existing residential development, by:* *Orientating major window, entries and balconies to face the front and the rear of the site, rather than the side boundaries.* *Designing windows and balconies to prevent overlooking into neighbouring apartments and balconies.* Using external screening devices and landscaping. *C.2 Ground floor apartments require additional attention to the need for privacy, through the use of setbacks, differences in levels, fences and landscaping;* *C.3 Minimise potential conflicts between the communal use of outdoor space and the privacy needs of individual dwellings adjacent to and/or visible from shared areas; and* *C.4 Co-locate compatible land uses*	Major windows, entries, balconies, and winter gardens are oriented to the rear and front of the development, with minimal window openings on the southern side of the development. Fencing proposed affords ground level apartments the appropriate privacy and minimises conflict between the communal outdoor space and private outdoor space.	Yes

	with similar privacy needs.		
5.5.2 Acoustic privacy	*C.1 Development should have consideration for the following sound insulation requirements:* • *Building Code of Australia* • *NSW Government Environmental Criteria for Road Traffic Noise* • *Development Near Rail Corridors and Busy Road Guidelines* • *State Environmental Planning Policy (Infrastructure) 2007 Cl.101 -- Australian Standard AS/NZS 2107:2000 - Acoustics.* *C.2 Site buildings to attenuate noise transmission; i.e., locate individual buildings and groups of buildings to act as noise barriers (as recommended in the Strategic Framework);* *C.3 Design apartments so that more active uses within apartments face the street and quieter uses address internal spaces;* *C.4 Co-locate similar functional uses internally and between apartments, for example quiet rooms back onto quiet rooms, bathrooms onto bathrooms;* *C.5 Enhance acoustic privacy between dwellings by locating service uses, storage areas and circulation spaces against party walls; and* *C.6 Locate noise sensitive open space areas away from any noise source and / or protect them with screening devices (fences, walls, soft landscaping).*	An Acoustic Development Application Assessment has been provided by Acoustic Logic as part of this DA. This assessment reviews the relevant legislation in C1 and finds that internal noise levels comply with the relevant requirements.	Yes
5.5.3 Solar Access and Overshadowing	*C.1 Living rooms and private open spaces of at least 70% of dwellings are to receive a minimum of 2 hours direct sunlight between 9.00 and 3.00 in mid winter - June 21. Ideally, locate living areas to the north and service areas to the south or west of the development;* *C.2 Limit the number of single aspect apartments with a southerly aspect (south-west to south-east) to a maximum of 10% of the total units proposed.* *C.3 Minimise eastern and western facades. Shade these openings with adjustable vertical devices (eg. louvres, blinds) which are suitable for lower sun angles;* *C.4 Appropriately designed double-glazed or energy-efficient glass skylights (eg double glazed with solar blind), clerestory windows, etc are to be incorporated to improve daylight levels in the buildings. Note: skylights may not be used as the sole source of daylight and natural ventilation to habitable rooms;* *C.5 Light shelves (horizontal surfaces incorporated with window openings so as to reflect light into the ceiling of the interior) are suitable for buildings greater than 14 metres deep;* *C.6 Maximise day lighting of entrance*	37 apartments (71.2%) achieve a minimum of 2 hours solar access in mid-winter. There are no proposed apartments with a solely southerly aspect. Whilst the building has been designed to enable solar access, due to the constrains of the site with the development to the north, minimising the eastern and eastern is not a feasible development outcome. The roof terrace has been designed to include planting and pergolas to increase access to shade. Shade diagrams prepared by Olsson Architecture have been included with this development application.	Yes

	lobbies, corridors, kitchens and bathrooms; *C.7 The use of coloured/opaque glass as a shading device is not acceptable;* *C.8 Roof terraces are to be protected with shade cloths, planting, pergolas and/or vergolas;* *C.9 Mature trees can protect against summer sun penetration. Consider planting deciduous trees which shade the development in summer and allow solar access in the winter;* *C.10 Shade diagrams indicating the extent of overshadowing of apartments within the development, of adjoining development and of shared open space, will be required.*		
5.5.4 Natural Ventilation	*C.1 Retail tenancies are to have openable windows;* *C.2 Residential flat buildings are to have a narrow cross section, apartments with dual orientation or with two storeys and high ceilings to facilitate convective currents; and* *C.3 Windows are to be designed to catch prevailing breezes and are to be hinged to funnel breezes into the apartment (eg. vertical louvres, casement windows and externally opening doors). Either high level casement, sash or operable fanlight windows can be used where additional air circulation is required (eg. for windows facing east or west).*	The building has been designed to minimise its cross section to allow for dual orientation apartments to receive greater cross ventilation. Cross ventilation plans have been prepared by Olsson Architecture and included as part of this DA.	Yes
5.5.5 Safety and Security	*C.1 A formal crime risk assessment will be required for any development that is likely (in the Council's opinion) to increase the opportunity of anti-social behaviour or activity;* *C.2 All large scale residential developments (more than 20 new dwellings) are to undergo a crime risk assessment;* *C.3 Clearly define path of travel from public through to private space;* *C.4 Entrances are to:* • *Be orientated towards public domain (street) & ensure visibility between entrances, foyers and the street.* • *Provide direct and well-lit access between car parks and dwellings, between car parks and lift lobbies, and to all unit entrances.* • *Optimise security by grouping a maximum of 8 dwellings around a common lobby.* • *Provide separate access and foyers for retail premises and residential uses in mixed use buildings.* • *Be separated at ground floor level for each residence.* *C.5 Surveillance is to be facilitated by:* • *Views over public open spaces from living areas where possible.* • *Casual views of common internal areas, such as lobbies and foyers, hallways, recreation*	A crime risk assessment has been undertaken as part of the Statement of Environmental Effects prepared by Urbis Ltd. The development has been designed to be consistent with the controls of 5.5.5. The entrances are oriented towards Leicester Street, with well-lit basements and residential lobbies, and minimising the apartments off a single lift core. A secure entry is provided off Leicester Avenue.	Yes

	areas, and car parks. • *Bay windows and balconies.* *C.6 All common areas, including entrances, indoor car parks, corridors and walkways are to be well lit with clear lines of sight. Recesses and unlit alcoves which might conceal intruders are to be avoided;* *C.7 Access to apartments from the balconies, roofs and windows of neighbouring buildings is to be controlled;* *C.8 Access to car parks from public and common areas is to be controlled;* *C.9 Provide an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents; and* *C.10 Provide a secure entry*		
5.5.6 Circulation	*C.1 Amenity in the circulation spaces is to be provided by:* Generous spaces including ceiling heights, wide corridors etc. atural daylight. ual aspect where possible. obust quality finishes. *C.2 The apparent length of corridors is to be minimised. This can be achieved by:* • *Changes in direction.* • *A series of smaller 'foyer areas.* • *Apartment entry doors set back to create a wider space outside each door.* *C.3 The number of units with access from a single corridor is to be minimised;* *C.4 Maximise natural day lighting to entrance lobbies, common stairwells and corridors.*	The length of corridor is minimised by having two lift cores on each level above ground, allowing for less apartments of each circulation space. Each circulation space has a window that allows for natural light.	Yes
5.5.7 Storage	*C.1 In addition to kitchen cupboards and bedroom wardrobes, adequate storage facilities are to be provided at the following rates per apartment:* • *Studios 6m³ ;* • *1 Bedroom 6m³ ;* • *2 bedroom 8m³; and* • *3+ bedroom 10m³.* *C.2 Storage areas which are separated from the building are to be secure; and* *C.3 Provide secure bicycle storage for all residential development in accordance with the City of Canada Bay DCP for bicycle parking and storage. Bicycle parking & storage must be indicated and dimensioned on DA drawings submitted to Council*	Storage spaces are provided internally to apartments and in the basement area via secured storage cages. A schedule of storage space areas is provided by Olsson Architect and demonstrates that the scheme is compliant with the minimum areas of storage. The smallest storage area for a: • 1-bedroom is 7.9m^3. • 2-bedroom is 9.7m^3.	Yes
5.5.8 Services and Facilities	***Communal Meeting Space*** *C.1 Provide an internal communal meeting space in residential flat buildings with over 20 units that has a minimum area of 40m²; and* *C.2 The meeting space should be located on the ground floor and conveniently accessed by residents.*	A communal meeting space with an area of 43.4m^2 is provided on the ground level, with a small kitchenette. Clothes drying areas are afforded for in each apartment via a balcony or winter garden, which are designed to maximise solar access and ventilation.	Yes

	Laundries and Clothes Drying *C.3 Provide secure open air clothes drying facilities that are easily accessible, adequately screened from the public domain and communal open spaces, and have a high degree of solar access;* *C.4 Provide a clothes drying area on the balcony that is:* • *Screened from the public view.* • *Well ventilated.* ***Ancillary and Service Structures*** *C.5 Locate satellite dishes, telecommunication antennae and any ancillary structures away from the street frontage or any public or private property adjacent to the site to reduce visual impact;* *C.6 Provide mailboxes adjacent to the major entrance and integrated into a wall where possible, ensuring that they are secure and can accommodate large articles such as newspapers.*	Mailboxes next to the pedestrian entrance are integrated into a wall adjacent to the entry.	
5.6 Access			
5.6.1 Vehicle Access	*C.1 Car park entries and access are to be from secondary streets and lanes where possible. Car parking and access to the sites fronting Leicester Avenue should be via a rear laneway as shown in Section '3.7 Vehicle and Pedestrian Access '(Map 4).* *C.2 The land identified for the new laneway servicing various properties fronting Leicester Avenue is to be dedicated to Council as a condition of consent in lieu of the payment of development contributions.* *C.3 Buildings may be required to share access;* *C.4 Pedestrian and vehicle access is to be clearly differentiated, and separated by at least 3 metres;* *C.5 Driveways and car park entries are to be limited in number and no wider than 6 metres;* *C.6 Doors to car park entries are to be set back from the building line by at least 500mm; and* *C.7 Minimise the visual dominance of vehicle access points.*	Vehicle access is to be provided from Leicester Avenue, as the site does not have a frontage to another street that is appropriate or sufficient in width to provide access from. Attempts have been made to purchase an easement from neighbouring properties to obtain access from Hilts Road. This has been unsuccessful to date. The pedestrian and vehicle entrance is clearly differentiated, and separated by a distance over 3m. Driveway and carpark entries have been rationalised to one and has a maximum width of approximately 6.5m. Roller door is significantly setback from the building line and is designed to minimise the visual dominance of the vehicle access point and provide sufficient space for vehicles to queue when both entering and exiting the site without impacting the function of Leicester Avenue.	Acceptable
5.6.2 On-site parking	*C.1 Provide basement or undercroft car parking within the footprint of new development;* *C.2 At grade car parking is not permitted to ensure a high quality public domain is provided;* *C.3 Basement car parking is to be naturally ventilated where possible* *C.4 Security doors are to be provided to basement car parks;* *C.5 Provide dedicated bicycle storage in accordance with the City of Canada Bay DCP. Bicycle storage facilities for residents should be located with convenient access in close proximity to the building entry/exit point.* *C.6 Parking provision should be in accordance with the following table:*	The car parking is provided largely within the footprint of the new building and communal open space areas. No at-grade car parking is proposed. Security doors have been provided to the basement car park. 104 residential bicycle storage spaces are provided. This is in accordance with the DCP parking rates of two per dwelling. 11 visitor spots for bicycles are provided. Parking provision exceeds the minimum requirement of the DCP, providing 53 residential spaces, 11 visitors spaces, and 4	Yes

	<table><tr><td>Residential</td><td>All dwelling types</td><td>Average of 1 space per dwelling</td></tr><tr><td></td><td>Visitors</td><td>1 space per 10-20 apartments</td></tr><tr><td></td><td>Service vehicles</td><td>1 space per 50 apartments for first 200 apartments plus 1</td></tr><tr><td>All commercial premises</td><td colspan="2">1 space per 40m² gross floor area</td></tr></table> *C.7 Developments exceeding 200 dwellings are to allocate one car parking space in a convenient location on the street frontage for use by a car share company to contribute to a car share scheme for the Strathfield Triangle.* *C.8 Adequate notices on behalf of the car share company are to be displayed within developments to clearly advise the provision of the car share spaces.*	motorcycle spaces	
5.6.3 Pedestrian Access	*C.1 Developments are to comply with the Disability Discrimination Act 1992 and with the accessibility standard as set out in Australian Standard AS 1428 Design for Access and Mobility for minimum grade accesses of 1:14 to apartments and communal areas;* *C.2 Design of pedestrian access to apartments and communal use areas is to consider the following:* *Entrances to apartments are able to be accessed from a car parking area, public or private road by people using wheelchairs or strollers.* *Access to the main living areas of the apartment building is to be provided, either via minimum grade ramps, paths, access ways or lifts.* *Where an apartment development contains groups of buildings, more than one accessible entrance is to be considered in order to provide access to all apartments.* *All communal areas are to be connected via an accessible route to each apartment*.	An access report has been prepared by Vista Access Architects and included as part of the DA. The report conclusions that the development is compliant with the relevant Australian Standard 1428.	Yes
5.7 Environmental Design			
5.7.2 Stormwater, detention & sediment	*C.1 Development applications must consider the following:* • *The provision of safe overland flowpaths* • *The provision of controls such as on-site stormwater detention, community basins and the like and on-site retention systems to reduce and control stormwater runoff.* • *The application of alternative methods for merit based stormwater control and conveyance devices.* • *The removal of flood affected development from known floodways and the prohibition of future developments in such floodways.* • *The provision of minimum free-boards for assigning floor levels to reduce the risk of flood damage to property.*	A Stormwater Concept Design with plans for basement and ground level has been prepared by CGC Consultants. Council's Engineer has reviewed and provided conditions of consent.	Yes

	• *The installation of pipe/channel systems to minimise hazard to pedestrian and vehicular traffic caused by uncontrolled surface stormwater runoff.* *C2 to C14 incl.*		
5.7.3 Waste Minimisation, storage and removal	***General Controls*** *C.1 On site storage for waste and recycling facilities must be provided in designated areas for all new developments.* *C.2 Source separation facilities and containers shall be provided in kitchens.* *C.3 Common composting facilities should be provided at accessible locations away from dwellings to every residential development for garden waste and organic kitchen waste.* *C.4 Consideration should be given to bin storage space for garden organics that are not able to be composted on site ie. thick branches as garden organics cannot be disposed of in Council serviced garbage bins.* *C.5 Source separation facilities shall be provided on building sites so that different waste streams* *C.6 Minimise building waste* *C.7 A Waste Management for all developments.* *C.8 to C,22 incl.*	On site storage for waste and recycling facilities is provided on the site. Space is provided on each level of the proposed development that allows for the chute to be located and recycling to be stored. The chutes have been designed to be located against the kitchen and storerooms where possible, minimising their impact on habitable dwellings in proximity. Space is provided in the basement for bulky goods storage. A Waste Management Plan has been prepared by Loka Consulting Engineers. The assumptions in this have been based on the quantity of storage space required per unit per week. The Waste Management Plan has been prepared in accordance with provisions in control 5.7.3 of this DCP.	Yes
5.7.4 Site Facilities	*C.1 Loading facilities must be provided via a rear lane or side street where such access is available.* *C.2 Adequate garbage and recycling areas.* *C.3 Communal or individual laundry facilities to every dwelling, and at least one external clothes drying area.* *C.4 Avoid visual clutter.* *C.5 Optimise convenience, lockable mailboxes should be provided close to the street, integrated with front fences or building entries.* *C.6 To minimise negative impact of smells on occupants on upper levels ducted vents must be provided to commercial kitchens.* *C.7 To facilitate the maintenance of communal open space, garden maintenance storage including connections to water and drainage should be provided.* *C.8 To achieve storage of bulky goods, fixed storage is to be provided to every dwelling in accordance with average rates.* *C.9 To encourage sustainable transport options provide change rooms, showers and lockers for people walking, running or cycling to work on all employment generating development. Locate these facilities close to secure bicycle parking*	As expressed within the attached SEE prepared by Urbis Ltd, vehicular access to the site is proposed via Leicester Avenue, which is considered appropriate. There are no rear lanes or side streets that are suitable to provide access to the loading dock. The basement level provides adequate garbage and recycling areas and are not visible from the street. These are located in the basement away from habitable rooms and windows. Mailboxes are provided close to the street and en-route to the main pedestrian entry to the building. Fixed storage has been provided to every dwelling with a minimum area that complies with the minimum areas. The smallest storage area for a: • 1-bedroom is 7.9m^2. • 2-bedroom is 9.7m^2. • 3-bedroom is 11.2m^2.	Yes
5.7.5 Pedestrian Access, Parking, and Servicing	*C.1 To cater for mobility impairment provide at least one main entry with convenient, barrier-free access in all buildings. Access should be direct and without unnecessary barriers.*	The main pedestrian entry is provided via a convenient, barrier free access arrangement, with a gentle ramp providing access as appropriate. The width of the access way and ground circulation space is of	Yes

	Obstructions which cause difficulties should be avoided. *C.2 To cater for mobility impairment, appropriately designed and convenient seating and ablutions should be provided.* *C.3 To cater for drivers with mobility impairment, adequate parking should be provided for people with mobility diseases and safe, easy and convenient access to the building.* *C.4 To cater for visitors with mobility impairment, the proportion of visitable dwellings should be maximised.* *C.5 An assessment of the accessibility of developments is to accompany all development applications for new buildings and substantial alterations to existing buildings involving changes to pedestrian access.*	appropriate width to facilitate mobility impaired residents or visitors to the site. An Access Assessment has been prepared by Vista Access and demonstrates that the proposed development is capable of complying with relevant development standards for access.	
5.7.6 Heritage	*C.1 Prior to demolition of any of the existing houses in Leicester Avenue an archival photographic record of the house shall be prepared and a copy supplied to Council.* *C.2 Archival photographic records shall be prepared in accordance with the guidelines in the Heritage Council publication Photographic Recording of Heritage Items Using Film or Digital Capture 2006.* *C.3 Development applications for new buildings along Leicester Avenue will include a report prepared by a suitably qualified heritage consultant detailing how interpretive material dealing with the heritage significance of the demolished buildings on Leicester Avenue can be incorporated into any new development on the site.*	To be prepared and supplied to Council prior to construction certificate being issued.	Yes

5.4. **Likely Impacts of the Development [Section 4.15 (b)]**

Impact on the natural environment:

The continued residential use of the site within an established residential area is appropriate and consistent with Council's CBLEP and Strathfield Triangle DCP objectives for the site.

The architectural plans and landscape plans do not indicate existing canopy trees to be removed, as well as a street tree.

Council's Urban Forest Team have reviewed the proposal and identified issues that are recommended to be resolved as part of the recommendation for approval.

Impact on the built environment:

The proposed development has been assessed against the detailed design provisions contained in CBLEP 2013 and Strathfield Triangle DCP and provides satisfactory compliance.

Further, the proposed development is not considered to result in adverse and unreasonable environmental impacts as they relate to design/heritage conservation/streetscape/urban character, bulk and scale/overshadowing/solar access, and privacy and overlooking.

Design/streetscape/urban character
The design considers desired future character of Leicester Avenue, and the Strathfield Triangle more generally.

The proposal includes the amalgamation of four existing lots into one lot in accordance with the Strathfield Triangle DCP (STDCP) to deliver a consolidated lot capable of accommodating additional housing envisaged by the CBLEP for the Strathfield Triangle precinct.

The design has been reviewed by Council's Design Review Panel (DRP) with several iterations. The applicant has adequately incorporated DRP recommendations into the design.

The proposal relates well visually to both the adjacent multi residential unit development and lower rise residential houses to the east of Leicester Avenue.

The proposal does seek a variation to the Height of buildings development standard, however remains of an appropriate bulk and scale and responds adequately to context with existing residential flat building and other development surrounding the site, for the following reasons:

- The non-compliant elements on the rooftop of the building are setback sufficiently from the building parapet to have negligible impact on the bulk and scale, aesthetic presentation, or the existing or desired streetscape character.
- The height of the building in storeys is consistent with the relevant STDCP, which aims to transition appropriately with reduced building heights away from Parramatta Road.
- The setbacks proposed for the building from all boundaries are satisfactory in response to the STDCP.
- The proposed stepping of the Leicester Street façade of the building adds visual interest and affords the development higher levels of solar access than could otherwise be achieved if the facade aligned with the Leicester Avenue boundary along the building's entire length.

Privacy and Overlooking
There is no unreasonable privacy issue that has been identified with the proposed development.

Overshadowing
The applicant's overshadowing diagrams have been prepared by Olsson Associates. They show minor overshadowing of existing dwellings during mid-winter.

Overshadowing impact is summarised as follows:

- At 9am in mid-winter, the proposal will result in partial overshadowing of rooftops to the south and minor overshadowing of the lower levels of the eastern façade 2 Hilts Road.
- At noon and 3pm in mid-winter, the proposal will result in some overshadowing of the low density residential developments to the south and east, posing minor solar amenity loss to these residents for a short period of time.
- No overshadowing impacts are proposed from the lift overrun and attached pergola, the highest points of the development, as these elements have been set back within the building footprint.
- Shadow impacts are most significant to the immediate south of the proposed development. However, the lot immediately to the south of the site, known as 36 Leicester Avenue, is nominated to become an extension of Hilts Road under the CBLEP and STDCP, and therefore will not impact on residential land use on that site.

Landscaping and Tree Canopy
The proposed works include the removal of all existing trees on the site, while retaining certain street trees along Leicester Avenue where appropriate.

The Arboricultural Report prepared by Lee Handcock Consulting describes the existing trees on site as being in poor condition, and not capable of surviving the proposed development. The removal of these trees is considered acceptable and are to be replaced in the proposed development.

A Landscape Plan has been prepared by Melissa Wilson Landscape Architects, demonstrating the planting strategy and design for the deep soil space in the rear, and soft landscaping in the communal terrace and rooftop open spaces. These plantings create defined spaces and afford the residents of the building privacy from neighbouring developments.

The design also includes soft and deep landscaping at the front of the building to soften the appearance of the development to the street.

Traffic and Parking

Vehicular Access

Leicester Avenue is a classified road. The consent authority must not grant consent to the development unless it is satisfied that the development achieves the objectives of clause 2.119 of the T&I SEPP.

Requirements under Clause 2.119 of the SEPP (Transport and Infrastructure) have been satisfied to support access off Leicester Avenue.

Access from Leicester Avenue is appropriate for the following reasons:

- The Homebush TOD that the DPHI put on exhibition earlier this year did not propose a rear laneway to the site. No rear laneway currently exists, and the access to Hilts Road in the south-east corner of the site is not wide enough to provide vehicular access without an easement.
- Attempts by the applicant to negotiate with the neighbouring landowner to establish an easement for access from Hilts Road over the neighbouring sites to the west and south of the site has not been successful. Council has not yet acquired the land to the south of the site (36 Leicester Avenue) to provide an extension to Hilts Road. An application to the Minister to exercise power to acquire the land required for the Hilts Road extension was unsuccessful.
- Vehicular access is proposed to be provided from Leicester Avenue. This results in a consolidation of existing driveway access points from three to one an improved design outcome.
- A Traffic Impact Assessment prepared by PeopleTrans concludes that the traffic generated by the development will not have a significant impact on the traffic flow of Leicester Avenue.
- The roller door access to the basement parking and service area is setback significantly from the street to allow vehicle queuing that is wholly on the site.
- The driveway is proposed to be left in and left out, minimising impact from traffic turning across traffic on Leicester Avenue.
- TfNSW has provided concurrence to the proposal with conditions.
- Council's Traffic Engineer is satisfied with the proposal subject to conditions.

On-site Parking

The development proposes a total of 66 car parking spaces and one vehicle servicing space, as follows:

- 55 x resident spaces (eight accessible)
- 11 x visitor spaces

The car parking provisions comply with Part 5.6.2 'On-site parking' of the Strathfield Triangle DCP, as indicated in the compliance table above.

The layout of the parking will be required to comply with the relevant Australian standards as conditioned.

5.5. **Suitability of the Site for the Development Proposed [Section 4.15(c)]**

The proposed development has been assessed in relation to its environmental consequences, and in terms of State Environmental Planning Policy Resilience and Hazards (Chapter 4, Remediation of Land). Having regard to this assessment it is considered that the land would be suitable for the intended development.

5.6. **The Public Interest [Section 4.15 (e)]**

The proposed development is consistent with the objectives of the Environmental Planning and Assessment Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. As a result, Council may be satisfied that the development subject to conditions is consistent with the public interest.

6. INTERNAL REFERRALS

6.1. **Design Review Panel (DRP)**

The application was referred to and considered by Council's DRP at its meeting on 11 December 2024 (see attached minutes).

The Panel noted that the applicant's discussion outlining design revisions carried out for this application in response to previous issues raised by the Panel and in LEC proceedings.

The Panel advised that it would, consider support for the current proposal, subject to a satisfactory response of design revisions that address the issues raised in the meeting and outlined in the Panel's minutes.

The Panel also advised that, provided the applicant addressed issues discussed at the DRP meeting to the satisfaction of Council, the Panel will not need to further review the proposal.

The revised proposal is recommended for approval with conditions, for reasons discussed throughout this report (See also the applicant response to Council's additional information, in letter titled 'Response to Council RFI – 38-42 Leicester Avenue, Strathfield (Council Ref: DA2024/0220)', dated 7 March 2025). It is therefore not considered necessary to re-refer to the DRP for further comment.

6.2. **Landscaping**

The application has been considered by Council's Landscape Architect. Conditions of consent have been included in the recommendation for approval to ensure that required replacement planting and landscape provisions are provided.

6.3. **Urban Canopy**

The application has been considered by Council's Urban Forester. Conditions of consent have been included in the recommendation for approval to ensure that adequate tree canopy is provided.

6.4. **Stormwater Drainage**

The application has been considered by Council's Development Engineer Coordinator. The following comments were returned:

- *The revised stormwater basement floor plan indicates that the proposed basement pump-out storage tank does not meet the requirements outlined in Clause SW84 of Council's DCP, Appendix 2- Engineering Specification. To ensure the stormwater management proposal complies with Clause SW79 of the DCP, the preferred method for subsurface water disposal, as outlined in Clause SW80 of engineering specification, must be addressed.*

- *In addition, the submitted electronic modelling (DRAINS model) included in Appendix K shows that the proposed OSD systems attempt to limit discharge to 25L/s into the kerb and gutter on Hilts Road. However, the result in the OSD system located in the proposed driveway surcharging or overflowing to Leicester Avenue before or during a 1%AEP storm event, and exceeding the* ***overall*** *Permissible Site Discharge requirements outlined in accordance with Clause OSD6 of Council's DCP, Appendix 2 – Engineering Specification. In this regard, extending the underground stormwater drainage system along Hilts Road may assist in resolving this matter.*

Comment: Council's Development Engineer Coordinator has not raised objection to approval of the proposal subject to conditions of consent included in the recommendation for approval.

6.5. **Traffic Engineering**

The application and revised design with additional information have been considered by Council's Traffic Engineer, who has advised the applicant's Traffic response to issues raised in Council's Additional Information Letter, have been addressed and satisfied (for details, see 'Response to Council RFI'' document, prepared by Urbis and 'Appendix D - Amended Traffic Impact Assessment', prepared by PeopleTrans (March 2025).

6.6. **Environmental - Noise**

The application and additional information, acoustic report prepared by Acoustic Logic (dated 3.3.2025, ref: 20230836.3) and correspondence from Acoustic Logic (dated 7.3.2025, ref: 20230836.3/0703A/R0/AW) have been considered by Council's Coordinator Environmental Health.

The only outstanding issue remaining relates to ensuring that plant & equipment servicing the development are designed and built so that when in operation, they are not audible on a nearby residential premises.

Council's Coordinator Environmental Health has provided conditions of consent which are included in the recommendation for approval.

6.7. **Environmental – Waste Management**

The application has been considered by Council's Resource Recovery Officer. Issues raised have been dealt with by recommended conditions of consent.

6.8. **Heritage/Urban Design**

The application has been considered by Council's Heritage Advisor. The following summarised comments have been provided.

- *Houses proposed to be demolished are historic and attractive buildings that contain original architectural elements of merit, including original doors, windows and fireplaces. The applicant should prepare a schedule of architectural building elements that could be salvaged for transfer of those elements to an established second building material dealer for reuse.*
- *The removal of one of the Brush Box street tree will have an adverse impact on the setting of the adjacent heritage item. Both of the street trees should be retained.*

- *The proposal is generally acceptable, subject to consideration of the above, and compliance with relevant development provisions for the area, as it is these provisions that determine the desired future character of the setting of the adjacent heritage item. Please re-refer to me if this is not the case.*

Comment: Further to conditioning of the above, the applicant has also proposed, prior to demolition of the existing houses, to prepare an archival photographic record of the houses and a copy supplied to Council. The archival photographic records shall be prepared in accordance with the guidelines in the Heritage Council publication Photographic Recording of Heritage Items Using Film or Digital Capture 2006.

7. EXTERNAL REFERRALS INCLUDING THE RESULT OF ANY REFERRALS TO AN APPROVED AUTHORITY

Transport for NSW (TfNSW)
TfNSW has reviewed the Development Application and has provided concurrence to the proposed civil works on Leicester Avenue under section 138 of the *Roads Act, 1993*, subject to the relevant Consent Authority approval and the following amended requirements being included in the Development Consent:

1. All buildings and structures (including signage), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Leicester Avenue boundary.

2. The design and construction of the gutter crossing on Leicester Avenue shall be in accordance with TfNSW requirements. The redundant driveways shall be removed and replaced with kerb and gutter to TfNSW standards.

   Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au. Detailed design plans of the proposed crossing are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

   A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

3. To ensure that the left-in, left out arrangement is enforced, TfNSW requires the extension of the raised concrete median island on the south leg of the intersection of Parramatta Road / Leicester Avenue in accordance with TfNSW standards and requirements.

4. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with Austroads.

5. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening / underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

6. Council should ensure that the post development stormwater discharge from the subject site into the TfNSW drainage system does not exceed pre-development discharge. Detailed design plans and hydraulic calculations of any changes to the TfNSW stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

7. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

   The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

   If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on

the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

8. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

9. 'No Stopping signage' will need be installed along all frontages of the development, at no cost to TfNSW.

10. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on the Leicester Avenue during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.

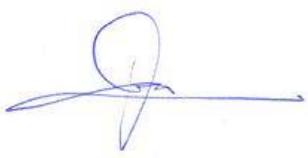
11. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

Comments: The above requirements have been included in the conditions of consent with the recommendation for approval.

8. CONCLUSION

The proposed development is appropriately located within a *R4 High Density Residential* zone under the provisions of *Canada Bay Local Environmental Plan 2013* and is consistent with the statutory and non-statutory development standards and controls of relevance to the proposal.

Further, the development performs adequately in terms of its relationship to the surrounding built and natural environment, particularly in relation to likely impacts upon surrounding properties. Consequently, the proposal is supported from an environmental planning perspective.

Prepared by:	Endorsed by:
	
Mr Peter Giaprakas Senior Statutory Planner City of Canada Bay	Mr Shannon Anderson Manager City of Canada Bay

15/05/2025 15/05/2025

RECOMMENDATION

Pursuant to Sections 4.16 of the Environmental Planning and Assessment Act 1979 (as amended)

THAT the SYDNEY EASTERN CITY PLANNING PANEL, as the determining authority on behalf of Council, grant consent to Development Application No. DA2024/0220 for the Demolition of existing buildings and construction of a seven storey residential flat building with associated landscaping, communal open space, and basement parking with vehicular access from Leicester Avenue on land at 38, 40 and 42 Leicester Avenue STRATHFIELD NSW 2135, subject to the following site specific conditions contained in Appendix A of this report.

APPENDIX A

General Conditions

1 **Approved Plans and Supporting Documents**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans

Drawing No	Revision No.	Plan Title	Drawn by	Dated
A-002	B	Project Summary	Olsson Architecture / Urban Projects	07/03/2025
A-112	B	Site Plan	Olsson Architecture / Urban Projects	07/03/2025
A-200	C	GA Plan-Basement Level 3	Olsson Architecture / Urban Projects	07/03/2025
A-201	C	GA Plan-Basement Level 2	Olsson Architecture / Urban Projects	07/03/2025
A-202	D	GA Plan-Basement Level 1	Olsson Architecture / Urban Projects	07/03/2025
A-203	C	GA Plan- Level 1 (Ground)	Olsson Architecture / Urban Projects	07/03/2025
A-204	C	GA Plan- Level 2	Olsson Architecture / Urban Projects	07/03/2025
A-205	C	GA Plan- Level 3	Olsson Architecture / Urban Projects	07/03/2025
A-206	B	GA Plan- Level 4	Olsson Architecture / Urban Projects	07/03/2025
A-207	C	GA Plan- Level 5	Olsson Architecture / Urban Projects	07/03/2025
A-208	C	GA Plan- Level 6	Olsson Architecture / Urban Projects	07/03/2025
A-209	C	GA Plan- Level 7	Olsson Architecture / Urban Projects	07/03/2025
A-210	C	GA Plan- Level 8	Olsson Architecture / Urban Projects	07/03/2025
A-211	C	GA Plan- Level Roof	Olsson Architecture / Urban Projects	07/03/2025
A-220	B	GA Plan- Adaptable Apartments	Olsson Architecture / Urban Projects	07/03/2025

A-300	B	Elevations-East	Olsson Architecture / Urban Projects	06/03/2025
A-301	B	Elevations-South	Olsson Architecture / Urban Projects	06/03/2025
A-302	B	Elevations-West-Rear	Olsson Architecture / Urban Projects	06/03/2025
A-303	B	Elevations-North	Olsson Architecture / Urban Projects	06/03/2025
A-400	B	Sections-AA	Olsson Architecture / Urban Projects	06/03/2025
A-401	B	Sections-BB	Olsson Architecture / Urban Projects	06/03/2025
A-402	B	Sections-CC	Olsson Architecture / Urban Projects	06/03/2025
A-503	B	Schedule of Colours & Materials	Olsson Architecture / Urban Projects	06/03/2025
A-901	A	Street Numbering Schedule	Olsson Architecture / Urban Projects	15/11/2024
LS00	D	Landscape Cover Page	Melissa Wilson Landscape Architects	05/03/2025
LS01	D	Landscape Site Plan	Melissa Wilson Landscape Architects	05/03/2025
LS02	D	Landscape Ground Floor	Melissa Wilson Landscape Architects	05/03/2025
LS03	D	Landscape Roof	Melissa Wilson Landscape Architects	05/03/2025
LS04	C	Landscape Mood Board	Melissa Wilson Landscape Architects	05/03/2025
LS04.1	D	Landscape Mood Board Roof	Melissa Wilson Landscape Architects	05/03/2025
LS05	D	Landscape Plant Species	Melissa Wilson Landscape Architects	05/03/2025
LS05.1	D	Landscape Plant Species Roof	Melissa Wilson Landscape Architects	05/03/2025
LS06	D	Landscape Notes	Melissa Wilson Landscape Architects	05/03/2025
LS07	D	Typical Details	Melissa Wilson Landscape Architects	05/03/2025

Development shall take place and operate in accordance with this consent accompanied by statements, commitments and recommendations contained within the following documents:

Approved Documents				
Doc. Ref.	Revision No.	Plan Title	Prepared by	Dated

23S0003	B	Traffic Impact Assessment	PeopleTrans	06/03/2025
-	-	Clause 4.6 Variation Request - Clause 4.3 Height of Buildings	Urbis	11/11/2024
-	-	Response to RFI	Urbis	07/03/2025
23NL111-WMP3	-	Waste Management Plan	LOKA Consulting Engineers Pty Limited	05/11/2024
23NL111-L1	-	Waste - Response to RFI	LOKA Consulting Engineers Pty Limited	03/03/2025
2401	-	Design Verification Statement	Olsson Architecture / Urban Projects	11/11/2024
20230836.1	1	Acoustic Assessment	Acoustic Logic	07/11/2024

Approved Stormwater Drainage Design				
Drawing No	Revision No.	Plan Title	Drawn by	Dated
20210084/S01-SW200	B	Stormwater Concept Design Basement 3 Floor Plan	SGC Consultants	06.03.2025
20210084/S01-SW201	B	Stormwater Concept Design Ground Floor Plan	SGC Consultants	06.03.2025
20210084/S01-SW300	B	Stormwater Concept Design Details Sheet	SGC Consultants	06.03.2025
20210084/S01-SW301	B	WSUD Catchment Plan	SGC Consultants	06.03.2025
20210084/S01-SW301	B	OSD Catchment Plan Details Sheet	SGC Consultants	06.03.2025

- Should any changes be required to the approved stormwater drainage plan as referred to above, the amended design shall achieve equivalent performance standards in accordance with Council's “Appendix 2 - Engineering Specifications of the Canada Bay Development Control Plan”.
- Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993

In the event of any inconsistency between the approved plans and approved documents and a condition of this consent, the condition prevails.

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

2 **Separate Approvals**

Separate Development Approval shall be obtained for Strata Subdivision.

	Condition reason: To control the future development of the site
3	**Tree Removal & Replacement Planting**
	Approval is granted for removal of the following trees: • 1-25 as identified in Arborist AIA Report prepared by Lee Hancock Consulting Dated 7.11.24 • 1 x Street Tree - *Cinnamomum camphora* (Camphor Laurel), located in front of 40 Leicester Avenue, as identified in Arborist AIA Report prepared by Lee Hancock Consulting, dated 07.11.2024. To ensure the protection of tree/s to be retained on site all removals are to be undertaken by a qualified arborist practicing industry arboricultural best practice methods. A replacement street tree shall be planted and selected from Council's tree list in the DCP. Tree selection and planting details will be required to be approved by Council under separate Section 138 application for works within the public domain.
	Condition reason: Compliance with consent and tree protection
4	**Transport for NSW Requirements**
	1. All buildings and structures (including signage), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Leicester Avenue boundary. 2. The design and construction of the gutter crossing on Leicester Avenue shall be in accordance with TfNSW requirements. The redundant driveways shall be removed and replaced with kerb and gutter to TfNSW standards. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au. Detailed design plans of the proposed crossing are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW. 3. To ensure that the left-in, left out arrangement is enforced, TfNSW requires the extension of the raised concrete median island on the south leg of the intersection of Parramatta Road / Leicester Avenue in accordance with TfNSW standards and requirements. 4. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as

	well as manoeuvrability through the site, shall be in accordance with Austroads. 5. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening / underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued. 6. Council should ensure that the post development stormwater discharge from the subject site into the TfNSW drainage system does not exceed pre-development discharge. Detailed design plans and hydraulic calculations of any changes to the TfNSW stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued. 7. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work. 8. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents. 9. 'No Stopping signage' will need be installed along all frontages of the development, at no cost to TfNSW.

	10. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on the Leicester Avenue during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf. 11. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
	Condition reason: Transport for NSW Requirements

Building Work

Before issue of a construction certificate

5	**Access for Waste Collection Vehicles**
	A design certificate and detailed plans are to be submitted with the Construction Certificate application that confirms that the development can accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Plan. The plans are to specifically demonstrate that the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2-2004. The design certificate is also to confirm that the internal driveway, cross over, entry/egress points have been designed to meet the following loading requirements: (a) 25 tonne waste collection vehicles (b) Turning circle of 27.8 metres (c) Length of 12.5 metres and width of 2.8m (d) Clearance height of 4.5 metres
	Condition reason: Waste management
6	**Accessible Car Parking Spaces**
	Eight (8) of the car parking spaces provided as part of the total requirement shall be reserved for people with a disability. These spaces shall be a minimum of 2.4m wide beside a 2.4m wide shared area and located near pedestrian access routes designed for people with a disability. Each space shall be clearly marked in accordance with AS/NZS2890.6. Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall

	demonstrate compliance. Note: Disability (Access to Premises - Buildings) Standards 2010. As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992. The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.
	Condition reason: Parking and accessibility
7	**Amendments to Approved Plans - Principal Certifier**
	The following amendments and details must be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate: (a) Obscure Glazing for Privacy in Wet Areas - All bathroom, ensuite and WC windows shall be installed with obscure glazing. (b) Arborist Report – The arborist report must be amended to show all trees, their locations and numbers. Street trees must be correctly numbered and assessed, and both *Lophostemon confertus* must be retained and protected with appropriate tree protection measures. The planting of one additional large canopy tree is required to offset the proposed tree removals in accordance with Strathfield Triangle DCP 5.4.5 Control C.5. This shall be reflected in the landscape plans with the construction certificate. (c) Landscape Plans - Amend landscape plans to reflect the following: a. Existing street tree planting – The two existing *Lophostemon confertus* street trees to Leicester Avenue must be retained and protected with appropriate tree protection measures. b. Canopy tree planting – One additional canopy tree with a minimum height of 12 metres selected from Part 6.3 of the Canada Bay Development Control Plan. The tree is to be supplied from a minimum 75 Litre container and planted in the rear setback. (d) Waste Management Plan - Further details are to be provided regarding the waste management of the development. These details are to form an addendum to Waste Management Plan and must be submitted in accordance with the provisions of Council's Development Control Plan including: • Height clearance of minimum 4.5m for waste collection vehicles • Amend calculations in line with the NSW EPA Better practice guide for resource recovery in residential developments for FOGO calculations (Table F2 on page 94) • The temporary bin holding area shows that it can only hold up to 6 x 660L. The temporary holding area must be able to accommodate all bins available for servicing (e) Driveway Sightlines - The sightlines at the access driveway are to be designed in

	accordance with Figure 3.3 of AS2890.1:2004. Any objects including landscaping within the splay of a minimum of 2.5m by 2.0m adjacent to the driveway at the property boundary shall have a maximum height of 600mm above the internal driveway level. (f) Service Vehicle Access - A minimum 4.5 metres height clearance and maneuvering area must be provided for a 12.5m long vehicle/truck to enter and exit the subject site in a forward direction in accordance with AS2890.2. (g) Managing driveway/access ramp conflict - To minimise the potential for conflict between entering and exiting vehicles, a system of traffic signals is required to be installed to indicate traffic movement within the site. By default, the signal system must maintain a green signal visible to entering vehicles and a red signal visible to exiting vehicles at appropriate locations near corresponding waiting bays. When an exiting vehicle is detected, a green signal is to be displayed to exiting vehicles and a red signal displayed to entering vehicles. (h) Mechanical parking device - The mechanical parking device (e.g. car stacker, car turntable) shall be designed, installed and maintained such that it accommodates a B99 vehicle in accordance with AS/NZS2890.1. A B99 vehicle shall be able to enter, turn around, and exit the subject site in a forward direction. This involves a change to the Development Application plans as submitted to and approved by Council. Any changes in this regard shall be reflected as amended plans to be submitted to the Principal Certifier prior to the issue of a Construction Certificate for the proposed development. <u>Amendments to Approved Plans - Council</u> The following amendments and details shall be submitted to Council for written approval prior to the issue of a Construction Certificate: (a) Fire Hydrant Booster Assembly - In order to ensure a high-quality finish and streetscape presentation, details of the location, enclosure and landscaping treatment to the fire hydrant booster assembly. (b) Construction Traffic Management Plan (CTMP) - Submit and have approved by Council's Engineers, a detailed Construction Traffic Management Plan (CTMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan. The following matters (at a minimum) must be addressed in the CTMP: • A detailed description and route map of the proposed truck/construction vehicle access routes. • The locations of any proposed Construction Works Zones along the site frontage. • Provide a construction schedule. • Tradesperson parking (parking shall be provided on-site where possible). • Provide relevant Traffic Guidance Schemes (must be certified by a suitably qualified Safe Work NSW ticket holder).

	• Provide relevant Pedestrian Management Plans. • A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller. (c) Acoustic Report - The concept Acoustic Report approved under this consent shall be revised to demonstrate and adopt that all plant & equipment servicing the development is to be designed and built in consideration that when it is in operation it is not audible on a nearby residential premises. (d) Stormwater Management - The approved stormwater plan shall be amended to extend the underground public stormwater drainage system from the nearest downstream underground drainage infrastructure to the subject site frontage on Hilts Road, Strathfield, in order to meet the requirements outlined in Clause SW79 and SW80 of Council's DCP, Appendix 2 – Engineering Specification. Note: Clause SW84 may not be applicable once the amended stormwater plan addresses Clause SW79 and SW80 in the engineering specification. (d) Tree pruning - Submit a 'Pruning Specification Report' prepared by an arborist with a minimum Australian Qualification Framework Level 5 including: • Number of branches and orientation, branch diameter, percentage of canopy to be pruned/removed. • Photographs with individual branches to be pruned / removed clearly marked. A single vertical line will not be accepted. • A maximum of 5% canopy removal and maximum of 100mm diameter branch. • Specify all pruning to be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'. This involves a change to the Development Application plans as submitted to and approved by Council. Any changes in this regard shall be reflected as amended plans to be submitted to the Council for written approval prior to the issue of a Construction Certificate for the proposed development.
	Condition reason: To confirm and clarify the terms of Council's approval
8	**Bicycle Storage Provision**
	Provision for bicycles shall be provided in accordance with the City of Canada Bay Development Control Plan for Bicycle Parking and Storage Facilities and AS 2890.3:2005.
	Condition reason: Bicycle parking
9	**Building Plan Approval -Sydney Water Requirement**

	Before the issue of a Construction Certificate the approved plans must be submitted to the Sydney Water Tap in online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.
	Condition reason: Sydney Water Requirement
10	**Car Parking Areas**
	The following car parking and service vehicle requirements apply: (a) 66 car spaces shall be provided on the development site. This shall comprise of: • 55 residential spaces; • 11 visitor spaces; • 8 of the total car parking spaces shall be designated for people with mobility impairment, in accordance with AS/NZS2890.6. (b) All car spaces shall be allocated and marked according to this requirement. (c) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot. Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition. (d) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans. (e) The parking bays shall be delineated by line marking. (f) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking. The following traffic control measures shall be implemented on site: (a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development. (b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development. (c) One-Way directional arrows shall be painted on the driveway pavement within the site to indicate the required vehicular directional movement through the car parking area.

	The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.
	Condition reason: Parking and access
11	**Changes to on-street parking restrictions**
	An application must be made to the Local Traffic Committee via Council's Traffic and Transport Department seeking Council's approval for changes to on-street parking arrangements. There is no guarantee on-street parking will be changed, or that any change will remain in place for the duration of the development use. The submission must include a plan showing the existing on-street parking restriction signs and posts, and a plan showing the proposed on-street parking restriction signs and posts. It is recommended that the applicant contact Council's Traffic Engineer to discuss the proposal before making application.
	Condition reason: Parking and access
12	**Civil Works in Public Domain**

	The following applications must be submitted and approved:
	
	• Section 68 (Part B) (Stormwater Drainage Works) application - Stormwater connection works.
	• Road Reserve Opening Permit - Stormwater connection to the street kerb.
	• Civil Work in Public Domain Application:
	  o Stormwater connection into Council's underground drainage system.
	  o Construct/reconstruct of Council's drainage system.
	  o Road pavement, major footpath/kerb and gutter works.
	  o The erection of structures such as shelters, post, fence, signs, outdoor dining facilities and the like.
	  o Stormwater drainage works covered in part B of the stormwater specification, except private stormwater outlet connections (pipe sizes less than 150mm diameter).
	  o Retaining walls.
	  o Road construction, re-grading or re-shaping of the road reserve.
	  o Other activities as defined in the Roads Act 1993 that are not covered by other applications.

	Condition reason: Stormwater Connections and Discharge
13	**Construction Management Plan**
	Prior to the issue of a Construction Certificate, submit to the Principal Certifier a Construction Management Plan that clearly sets out the following: (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building

	activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like. (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site. (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period. (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways. (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer. (f) A Soil and Water Management Plan detailing all sedimentation controls.
	Condition reason: Safety, amenity and protection of public infrastructure and the environment
14	**Control of Seepage Water**
	A holding tank shall be provided to store seepage water for a period of 24 hours. The discharge of seepage water to the kerb is to be restricted between 11:00pm and 3:00am at a maximum discharge rate of 5.0 L/s. A minimum of seepage rate of 0.001 L/s per sqm shall be adopted to calculate the capacity of the holding tank unless a geotechnical report prepared by a qualified Geotechnical Consultant is submitted which provides a different seepage rate.
	Condition reason: Prevention of public nuisance
15	**Dilapidation Report**
	A Dilapidation Report is to be undertaken on all properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of the Construction Certificate. The Dilapidation Report is to be prepared by a suitably Qualified Chartered Professional Civil or Structural Engineer with current Institution of Engineers, Australia Corporate Membership registered on the National Engineers Register (NER) or Geotechnical Practitioner. The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to the owners of all properties inspected and Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

	Condition reason: Information
16	**Direct waste collection from basement**
	A design certificate and detailed plans are to be submitted with the Construction Certificate application that confirms that the waste can be directly collected from the basement as detailed in the Waste Management Plan. The design certificate is to be in accordance with the Waste Management Plan and specifically confirm that the: (a) Waste collection vehicle is able to access the basement, adequately manoeuvre into position, load bins and exit the basement. (b) Adequate vertical clearance is provided along the route of travel to/from external entry/exit points to collection area. (c) The collection vehicle must be able to manoeuvre in the basement with limited need for reversing. (d) The grades of entry/exit must not exceed the capabilities of waste collection vehicle. (e) The floor of the basement has been designed to carry the load of the vehicle.
	Condition reason: Waste management
17	**Electricity Connection**
	Provision must be made for connection to future underground distributions mains. This must be achieved by installing: • An underground service line to a suitable existing street pole; or • Sheathed underground consumers mains from the development to a customer pole erected near the front property boundary (within 1 metre). A limit of one (1) pole per site will apply.
	Condition reason: Environmental Amenity
18	**Electric vehicle circuitry and electric vehicle charging point requirements**
	An accurate electrical plan and specifications for all off-street car parking must be prepared by a suitably qualified person, demonstrating the following; a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans are to: • Identify the power capacity to each car parking space. • Identify the load management system on each level of parking such as a

	distribution board. • Install the electrical cabling necessary to enable the provision of an electrical vehicle charging point for each designated parking space. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem). b) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) prior to the issue of the construction certificate. Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are: a) Privately available spaces including visitor spaces: 'Level 2' slow – single phase 7kW power; and b) Publicly available spaces: 'Level 2' fast – three-phase 11-22kW power 1
	Condition reason: Access to EV charger infrastructure
19	**Engineering conditions**
	If you require clarification on any of the following conditions please contact Council's Development Engineer. *Driveway Design* The driveway shall be designed in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan". A longitudinal section through both edges and centre of the proposed driveway/vehicular crossing from the centre line or the crest of the road, whichever level is greater to the garage/basement/parking space shall be prepared demonstrating compliance with the scraping provisions for the B99 vehicle as stipulated in AS/NZS2890.1:2004 "Off Street Car Parking" Code. The longitudinal section shall include: i. All changes in levels and gradients e.g. lip of gutter, gutter invert, kerb layback, edge of footpath and at the property boundary. ii. A minimum of 2.0m wide concrete footpath shall be provided and have a maximum crossfall of 2.5% graded but no less than 1% graded towards the street from the property boundary. iii. Driveway shall have a crest to reduce the runoff from the street entering the property as overland stormwater flow during the 1%Annual Exceedance Probability (AEP) storm plus freeboard. The crest level shall be designed to achieve at least 300mm (from invert of the gutter to the crest) mitigation to reduce any surface stormwater overland flow entering the property or the crest level including a minimum of 150mm freeboard shall be demonstrated and certified by a suitably qualified engineer who specialise in stormwater and hydraulic. iv. Overhead clearance i.e. height between the driveway/parking area and the overhead obstruction shall comply with the minimum headroom clearance of 2.2m stipulated in AS/NZS 2890.1 and 2.5m for disable parking spaces and adjacent shared areas in accordance with AS2890.6. v. Driveway longitudinal section shall be checked using the 99th percentile of vehicle template to demonstrate the compliance with scraping provision. Please note that the design B99 vehicle shall have the ground clearance of 120mm (fully loaded vehicle). Note: centreline or the crest level of the existing road shall be physically surveyed not be assumed to prevent scraping issue. These driveway levels controls do not apply to

properties which form part of the stormwater overland flow system.

Driveway Certification
The longitudinal section shall be designed and certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia. The Civil Engineer shall certify that the driveway design and longitudinal section achieve compliance with AS/NZS2890.1:2004 and Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan".

Stormwater Design

A detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan" shall be submitted to, and approved by, the Accredited Certifier. On-site stormwater detention (OSD) system is required for the development and shall be designed and constructed in accordance with Section On-site Stormwater Detention Systems in Council's DCP, Appendix 2 – Engineering Specification. The following item shall also be addressed:

a. A rainwater harvesting system shall be provided in accordance with either the BASIX minimum requirements, and/or 5,000L minimum in accordance with Clause RR4 of Council's DCP, Appendix 2 – Engineering Specification", whichever is applicable and greater.
b. Vertical riser from the basement pump-out system shall be connected into the WSUD system. Location of connection point shall be designed above the 1%AEP top water level of the OSD system.

Stormwater Certification
The stormwater design shall be certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia and shall certify that the proposed stormwater drainage system has been designed in accordance with Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan".

Water Sensitive Urban Design (WSUD)

The development has been identified as requiring water sensitive urban design (WSUD) which has formed part of the development consent. Therefore, to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the WSUD system. The design and construction details of WSUD system and specification shall achieve the pollution reduction target in accordance with the Council's "Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan" shall be submitted to the certifying authority prior to issue of Construction Certificate.

Engineering Plans in Public Domain

One (1) hard copy and an electronic copy of Civil Engineering drawings prepared by a suitably qualified engineer with a civil works in the public domain works application under Section 138 of Roads Act 1993 must be submitted and obtained a consent from Council for the civil and stormwater drainage works within the road reserve in Hilt Street, Strathfield including:

Public Domain and Civil Works:

Any public domain and civil works in Hilt Street, Strathfield shall be designed and constructed in accordance with Council's DCP, Appendix 2 – Engineering Specification. The following items shall also be addressed.

1. Full detailed design, calculation and construction for the extension of the public road drainage system within Hilt Street, Strathfield to address the requirement outlined in Clause SW79 and SW80 of Council's DCP, Appendix 2 – Engineering Specification shall be provided. The design and details shall start from the boundary pit within the subject site to the existing Council's kern inlet pit in front of property 9 Hilts Road, Strathfield, and the following shall include:
    a. Longitudinal sections of the proposed/existing drainage system,
    b. All pipe within road reserve shall be steel reinforced concrete pipe (RCP),
    c. All pipe sizes and minimum 1% grades,
    d. All pit sizes and location including the surface and invert levels,
    e. Spaced at a distance of no greater than 50 metres apart and must not impact any property, trees and others public services.
    f. Covering over the drainage pipe within the road reserve,
2. Longitudinal and cross sections detailing the reconstruction of the concrete footpath along the entire frontage of the proposed development on Denham Street and Concord Road, including transition works, in accordance with street design guideline and Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan.
3. Any proposed erection of structures such as shelters, post, fence, signs and trees shall be indicated on the plan.
4. All services near the work area (e.g., pits (Telecom, stormwater), poles, sewer etc) shall be shown on the drawings. Written approval from the relevant public utility services authority is required to submit to Council if relocation and/or adjustment of the public utility services affected by the proposed works. Any alteration works for the public utility services shall address the relevant public authority requirement. The consented works must be completed to Council's satisfaction at no cost to Council.
5. All Civil Engineering works must be conducted utilising a quality management system prepared to the satisfaction of Council's engineer.

Commitment to the following:

1. A maintenance period of six (6) months shall apply to the work after it has been completed. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design loading conditions, and
2. Upon completion of the works, the Applicant is to provide to Council one (1) hard copy and an electronic copy of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also, the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from a suitably qualified engineer.
3. The consented works must be completed to Council's satisfaction at no cost to Council.

Pre-Commencement Damage Report
The Pre-Commencement Damage Report Form shall be completed and submitted to Council. The Damage Report Form is used to establish the existing condition of the road reserve prior to work commencing and to identify any damage caused during

	construction.
	Condition reason: Engineering requirements
20	**Erosion and sediment controls**
	Erosion and sedimentation controls must be provided to ensure: (a) Compliance with the approved Soil and Water Management Plan. (b) Removal or disturbance of vegetation and topsoil is confined to within 3m of the approved building area (no trees to be removed without approval). (c) All uncontaminated run-off is diverted around cleared or disturbed areas. (d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways. (e) All erosion and sediment controls are fully maintained for the duration of demolition/development works. (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways. (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar. (h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters. (i) Pumped or overland flows of water are discharged so as not to cause, permit, or allow erosion before the commencement of work (and until issue of the occupation certificate). Details of the proposed soil erosion and sedimentation controls must be submitted to the Principal Certifier for approval prior to the issue of a Construction Certificate and implemented onsite before building work commences.
	Condition reason: Environmental Protection
21	**Fees to be paid to Council prior to issue of the Construction Certificate**
	The following fees shall be paid prior to the issue of a Construction Certificate:

Damage Deposit	$50,000
Any costs to rectify damage caused by the development will be deducted from the damage deposit. The damage deposit will be refunded when the works are completed, any damage repaired and an Occupation Certificate issued.	
Long Service Levy	0.25% of the cost of building and

		construction works including GST
	The NSW Government charges a levy on all building and construction works of $250,000 or more. The levy is paid into a fund administered by the Long Service Corporation (LSC). This fund pays long service to eligible building and construction workers.	
	<u>Sect. 7.11 Contributions - Strathfield Triangle</u>	$980,000.00
	Section 7.11 Development Contributions are required towards the provision of public amenities and services in accordance with the *Canada Bay Local Infrastructure Contribution Plan*. • Group home and hostel resident - $20,000 / resident • Self-contained seniors living and boarding house room - $20,000 • Studio / one bedroom dwelling & secondary dwelling - $20,000 • Two bedroom dwelling & secondary dwelling - $20,000 • Three + bedroom dwelling & secondary dwelling - $20,000 • Additional Lot $20,000 The contributions were calculated when the Consumer Price Index (**CPI**) in March 2025 for Sydney was **140.9**. Any change in the CPI at the date this contribution is paid will be added/subtracted from the amount.	Dwelling Mix: 19 x one bed 22 x two bed 7 x three bed (a credit has been applied for the three existing dwellings to be demolished) Total: 51 dwellings (three existing to be demolished)
	Condition reason: Statutory requirement and information	
22	**Geo-technical Report**	
	A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall describe inter alia: (a) an indication of the nature and depth of any uncontrolled fill at the site. (b) an indication of the nature and condition of the material to be excavated. (c) indications of groundwater or seepage.	

	(d) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries. (e) statement of required excavation methods in rock and measures required to restrict ground vibrations. (f) other geo-technical information or issues considered relevant to design and construction monitoring.
	Condition reason: Structural and information
23	**Landscape Maintenance Strategy**
	To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.
	Condition reason: Landscape amenity
24	**Landscape Plan**
	A landscape plan prepared by a qualified landscape architect or landscape consultant including the following: • Identification of any trees proposed to be removed. • Tree protection zones for existing trees to be retained, street trees and impacted trees on adjoining sites. • Identification of all existing natural features (ie- rock outcrops, existing vegetation, natural drainage lines. • Location of all proposed landscape features including materials to be used. • Existing and proposed finished ground levels. • Top and bottom wall levels for both existing and proposed retaining and free standing walls. • Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. • Where Land is located within a Biodiversity Corridor, local indigenous species are required (refer to DCP Table B-R Plants Suitable for Corridors and Restoration planting) and retention of existing habitat features including rocky outcrops, waterbodies, trees, shrubs, ridgelines and ground cover vegetation. • Delineate areas to have irrigation. • A twelve-month maintenance schedule for all soft works. • Calculations of deep soil and landscape areas. • Location of proposed underground and overhead services. Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.
	Condition reason: Landscape quality

25	**Off Street Parking Provision - General**
	53 x residential car spaces, 11 x visitor car spaces, 1 x service vehicle car space, and 4 x motorcycle spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided on the site for off-street parking. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
	Condition reason: Parking and Traffic
26	**On-slab Planting**
	To ensure the site landscaping thrives the on-slab landscaping shown on the approved landscaping plan is to be designed to include the following minimum soil depth, volume and areas:

Turf			200mm		
Grass and ground covers			350-450mm		
Shrubs			600-650mm		
Mature Size	Height	Canopy Width	Soil Volume (per tree)	Soil Area on Structure	Minimum Depth
Small Trees	6-8m	4m	9m3	3.5m x 3.5m	800mm
Medium Trees	8-12m	8m	35m3	6m x 6m	1000mm
Large Trees	12-18m	16m	150m3	10m x 10m	1200mm

Drainage layers are additional to these dimensions.

A qualified structural engineer must provide certification that the structure can support these minimum requirements.

	Condition reason: Landscape quality
27	**Photographic archival record**
	A digital photographic record must be prepared by a suitably qualified and experienced person and then submitted to Council's Heritage Advisor, including: • A comprehensive set of internal and external photographs of the existing building. • Photographs of the front and rear gardens and the front fence. • A brief report or introduction that explains the purpose of the report and includes an assessment and/or statement of significance of the subject. • A reference plan, drawn to scale, showing where each photograph was taken and the direction of the photograph, together with a list referencing and describing each photograph. The Principal Certifier must receive written confirmation from Council's Heritage Advisor

	that the archival record has been received.
	Condition reason: Heritage Conservation
28	**Pre-Commencement Damage Report Form**
	The Pre-Commencement Damage Report Form shall be completed and submitted to Council
	Condition reason: Maintain public assets
29	**Section 73 Compliance Certificate**
	Before Issue of a Construction Certificate a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs. Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.
	Condition reason: Sydney Water Requirement
30	**Tree Protection - Arborist Report and Inspections**

	To ensure the longevity of the trees identified for retention the applicant must engage an arborist with a minimum Australian Qualification Framework Level 5 to provide an arborist report and tree protection plan, including:
	
	• Tree protection measures that satisfy Australian Standard 4970 Protection of Trees on Development Sites.
	• A survey plan with all trees located and numbered and a Tree Protection Zone (TPZ) and Structural Root Zone (SRZ).
	• No excavation shall take place within the SRZ.
	• Excavation between the SRZ and the TPZ can only occur by hand and under the supervision of an arborist. In the event that major structural of feeder roots greater than 50mm in diameter are encountered between the SRZ and TPZ, the consulting arborist is to provide appropriate measures to ensure the long term retention of the tree.
	• Required arborist site inspections, which at minimum include a record the following:
	  ○ Methods of excavation or construction used to carry out the works at critical stages typically including installation of services, footings and slabs, scaffolding, works within the TPZ and at completion of building works;
	  ○ Any damage sustained by the tree/s as a result of the works;
	  ○ Any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
	  ○ Any future or on-going remedial work required to be carried out to ensure the long-term retention of the tree/s.

	Condition reason: Tree Protection
31	**Truck Turntables**
	When turntables are proposed to enable a forward in and forward out manoeuvre of waste collection vehicles they must be included in the Waste Management Plan for the development. The Waste Management Plan must confirm that: (a) The building manager is responsible for operating the turntable in the building as Council's waste collection staff and contractors are not permitted to operate the turntable. (b) The turntable must have a manual override in case of malfunction.
	Condition reason: Waste management
32	**Vehicular Crossings Location, Ancillary Works and Removal of Redundant Crossings**
	A Vehicular Crossing Location and / or Ancillary Works Application is required for the following works: • New vehicular crossover. • Construct new footpath and/or kerb and gutter within property frontage. • Widen existing vehicular crossover. • Remove existing vehicular crossover and kerb invert. • Repair/replace an existing driveway crossover. • Repair or reconstruct kerb and gutter. • Repair or reconstruct footpath within property frontage. All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile.
	Condition reason: Access and public works
33	**Waste Chute Design**
	Where the development incorporates a Waste Chute as part of the waste management system, a design certificate and detailed plans are to accompany any Construction Certificate application which confirms that the waste chute can be constructed to satisfy the Waste Management Guide and specifically the following requirements: (a) Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material. (b) Chute is cylindrical in section, vertical and without bends as it passes through the floors. (c) Chutes must terminate in the waste storage room and discharge into a waste bin. (d) Comply with manufactures technical specifications and operational limitations.
	Condition reason: Waste management
34	**Waste Storage Room Construction**

	A design certificate and detailed plans are to be submitted with the Construction Certificate application which demonstrate that the waste storage room has been designed to be constructed in accordance with the Waste Management Plan and including the following requirements: (a) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting; (b) The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections; (c) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned; (d) The room is to be provided with artificial light controllable within the room and adequate ventilation; and (e) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
	Condition reason: Waste management
35	**Installation of Temporary Ground Anchor**
	An application under Section 138 of Roads Act is required for the installation of temporary rock anchors where ground anchors are proposed for the protection of Council's land or assets such as utility services, footpaths, kerb and gutter and other ancillary infrastructure.
	Condition reason: Protection of public land and infrastructure
36	**Road Opening Permit**
	Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from Council. In this regard the Applicant is to contact Council's Customer Services Centre to apply for a Road Opening Permit, for works in relation to the excavation of the verge (e.g. for the purpose of installation of services such as private stormwater, private gas line, private sewer, private water pipe, etc.). This Permit is to be obtained **prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.** **Important Note:** Road Opening Permits do not include driveways, laybacks, footpath and major stormwater drainage construction which are covered separately by the vehicular crossing and ancillary works Application (for minor domestic works) or a Civil works in the public domain Application (for major or public works).
	Condition reason: Protection of public land and infrastructure
37	**Heritage - architectural building elements**
	1. The applicant shall prepare an archival photographic record of the houses to be demolished, and a copy supplied to Council. The archival photographic records shall be prepared in accordance with the guidelines in the Heritage Council publication Photographic Recording of Heritage Items Using Film or Digital Capture 2006. 2. The applicant shall prepare a schedule of architectural building elements that can be salvaged for transfer of those elements to an established second building

	material dealer for reuse.
	Condition reason: Heritage conservation
38	**Street Tree Protection**
	The 2 x Lohostemon confertus Council street trees must be protected, as outlined in Appendix I of the approved Arborist AIA Report, prepared by Lee Hancock Consulting, dated 07.11.2024.
	Condition reason: Protection of street trees

Before building work commences

39	**Compliance with Home Building Act (if applicable) - (Prescribed condition EP&A Regulation, clause 98(1)(b))**
	In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
	Condition reason: Prescribed Condition
40	**Erosion and Sediment Control**
	Erosion and sedimentation controls shall be in place prior to the commencement of demolition or ground works and must be maintained during construction. The controls shall be installed in accordance with the approved details and in accordance with Managing Urban Stormwater - soils and Construction produced by Landcom (Blue Book). A copy of the Erosion and Sediment Control Plan must be kept on site and made available to Council officers on request.
	Condition reason: Environmental Protection
41	**Home Building Act requirements**
	Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information: (a) In the case of work for which a principal contractor is required to be appointed— (i) the name and licence number of the principal contractor, and (ii) the name of the insurer by which the work is insured under Part 6 of that Act, (b) In the case of work to be done by an owner-builder— (i) the name of the owner-builder, and (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

	If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
	Condition reason: Prescribed Condition
42	**Requirements Before Building Work**
	No work shall commence in connection with this development consent until: (a) A Construction Certificate for the building work has been issued. (b) A Principal Certifier has been appointed. (c) Provide notice of commencement of works two (2) days prior to work commencing. (d) A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out: showing the name, address and telephone number of the principal certifier for the work, and showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed. This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
	Condition reason: Statutory Requirement
43	**Site Safety Fencing**
	Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing must be erected before the commencement of any work and maintained. The site shall be secured and shall be maintained in a clean and orderly condition during demolition and construction works.
	Condition reason: Site Safety
44	**Tree Protection**
	All street trees, trees on private property that are identified for retention and trees on adjoining sites must be protected prior to the commencement of demolition or ground works and must be maintained during construction as follows: (a) Tree protection zone to be enclosed by protective fencing such as chain wire mesh panels or wooden fencing panels. Where fencing cannot be installed then trunk and major limb protection must be installed as follows: (i) Timber planks with padding (50mm x 100mm or similar) must be placed around tree

	trunk/s. The timber planks must be spaced at 100mm intervals and fixed against the trunk with tie wire or strapping. The timber planks must not be fixed into the tree. Young street trees with existing wooden stakes do not require trunk protection to be installed but must be enclosed by a protective fence. (ii) A tree trunk and / or major branch located within 0.5m of any hoarding or scaffolding structure must be protected by wrapped hessian or a similar material. (b) Soil and root protection - Steel boards, track mats, or timber rumble boards to be utilised for heavy machinery to protect roots and limit surrounding soil compaction. (c) Scaffold columns must not be placed on any tree roots that are exposed and all scaffold to be placed on scaffold boards or plywood sheeting. (d) Construction material, goods and sheds must not be stored or placed under the tree canopy or within 2 metres of tree trunks. (e) No storage within tree protection zone unless authorised by Project Arborist. (f) Temporary signs or other items must not be fixed into or attached to a tree. (g) Any excavation within in any area known to or suspected of having tree roots greater than 40mm diameter must be supervised by Project Arborist and undertaken by hand. Any trenching works for services, hydraulics, drainage etc must not be undertaken within 3 metres of any tree truck. (h) Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of services. (i) Existing sections of kerbs adjacent to any street tree shall not be removed without written approval from Council's Tree Services Team because the removal of kerbs adjacent to mature trees can cause trees to become unstable and fail. (j) Any damage sustained to a tree must be immediately reported to the Council's Tree Services Team.
	Condition reason: Tree Protection

During building work

45	**Building Survey**
	In order to ensure compliance with approved plans, a Survey Certificate prepared to Australian Height Datum must be prepared by a Registered Surveyor at the following stages:

	(a) Basement - At the completion of excavation and prior to the pouring of concrete the height and distance of the formwork to the boundaries and any easements or public drainage infrastructure. (b) Floor levels - Prior to pouring of concrete, at the ground floor level and every second level, showing the height and distance of the formwork to the boundaries and any easements or public drainage infrastructure. (c) At completion - Each finished floor level, highest point of the building and the distance of the building to the boundaries and any easements or public drainage infrastructure. Progress certificates must be provided to the Principal Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.
	Condition reason: To ensure compliance with the approved plans
46	**Compliance with the Building Code of Australia - (Prescribed condition - EP&A Regulation clause 98(1)(a))**
	Building work must be carried out in accordance with the requirements of the BCA.
	Condition reason: Prescribed Condition
47	**Contaminated Land Unexpected Finds**
	In the instance works cause the generation of odours or uncovering of unexpected contaminants, works are to immediately cease, Council is to be notified, and a suitably qualified environmental scientist appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by City of Canada Bay, Manager Health, Building and Compliance. Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.
	Condition reason: Environmental protection
48	**Exportation of Fill or Soil**
	Prior to the exportation of fill or soil from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing is required prior to off-site disposal. In accordance with NSW EPA Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

	Note: Attention is drawn to Part 4 of the NSW EPA Waste Classification Guidelines (2014) which makes reference to the management and disposal of Acid & Potential Acid Sulfate Soils. Evidence that the requirements specified above have been satisfied must be provided to the Principal Certifier at the time of disposal.
	Condition reason: Environmental protection
49	**Implementation of BASIX commitments - (prescribed condition under clause 97A(2) EP&A Regulation)**
	While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.
	Condition reason: Prescribed Condition
50	**Imported Fill**
	To ensure that fill material is suitable for the proposed use, only Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite, or Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated.
	Condition reason: Environmental protection
51	**Site requirements**
	All of the following are to be satisfied/complied with during demolition, construction, and any other site works: (a) Construction Hours - No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Saturdays. No work to occur on Sundays and public holidays. Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only. (b) Sediment Control - Erosion and sedimentation controls shall maintained during construction, including: (a) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system. (b) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.

(c) Ensure safe access to and from the site including the road reserve and footpath area, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.

(d) Ensure safe loading and unloading of excavation machines, building materials, formwork, and the erection of the structures within the site.

(e) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and

(f) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer.

(c) Excavation Pump Out - Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the approval of the City of Canada Bay Council is obtained prior. All excavation pump-out water must be analysed for suspended solid concentrations, pH and any contaminants of concern identified during a preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results of any discharge must comply with relevant EPA and ANZG standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZG Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for freshwater ecosystems); NSW Department of Housing, Managing Urban Stormwater - Soils and Construction).

Water testing shall be carried out to ensure water is appropriate for discharge to the stormwater system. The testing shall be carried out by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system and shall be disposed of using alternative approved means.

Results of water testing (if required) shall be provided to Council or in the Validation Report for remediation projects as required by the conditions of this consent. Documentation for the off-site disposal of water shall be included in the Validation Report.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(d) Noise and Vibration - All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes' Interim construction noise guideline' and AS 2436-2010 – 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise.

Special precautions must be taken to avoid nuisance in neighbouring residential areas,

particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by City of Canada Bay Council or the Principal Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

(e) Asbestos Removal - Homes built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves internal and external wall cladding, ceilings, and walls (particularly within wet areas such as bathrooms and laundries), and fences. Unless properly handled, asbestos disturbed or removed during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

To ensure work does not cause undue risk please see the following site for further information:
www.asbestosawareness.com.au

Asbestos to be removed by licensed asbestos removalist

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies AND a current WorkCover Demolition License where works involve demolition.

Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10sqm or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license. To find a licensed asbestos removalist please see
www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011.
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)].
- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos.
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and

Clearance certificate
Following completion of asbestos removal works undertaken by a licensed asbestos re-

occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Notification of asbestos removal works
At least two (2) working days (i.e., Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence.
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer.
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50.

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location, and maintenance.

Barricades

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(f) Dust Control -

Small Works
Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the City of Canada Bay Council should it fail to adequately control any dust nuisance.

Major Works

The following measures must be implemented (in part or in total) as directed by the City of Canada Bay Council to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- All stockpiles of materials that are likely to generate dust must be kept

damp or covered.

- All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the City of Canada Bay Council.

(g) Site Management

- All demolition is to be carried out in accordance with Australian Standards AS 2601-2001 and by a registered demolition contractor.
- A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- No blasting is to be carried out at any time during construction of the building.
- Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- Any demolition and excess construction materials are to be recycled wherever practicable.
- The disposal of construction demolition waste must be in accordance the requirements of the Protection of the Environment Operations Act 1997.
- All waste on the site is to be stored, handled, and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- All materials on site or being delivered to the site are to generally be contained within the site. Requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.

	• Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system. • All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system. (h) Damage to adjoining properties and prevention of nuisance - • All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner. • All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works. (i) Stamped plans - Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.
	Condition reason: Compliance and environmental amenity
52	**Waste Management Plan**
	Requirements of the approved Waste Management Plan shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works. When implementing the Waste Management Plan the developer is to ensure: (a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997. (b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997. (c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW. (d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it. (e) Records are retailed regarding the details and location of the disposal of all demolition and construction waste (including excavated material) and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge

	dockets which verify material types and volumes, time and date of disposal and confirmation of the waste disposal facility. (f) All materials and resources that are to be stored on site during construction works are contained on the site, The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses. (g) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.
	Condition reason: Waste Management
53	**Inspection of on-site stormwater detention / overland flowpath / stormwater quality improvement devices works**
	The stormwater drainage works are to be inspected during construction or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages: *On-site Stormwater Detention:* a. Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the detention basin/tank. b. Prior to landscaping of the detention basin or pouring of the roof of the detention tank. c. After completion of storage but prior to installation of fittings (e.g. Orifice plates, screens, flap valves etc.) d. Final Inspection. *Stormwater quality Improvement devices:* a. Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the improvement devices. b. After completion of storage but prior to installation of fittings (e.g., filter, screens etc.) c. Final Inspection prior to issuing the relevant certificate.
	Condition reason: Stormwater Management

Before issue of an occupation certificate

54	**Arborist's Inspection**
	The consulting arborist must inspect the retained tree/s. If the health of the trees has been affected or the trees have been damaged, then a report must be prepared which will specify the on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

	Condition reason: Tree preservation
55	**Damage Caused During Construction**
	Where damage has occurred to Council's assets you must lodge a Vehicular Crossing Location & / or Ancillary Works Application and then complete the repair works prior to the issue of an Occupation Certificate and the refund of the damage deposit.
	Condition reason: Asset protection
56	**Mechanical Ventilation**
	Upon completion of the mechanical installation and before issue of the Occupation Certificate, the designing engineer shall submit the following to the registered certifier: (a) A schedule indicating the air flows at each register. (b) A certificate detailing the systems compliance with AS 1668 Australian Standard "Mechanical Ventilation and Air Conditioning Code, Parts 1 and 2".
	Condition reason: Mechanical Ventilation
57	**Occupation Certificate (section 6.9 of the Act)**
	A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part. The Principal Certifying Authority is required to be satisfied, amongst other things, that: • All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and • Any preconditions to the issue of the certificate required by a development consent have been met. New building includes an altered portion of, or an extension to, an existing building.
	Condition reason: Statutory requirement
58	**Prospective Owners/Tenants Ineligible for Parking Permits**
	All owners, residents, tenants/occupiers of the development are not eligible to participate in any existing or proposed Council on-street Permit Parking Schemes. The owner of the property and/or any managing agent appointed by the owner to sell or lease the residential and commercial units on their behalf shall ensure that all prospective purchaser and/or tenants are advised in writing via any advertising material, lease documents, etc. that no on-street parking permits will be issued by Council for the use of owners, tenants or their visitors. Any strata manager/management company appointed following the strata subdivision of the development shall also be responsible for ensuring that all owners and their tenants are informed of this restriction on an ongoing basis.
	Condition reason: Parking

59	**Street Numbering**
	The proposed shall be numbered as per the approved Street Numbering Schedule. The Registered Certifier must confirm that street numbers are conspicuously displayed at the front property boundary before the issue of an Occupation Certificate.
	Condition reason: Identification of Property for Emergency Services and Mail Deliveries
60	**Waste Collection Agreement with Council**
	Prior to the issue of the Subdivision Certificate, a formal agreement with Council for the utilisation of Council's Domestic Waste Collection Service is to be entered into. By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements. The provision of Council's waste collection service will not commence until formalisation of the agreement.
	Condition reason: Waste Management
61	**Water Cooling Microbial Control**
	The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of: • Public Health Act 2010 and Public Health Regulation 2022. • Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control, Parts 1, 2 & 3 of 2011. A Cooling Tower and Warm Water System (Regulated Systems) Registration Form must be completed and submitted to Council.
	Condition reason: Environmental health and registration
62	**Works-As-Executed Drawing and Certification of Civil Engineering Works – Surveyor and Engineer**
	a. Submission of Works - As - Executed drawings of the approved engineering works prepared and signed by a Registered Surveyor. b. A certificate from a Registered Civil Engineer certifying that the civil engineering works have been constructed in accordance with relevant Standards and Council's Policies and Specifications including the following as relevant: • Mechanical pump out system • Stormwater drainage system • Driveway and parking.
	Condition reason: Compliance

63	**Stormwater Controlled Systems**
	Covenant & Restriction as to User A Positive Covenant and Restriction on Use of Land shall be created over the constructed stormwater management system, on-site stormwater detention (OSD) system/on-site system absorption (OSA) system/stormwater quality improvement device (SQID) and/or mechanical pump-out system under Section 88E Instrument and/or Section 88B Instrument of the Conveyancing Act shall be submitted to the authority benefited for approval prior to lodge and register with the NSW Land Register Service. A Positive Covenant and Restriction as to User Lodgement form shall be submitted to Council. Council's standard wording is located in 'Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan'. *OSD Identification Plate* The applicant shall install an identification plate near or onto the control structure of the On-site Stormwater Detention system (OSD). This is to advise the registered proprietor of their responsibility to maintain the OSD facility. The applicant can obtain the OSD identification plate from the Council at a cost. *Maintenance Schedule of the stormwater management system* A maintenance schedule for the stormwater drainage, on-site stormwater detention and stormwater quality improvement device including a sketch plan of the components forming the sites stormwater drainage system shall be submitted to the Principal Certifier. The maintenance schedule shall be prepared by a qualified stormwater/hydraulic engineer.
	Condition reason: Stormwater Management & Compliance

Occupation and ongoing use

64	**Acoustic Assessment**
	All recommendations contained in the approved acoustic assessment report (as required to be revised by condition of this consent) prepared by Acoustic Logic dated 3.3.2025, ref: 20230836.3 must be adopted, implemented, and adhered to. The Principal Certifier shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above stated report have been completed and that relevant noise criteria have been satisfied. Any changes made to the proposal that would alter the outcome will require a further assessment and a copy of this further report shall be provided to the Principal Certifier for approval and all recommendations of the report shall be adopted, implemented and available upon request of the Council.
	Condition reason: Noise control and amenity
65	**Annual Fire Safety Statement**
	Each year, the owner of a building to which an essential fire safety measure is applicable shall cause the Council to be given an annual fire safety statement for the

	building. Such a fire safety statement: • Shall deal with each essential fire safety measure in the building premises; and • Shall be given within twelve months after the last such statement was given, or it no such statement was given, within twelve months after a final fire safety certificate was first issued for the building. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates: • Shall cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and • Shall cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building.
	Condition reason: Fire Safety
66	**Commencement of a domestic waste service**
	Prior to the commencement of use, the property owner or agent acting for the owner must arrange an inspection of the waste storage area(s) and management facilities to arrange the commencement of a domestic waste service with Council. The time for the inspection must be arranged by the owner or approved building manager at least 7 days prior to the occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times.
	Condition reason: Waste Management
67	**Loading**
	All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.
	Condition reason: Servicing
68	**Noise - air conditioners / pool pumps**
	The development must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not: (a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open): *Air Conditioners* (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; (ii) before 7.00am and after 10.00pm on any other day.

	Swimming Pool Pump/Spa Pump (i) before 8.00am and after 8.00pm on any Saturday, Sunday or public holiday; (ii) before 7.00am and after 8.00pm on any other day. (b) Emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.
	Condition reason: Noise control and amenity
69	**Noise, Air or Water Pollution**
	General The use, operation and activities carried out on site shall comply with the requirements of relevant noise legislation and guidelines including but not limited to Noise Policy of Industry 2017, Protection of the Environment Operations Act 1997, relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites, and must not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997. *Acoustic Assessment* Following occupation of the building / premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner / occupier shall, upon request by Council, employ the services of a suitably qualified and experienced acoustic consultant to undertake a post occupation assessment of the development and complete a noise assessment report with recommendations to rectify the situation. A copy of this report shall be submitted to Council for review and approval and from there noise attenuation works shall be carried out within a time frame set by Council. The reasonable cost of such appointment shall be borne by the owner / occupier and any works recommended by the acoustic consultant shall also be borne by the owner / occupier.
	Condition reason: Amenity
70	**Visitor Parking**
	The visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be retained as common property by the Owners Corporation.
	Condition reason: Visitor Parking
71	**Waste Management Facilities**
	The Owners Corporation is responsible for the ongoing maintenance, repair and replacement of all equipment related to waste management in the development including waste chutes, compaction equipment and turntables if applicable. This also includes ensuring that mobile garbage bins are kept clean.

	Condition reason: Waste Management
72	**Waste Management Plan Implementation**
	The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.
	Condition reason: Waste Management
73	**Amplified Music**
	Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the boundary of the premises. Speakers must not be installed, and music must not be played in any communal outdoor areas associated with the premises including the public domain.
	Condition reason: Noise attenuation and amenity

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the *Conditions of development consent: advisory notes*. The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.
Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018.*

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

Council means CITY OF CANADA BAY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Canada Bay Local Planning Panel

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,

- the reuse of stormwater,

- the detention of stormwater,

- the controlled release of stormwater, and

- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.