

DATE OF DETERMINATION	30 May 2025
DATE OF PANEL DECISION	30 May 2025
DATE OF PANEL BRIEFING	27 May 2025
PANEL MEMBERS	Carl Scully, Alice Spizzo, Glennis James, Hugo Robinson and Anthony Bazouni
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 20 May 2025.

MATTER DETERMINED

PPSSEC-369 – Canada Bay – DA2024/0220 –38-42 Leicester Avenue, Strathfield – Demolition of existing buildings and construction of a seven storey residential flat building comprising of 51 apartments with associated landscaping, communal open space, and basement parking with vehicular access from Leicester Avenue (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at the site inspection listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of a written request from the applicant, made under s 4.6 (3) of the Canada Bay Local Environmental Plan 2013 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- compliance with cl. 4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances because the proposal satisfies the objectives of the standard, and the built form achieves a better outcome for the site; and
- there are sufficient environmental planning grounds to justify contravening the development standard as the proposal provides an appropriate density and mix of additional general housing in the area, with no unreasonable impact on existing surrounding residential developments in terms of noise and visual amenity, overshadowing or generates any notable increase in traffic and on-street parking.

The Panel noted that the assessment report contained the incorrect proposed height of the buildings of 27.8m and the rear of the site having a maximum building height of 25m (page 44).

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height and approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.






- Amend Condition 7(d), dot point 4, to read as follows:
The temporary holding area must be able to accommodate all bins available for servicing in accordance with FOGO calculations.
- Delete Condition 27 and renumber the remaining conditions accordingly
- Amend Condition 19 in the section titled Public Domain and Civil Works, part 1. to correct spelling of 'kerb'

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Height of building
- Lack of infrastructure (including public parks)
- Impact on public transport – trains
- On-site parking and vehicular access
- Traffic, access and parking
- Bulk waste dumping onto roads
- Schools and public amenities
- ADG compliance
- Overshadowing/reduced sunlight
- Environmental/Heritage
- Privacy
- View sharing
- Increased population/density and congestion

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully	 Hugo Robinson
 Alice Spizzo	 Anthony Bazouni
 Glennis James	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-369 – Canada Bay – DA2024/0220
2	PROPOSED DEVELOPMENT	Demolition of existing buildings and construction of a seven storey residential flat building comprising of 51 apartments with associated landscaping, communal open space, and basement parking with vehicular access from Leicester Avenue
3	STREET ADDRESS	38 Leicester Avenue, Strathfield
4	APPLICANT/OWNER	Thomas Suthons (Urbis) on behalf of Huakun Investments Pty Ltd Huajun Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> 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 State Environmental Planning Policy (Planning Systems) 2021 Canada Bay Local Environmental Plan 2013 Draft environmental planning instruments: State Environmental Planning Policy (Homebush Transport Orientated Development Precinct) 2024 Development control plans: <ul style="list-style-type: none"> Strathfield Triangle Development Control Plan Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 15 May 2025 S. 4.6 Variation Requests: S.4.3 (Height of Buildings) Canada Local Environmental Plan 2013 Written submissions during public exhibition: 5 Total number of unique submissions received by way of objection: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 27 May 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Alice Spisso, Glennis James and Anothny Bazouni <u>Council assessment staff</u>: Peter Giaprakas and Shannon Anderson Applicant Briefing: 27 May 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Alice Spisso, Glennis James, Hugo Robinson and Anothny Bazouni

		<ul style="list-style-type: none"> ○ <u>Applicant representatives</u>: Jasmine Foster, Christophe Charkos, Richard Chen, Russell Olsson, Alan Stewart ○ <u>Council assessment staff</u>: Peter Giaprakas and Shannon Anderson ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova <ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 27 May 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spisso, Glennis James, Hugo Robinson and Anothny Bazouni ○ <u>Council assessment staff</u>: Peter Giaprakas and Shannon Anderson ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report