

Statutory Compliance Tables

129-153 Parramatta Road and 53-75 Queens Road, Five Dock

Table 1: Statutory Compliance Table

Mandatory Matters for Consideration	Response	Document Reference
Consideration under the Act and Regulation		
<p><i>Environmental Planning and Assessment Act, 1979</i></p>	<p>Section 1.3 – Objects of Act</p> <p>The proposal is consistent with the objects of the EP&A Act. In particular, the proposal:</p> <ul style="list-style-type: none"> • Promotes the social welfare of community, by providing quality housing opportunities, including affordable housing, in a well-serviced area. • Allows for orderly and economic development of the land as envisioned in within the strategic plans applicable to the locality. • Promotes sustainable management of built and cultural heritage within the vicinity of the site. • Promotes quality design and amenity of the built environment, architecturally designed. Is developed to provide housing for the community and provides public domain benefits for the community. <p>Section 4.15 – Evaluation</p> <ul style="list-style-type: none"> • Section 4.15 (1)(a)(i) – EPIs – all relevant EPIs are considered later in this Table 1. • Section 4.15 (1)(a)(ii) – draft EPI - No draft EPIs are relevant to this proposal • Section 4.15 (1)(a)(iii) – DCP – Development control plans do not apply to State significant development. Notwithstanding, consideration has been given to Part A, B, F and K of the Canada Bay DCP at Table 5. • Section 4.15 (1)(a)(iiia) – Planning agreement – a voluntary planning agreement accompanies this SSDA. • Section 4.15 (1)(a)(iv) – Regulations – the Regulations are considered in the new row of this table. • 4.15(b) – Likely impacts of the development – likely impacts of the development are addressed in detail in the EIS, and particularly, Section 6. • 4.15(c) – Site suitability – the suitability of the site is evaluated throughout the EIS and particularly, the assessment of existing and proposed site conditions, impacts and mitigation measures, in Section 6. 	<p>Section 4 of EIS.</p>
<p><i>Environmental Planning and</i></p>	<p>Section 61(1) – demolition of structures – the proposal does not involve any demolition.</p>	<p>Section 4 of EIS and ESD Report (Appendix 57 –</p>

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<p><i>Assessment Regulation 2021</i></p>	<p>Section 69 prescribes that any building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA) pursuant to Clause 69 of the EP&A Reg and will be conditioned as part any development consent.</p> <p>Section 190 – 192 – EIS requirements - The EIS has addressed and been written in accordance with the specification criteria within Section 190 and 192 of the EP&A Regulation.</p> <p>Section 193 prescribes that the principles of Ecologically Sustainable Development (ESD) are required to be considered in the assessment of the proposal. The key principles of ESD as defined in the EP&A regulation are:</p> <ul style="list-style-type: none"> • the precautionary principle. • inter-generational equity. • conservation of biological diversity and ecological integrity. • improved valuation, pricing, and incentive mechanisms. <p>An ESD Report has been prepared by E Lab Consulting (Appendix 57 – original submission) which addresses the four principles of ESD. Also refer to the BCA Report (Appendix 68 – original submission).</p> <p>Section 35BA and 35C refer to embodied emissions and Net Zero Statement requirements for non-residential development under Sustainable Buildings SEPP. These are addressed under the Sustainable Buildings SEPP section below.</p>	<p>original submission).</p>
<p>Relevant Environmental Planning Instruments</p>		
<p><i>State Environmental Planning Policy (Housing) 2021</i></p>	<p>Chapter 2, Part 2, Division 1 of the Housing SEPP contains the standards for development for the purposes of In-fill Affordable Housing in NSW. The proposed development comprises residential development, which is permissible within the M11 Mixed Use zone under the Housing SEPP. The key provisions of the Housing SEPP have been considered in the preparation of the SSD application and are addressed in Section 4.1 of the EIS and in the table 2 below. Compliance with Chapter 4 of the Housing SEPP relates to the Apartment Design Guide (previously SEPP 65) and is demonstrated in Table 4 below.</p>	<p>Table 2 and Table 4 of this statement.</p>
<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p>	<p>Division 17, Section 2.122 requires the consent authority to provide TfNSW with written notice of the development application for ‘traffic-generating development’ within the meaning of the SEPP, as set out in Schedule 3 of the SEPP.</p>	<p>Section 4.2 of EIS.</p>

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<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p>	<p>Chapter 3 of this SEPP states that land must not be developed if it is unsuitable for a proposed use due to contamination. If the land is deemed unsuitable, remediation must take place before development begins. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standard, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist Councils and developers to determine when land has been at risk.</p> <p>Clause 4.6 of the SEPP requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.</p> <p>The Detailed Site Investigation (Appendix 27 – original submission) confirms that the site is considered suitable for mixed-use commercial and heigh density residential uses, including basement car parking.</p>	<p>Section 4.2 of EIS and Appendix 27 (original submission).</p>
<p><i>State Environmental Planning Policy (Planning Systems) 2021</i></p>	<p>Schedule 1, Section 26A of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> states that the following development is considered to be SSD –</p> <p><i>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</i></p> <p><i>(a) the part of the development that is residential development has a capital investment value of—</i></p> <p><i>(i) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City in the Six Cities Region—more than \$75 million, or</i></p> <p><i>(ii) for development on other land—more than \$30 million, and</i></p> <p><i>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</i></p> <p>The proposal:</p> <ol style="list-style-type: none"> 1. Is located in the Eastern Harbour City ‘region’ of the Six Cities Region 2. Has an Estimate Development Value greater than \$75 million, and 3. Does not involve development prohibited under an EPI applying to the land. <p>Therefore, the development is considered an SSD in accordance with Section 26A of the Planning Systems SEPP.</p>	<p>Section 4 of EIS and Estimated Development Cost Report (Appendix 61 – original submission).</p>
<p><i>State Environmental Planning Policy</i></p>	<p>Section 3.6 of the SEPP outlines that a consent authority must not grant consent to an application displaying signage</p>	<p>Not applicable.</p>

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<i>(Industry and Employment) 2021</i>	<p>unless the consent authority is satisfied that the signage is consistent with the objectives of the chapter as set out in Section 3.1(1)(a).</p> <p>No signage is proposed.</p>	
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	<p>Chapter 2 of this SEPP refers to the BASIX development standards that apply to residential development. New residential development must adhere to Schedule 1 of the SEPP through demonstrating compliance with energy, thermal comfort, water and embodied emissions (materials index). BASIX requires developments to quantify and report on the embodied emissions of associated materials and construction typologies used.</p> <p>The proposal includes residential development. As such, Chapter 2 and Schedule 1 applies. An updated BASIX Report accompanies this proposal at Appendix 39 and an Embodied Emissions Materials Form is at Appendix 60 of the original submission, respectively.</p> <p>Chapter 3.2(1) of this SEPP applies to all new non-residential development with an estimated development cost (EDC) of \$5 million or more.</p> <p>EP&A Regulations (Part 35C) states that a net zero statement is required for large commercial development or if Section 3.4 of the Sustainable Buildings SEPP applies.</p> <p>Large commercial development is defined as: <i>non-residential development that involves—</i></p> <p><i>(a) the erection of new prescribed office premises, prescribed hotel or motel accommodation or prescribed serviced apartments, or</i></p> <p><i>(b) alterations, enlargement or extension of prescribed office premises, prescribed hotel or motel accommodation or prescribed serviced apartments, if the development has an estimated development cost of \$10 million or more.</i></p> <p>The proposal does not include office space in the non-residential component that has a net lettable area of at least 1,000m². As such, the proposed development is not defined as large commercial development. Therefore, a Net Zero Statement, nor a NABERS rating is deemed to be required for the proposed development.</p> <p>Chapter 3.4 of the SEPP specifies that Chapter 3 applies to non-residential development that is declared to be State significant development by <i>State Environmental Planning Policy (Planning Systems) 2021</i>, Section 2.6(1) and specified in that policy, Schedule 1, sections 13–15. The proposal is not a type of development specified in Schedule 1, Chapters 13-15. Therefore, Section 3.4 of the Sustainable Buildings SEPP does not apply to the proposal.</p> <p>Despite the non-residential component of the mixed-use proposal having an estimated development cost of \$5 million</p>	<p>Section 4 of EIS, BASIX Reports and Certificates (Appendix 39), ESD Report (Appendix 57 – original submission) and Embodied Emission Material Form (Appendix 60 – original submission).</p>

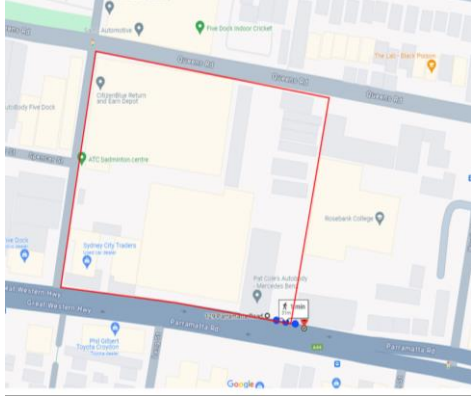
Mandatory Matters for Consideration	Response	Document Reference										
	<p>or more, Section 3.1(3) specifies that Chapter 3 does not apply to development to which Chapter 2 applies.</p>											
<p><i>Canada Bay Local Environmental Plan 2013</i></p>	<p>Zoning and Permissibility</p> <p>The site is zoned MU1 Mixed Use under the Canada Bay LEP (2013).</p> <p>The proposal is for a New Mixed Use Staged Development (inclusive of shop-top-housing with in-fill affordable housing and an indoor recreation facility). Mixed uses, including shop top housing and indoor recreation, are permissible in the MU1 zone.</p> <p>Objectives of the Zone</p> <p>The proposal is consistent with the objectives of the Zone in the LEP as follows.</p> <table border="1" data-bbox="430 824 1181 1998"> <thead> <tr> <th data-bbox="430 824 805 873">Objective</th> <th data-bbox="805 824 1181 873">Response</th> </tr> </thead> <tbody> <tr> <td data-bbox="430 873 805 1102"><i>To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.</i></td> <td data-bbox="805 873 1181 1102">The proposed development incorporates a mix of retail, and commercial opportunities to activate the street frontage and foster employment opportunities within the community.</td> </tr> <tr> <td data-bbox="430 1102 805 1482"><i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i></td> <td data-bbox="805 1102 1181 1482">The ground level design, including the marketplace, prioritises creating diverse and active street frontages, enhancing pedestrian accessibility, and fostering vibrant public spaces. This approach aims to attract pedestrian traffic, create a sense of community, and contribute to the vitality of the neighbourhood.</td> </tr> <tr> <td data-bbox="430 1482 805 1684"><i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></td> <td data-bbox="805 1482 1181 1684">The proposal is located within the Kings bay Precinct and is consistent with the intended future development on the site and will not cause conflict with adjoining zones.</td> </tr> <tr> <td data-bbox="430 1684 805 1998"><i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i></td> <td data-bbox="805 1684 1181 1998">The proposed development provides retail activities on the ground floor of the building while encouraging pedestrian activity via the proposed through-site link. This approach fosters active street life, enhances accessibility, and contributes to the overall vibrancy of the area.</td> </tr> </tbody> </table>	Objective	Response	<i>To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.</i>	The proposed development incorporates a mix of retail, and commercial opportunities to activate the street frontage and foster employment opportunities within the community.	<i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i>	The ground level design, including the marketplace, prioritises creating diverse and active street frontages, enhancing pedestrian accessibility, and fostering vibrant public spaces. This approach aims to attract pedestrian traffic, create a sense of community, and contribute to the vitality of the neighbourhood.	<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	The proposal is located within the Kings bay Precinct and is consistent with the intended future development on the site and will not cause conflict with adjoining zones.	<i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i>	The proposed development provides retail activities on the ground floor of the building while encouraging pedestrian activity via the proposed through-site link. This approach fosters active street life, enhances accessibility, and contributes to the overall vibrancy of the area.	<p>Section 4.1 of EIS.</p>
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	Table 3 below considers other provisions of the Canada Bay Local Environmental Plan (2013).	
Consideration under other legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	<p>The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) is federal legislation which provides a legal framework to protect and manage nationally important flora, fauna, ecological communities and heritage places defined as ‘matters of national environmental significance’ (MNES).</p> <p>The BDAR Wavier has been issued by the DPHI on 23 August 2024. and is available as (Appendix 47 – original submission).</p>	BDAR Waiver (Appendix 47 - original submission)
<i>Biodiversity Conservation Act 2016</i>	<p>The <i>Biodiversity Conservation Act 2016</i> (BC Act) identifies and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with Section 7.3 of the BC Act Section 7.9 relates to biodiversity assessment for State significant development or infrastructure.</p> <p>Under Section 7.9(2) of the Biodiversity Conservation Act 2016 (BCA):</p> <p><i>“Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.”</i></p> <p>The BDAR Waiver has been issued by the DPHI on 23 August 2024. The BDAR Waiver confirms that the proposed development is not likely to have any significant impact on biodiversity values and that a BDAR is therefore not required to accompany any application for development consent or infrastructure approval for the proposed development.</p>	Section 6.2.3 of EIS and Appendix 47 (original submission)

State Environmental Planning Policy (Housing) 2021

Table 2: Housing SEPP Compliance Table

Provision	Comment
15C Development to which division applies	
<p><i>(1) This division applies to development that includes residential development if—</i></p> <p><i>(a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</i></p>	<p>The site is zoned MU1 Mixed Use which permits shop-top housing with development consent.</p>
<p><i>(b) the affordable housing component is at least 10%, and</i></p>	<p>The proposal will provide at least 15% affordable housing.</p>
<p><i>(c) all or part of the development is carried out—</i></p> <p><i>(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area,</i></p>	<p>It is noted that in accordance with this provision, the site is classified as an accessible area being within 400m of multiple regularly serviced bus stops, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between—</p> <ul style="list-style-type: none"> (i) 6am and 9pm each day from Monday to Friday, both days inclusive, and (ii) 8am and 6pm on each Saturday and Sunday. <p>A Sydney Buses Network bus stop (Stop ID 204668) is located to the immediate east of the site on the northern side of Parramatta Road opposite Byron Street (outside Rosebank College). The bus stop is approximately 30m walking distance from the site (129 Parramatta Road) and provides bus services travelling towards the east/north to Chiswick and Chatswood.</p> <p>A Sydney Buses Network bus stop (Stop ID 213221) is located to the immediate east of the site on the southern side of Parramatta Road after Byron Street (opposite Rosebank College). This bus stop is approximately 280m walking distance from the site (129 Parramatta Road) and provides bus services travelling towards the west/south to Campsie and Burwood. These bus stops are shown in the figures below.</p> <div data-bbox="730 1624 1236 1926" data-label="Figure"> </div> <p>Figure 1: Bus routes within proximity to the site</p>

Provision	Comment
	 <p data-bbox="730 712 1203 741">Figure 2: Distance to nearest bus stop from the site</p>
<p data-bbox="164 763 667 994"><i>(2) Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.</i></p>	<p data-bbox="730 757 1445 853">A 4% affordable housing contribution in perpetuity or as a monetary contribution under clause 6.12 of the Canada Bay Local Environmental Plan 2013.</p> <p data-bbox="730 875 1426 1173">The relevant floor area for the purpose of Affordable Housing Contribution of the development application as submitted is the residential floor area (113,414.45m²) less the floor area to be used to provide affordable housing (19,251.85m²) which equals 94,220.81m². The affordable housing levy contribution is to be calculated on 4% of 94,220.81 m², equating to 3,768.83m². This is not counted towards the 15% affordable housing component under this division.</p>
<p data-bbox="164 1200 1018 1229">16 Affordable housing requirements for additional floor space ratio</p>	
<p data-bbox="164 1252 692 1518"><i>(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</i></p>	<p data-bbox="730 1256 1422 1496">The maximum permitted FSR including the BASIX 5% bonus provided by Clause 8.9 the <i>Canada Bay Local Environmental Plan 2013 (CBLEP)</i> is 3.15:1. Applying the 30% additional floor space ratio under this provision, a maximum total permissible FSR of 4.095:1 applies to the development. The proposal has a FSR of 4.095:1 and therefore complies with this control.</p>
<p data-bbox="164 1536 676 1637"><i>(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i></p> <p data-bbox="164 1648 692 1693">affordable housing component = $\frac{\text{additional floor space ratio}}{\text{(as a percentage)}} \div 2$</p>	<p data-bbox="730 1536 1442 1637">The proposal seeks an additional 30% floor space ratio and therefore provides 15% affordable housing, complying with this provision.</p> <p data-bbox="730 1648 1331 1682">(Affordable housing component = 30% ÷ 2 = 15%)</p>
<p data-bbox="164 1715 700 2018"><i>(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</i></p>	<p data-bbox="730 1727 1437 1861">The maximum permissible building heights for the land are determined under Clause 8.3 of the CBLEP. The maximum Height of Building (HoB) applicable under this clause ranges between 0m to 79m across the site.</p> <p data-bbox="730 1872 1445 2040">Part 2, Division 1, Clause 16(3) of the Housing SEPP permits additional building height above the maximum permissible building height for the land for shop top housing development that is the same percentage as the additional floor space ratio permitted under subsection (1). The</p>

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<p>Example— Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.</p>	<p>proposed development seeks to utilise the 30% additional floor space ratio under subsection (1) by providing a 15% affordable housing component, therefore permitting an additional 30% building height to the maximum permissible heights under the CBLEP. This equates to a maximum permissible building heights of between 0m and 102.7m under this clause.</p> <p>The maximum permitted and proposed building heights are outlined in the table below:</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: #1a3d4d; color: white;"> <th>Building</th> <th>Maximum permissible height (s.16(3) Housing SEPP)</th> <th>Proposed building height</th> <th>Variation</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>102.7m</td> <td>104.65m</td> <td>1.95m (1.9%)</td> </tr> <tr> <td>B1</td> <td>87.1m</td> <td>88.45m</td> <td>1.35m (1.5%)</td> </tr> <tr> <td>B2</td> <td>45.5m</td> <td>48.6m</td> <td>3.1m (6.8%)</td> </tr> <tr> <td>C</td> <td>79.3m</td> <td>79.95m</td> <td>0.65m (0.8%)</td> </tr> <tr> <td>D</td> <td>87.1m</td> <td>89.35</td> <td>2.25m (2.6%)</td> </tr> <tr> <td>E1</td> <td>87.1m</td> <td>89.93m</td> <td>2.83m (3.2%)</td> </tr> <tr> <td>E2 (podium)</td> <td>24.7m</td> <td>28.48m</td> <td>3.78m (15.4%)</td> </tr> </tbody> </table> <p>The proposed development has a maximum building height of 104.65m. The proposed development results in minor non-compliances with the maximum building heights that apply across the site. However, the part of the buildings that vary the height limit comprise non-habitable architectural roof features and rooftop service and plant areas, which have been thoughtfully integrated into the overall design of the upper levels of the tower. Therefore, the minor HoB non-compliances are considered to be acceptable.</p> <p>A Clause 4.6 Request (Appendix 2) has been prepared to address the non-compliance with the maximum building height.</p>	Building	Maximum permissible height (s.16(3) Housing SEPP)	Proposed building height	Variation	A	102.7m	104.65m	1.95m (1.9%)	B1	87.1m	88.45m	1.35m (1.5%)	B2	45.5m	48.6m	3.1m (6.8%)	C	79.3m	79.95m	0.65m (0.8%)	D	87.1m	89.35	2.25m (2.6%)	E1	87.1m	89.93m	2.83m (3.2%)	E2 (podium)	24.7m	28.48m	3.78m (15.4%)
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<p>(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.</p>	<p>Not applicable. A FSR control applies to the site.</p>																																

Provision	Comment
19 Non-discretionary development standards – the Act, s4.15	
<i>(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i>	Noted.
<i>(2) The following are non-discretionary development standards in relation to the residential development to which this division applies— (a) a minimum site area of 450m²</i>	The site area is 31,342m ² , and therefore complies with the minimum site area non-discretionary development standard.
<i>(b) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area</i>	The proposal has total landscaped area of 9,130.24m ² (29.13%) of the site area in strict accordance with the definition of landscaped area under the Housing SEPP. This is marginally below the 30% minimum non-discretionary standard. Even though non-discretionary standards are not mandatory, it is noted that the total landscaped area for the proposal far exceeds the 30% minimum when including the additional 6,276.53m ² (20.05%) landscaped areas on podiums and rooftops, totalling 15,406.77m ² of landscaped area for the site. Such 'planting on structure' is provided for in the Apartment Design Guide.
<i>(c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i>	Subsection (2)(c) does not apply to the development. The Apartment Design Guide prevails over development control plans in relation to this matter as outlined in Chapter 4, Clause 149.
<i>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</i>	Subsection (2)(d) does not apply to the development. The Apartment Design Guide prevails over development control plans in relation to this matter as outlined in Chapter 4, Clause 149.
<i>(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom— at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</i>	Car parking for dwellings not used for affordable housing is provided in accordance with subsection (e) as detailed in the Transport Impact Assessment (Appendix 16) and as per the table below. Studio/1 bed – provided at a rate of 0.4 spaces per unit 2 bed – provided at a rate of 0/5 spaces per unit 3 bed – provided at 1 space per unit The proposed car parking provision for affordable housing dwellings therefore complies with this clause.


Provision	Comment																																																																				
	<table border="1"> <thead> <tr> <th>Type</th> <th>Parking Rate</th> <th>No.</th> <th>No. of Spaces</th> <th>Provided</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Market Residential</td> <td>Studio / 1 bed</td> <td>0.5 / unit</td> <td>155</td> <td>78</td> <td rowspan="6" style="text-align: center; vertical-align: middle;">1,133</td> </tr> <tr> <td>2 bed</td> <td>1.0 / unit</td> <td>545</td> <td>545</td> </tr> <tr> <td>3 bed</td> <td>1.5 / unit</td> <td>267</td> <td>401</td> </tr> <tr> <td rowspan="3">Affordable Housing</td> <td>Studio / 1 bed</td> <td>0.4 / unit</td> <td>82</td> <td>33</td> </tr> <tr> <td>2 bed</td> <td>0.5 / unit</td> <td>121</td> <td>61</td> </tr> <tr> <td>3 bed</td> <td>1.0 / unit</td> <td>15</td> <td>15</td> </tr> <tr> <td colspan="3">Total – Residents</td> <td>1,185</td> <td>1,133</td> <td></td> </tr> <tr> <td>Visitor parking</td> <td>0.1 / unit*</td> <td></td> <td>118</td> <td>118</td> </tr> <tr> <td>Retail</td> <td>1 / 70sqm*</td> <td>7,327.24</td> <td>104</td> <td>39</td> </tr> <tr> <td>Restaurants and cafes</td> <td>1 / 70sqm*</td> <td>3,577.88</td> <td>51</td> <td>30</td> </tr> <tr> <td>Commercial</td> <td>1 / 100sqm*</td> <td>847.50</td> <td>8</td> <td>4</td> </tr> <tr> <td>Recreational Facility (Gym)</td> <td>4.5 / 100sqm**</td> <td>2930.57</td> <td>132</td> <td>132</td> </tr> <tr> <td colspan="3">Total</td> <td>1,546</td> <td>1,456</td> </tr> </tbody> </table> <p>* Maximum car parking rates and rounded down to nearest whole number as per Clause 8.11 of Canada Bay LEP ** Minimum car parking rate as per Table B-E Part B General Controls of the Canada Bay DCP</p> <p>Figure 3: Proposed car parking supply (Source: JMT Consulting)</p>	Type	Parking Rate	No.	No. of Spaces	Provided	Market Residential	Studio / 1 bed	0.5 / unit	155	78	1,133	2 bed	1.0 / unit	545	545	3 bed	1.5 / unit	267	401	Affordable Housing	Studio / 1 bed	0.4 / unit	82	33	2 bed	0.5 / unit	121	61	3 bed	1.0 / unit	15	15	Total – Residents			1,185	1,133		Visitor parking	0.1 / unit*		118	118	Retail	1 / 70sqm*	7,327.24	104	39	Restaurants and cafes	1 / 70sqm*	3,577.88	51	30	Commercial	1 / 100sqm*	847.50	8	4	Recreational Facility (Gym)	4.5 / 100sqm**	2930.57	132	132	Total			1,546	1,456
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<p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development</p>	<p>As assessment against the ADG has been provided in a table below.</p>																																																																				
<p>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</p>	<p>Chapter 4 applies to this development. Accordingly, subsection (2)(c) and (d) do not apply. As assessment against the ADG has been provided in a table below.</p>																																																																				
<p>20 Design requirements</p>																																																																					
<p>(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low-Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.</p>	<p>Not applicable.</p> <p>Refer to subsection 20(2) which identifies that subsection (1) does not apply to development to which Chapter 4 applies.</p>																																																																				

Provision	Comment
<i>(2) Subsection (1) does not apply to development to which Chapter 4 applies.</i>	Chapter 4 applies to the development. Accordingly, subsection (20)(1) does not apply.
<p><i>(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</i></p> <p><i>(a) the desirable elements of the character of the local area, or</i></p> <p><i>(b) for precincts undergoing transition—the desired future character of the precinct.</i></p>	<p>The proposal has been the subject of a competitive design competition, ensuring that its architectural quality is of a high standard and contextually fits within the surrounding locality.</p> <p>Please refer to the Design Report (Appendix 16 – original submission) and Architectural Plans at Appendix 7 for a comprehensive analysis of compatibility with the desired future character of the precinct and local area.</p>
21 Must be used for affordable housing for at least 15 years	
<p><i>(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</i></p> <p><i>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</i></p>	The affordable housing component of the development will be managed as such for at least 15 years. Refer to the Affordable Housing Letter (Appendix 12 – original submission).
<i>(b) the affordable housing component will be managed by a registered community housing provider.</i>	Complies. An Affordable Housing Letter (Appendix 12 – original submission) has been prepared by St George Community Housing and outlines an in-principle agreement between SGCH and Deicorp for SGCH to manage the Affordable Housing (AH) this application will produce.
<i>(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</i>	Not applicable.
22 Subdivision permitted with consent	
<i>Land on which development has been carried out under this division may be subdivided with development consent.</i>	Noted. Development consent is sought for 2 Torren lots which are proposed to be further subdivided into 9 lot stratum subdivision lots under this application. Application also proposed to create a lot for public park, public road and various smaller lots for land dedications for public use to Canada Bay Council or TfNSW.

Canada Bay Local Environmental Plan 2013

Table 3: Consistency with the CBLEP 2013


Provision	Comment	Complies
2.1 Land use zones MU1 Mixed-Use	The proposal is for a New Mixed Use Staged Development (inclusive of shop-top-housing with infill affordable housing and an indoor recreation facility). Mixed uses, including shop top housing and indoor recreation, is permissible in the MU1 zone.	Yes
2.3 Zone objectives and Land Use Table	Addressed in Table 1 above.	Yes
Part 4 – Principal development standards		
4.3 Heights of buildings	Clause 4.3 of the CBLEP 2013 stipulates a 12-metre maximum building height for a development on this site.	Not applicable. The proposed development relies on the additional building height provided by Part 2, Division 1, Clause 16(3) of the Housing SEPP. Refer to the Housing SEPP Compliance Table at Table 2 above.
4.4 Floor space ratio	The applicable FSR under the CBLEP is 3:1	Not applicable. The proposed development relies on the additional FSR provided by Part 2, Division 1, Clause 16(1) of the Housing SEPP. Refer to the Housing SEPP Compliance Table at Table 2 above.
Part 5 – Miscellaneous Provisions		
5.1 Relevant acquisition authority	This clause identifies the relevant authority to acquire land reserved for certain public purposes. Transport for NSW is the relevant authority of the State for land zoned SP2 Infrastructure and marked “Classified road”.	Noted
5.1A Development on land intended to be acquired for public purposes	This clause applies to land identified on the Land Reservation Acquisition Map and specified in Column 1 of the table to this clause. A variable setback (between 0-1.7m) along the site’s Parramatta Road frontage is zoned SP2 for road acquisition by TfNSW for road widening,	Complies

Provision	Comment	Complies
	<p>as identified on the Land Reservation Acquisition Map below. The land is zoned MU1 Mixed Use and is marked “Classified Transport for NSW Road”, as specified in Column 1 of this clause.</p>  <p>Figure 4 Land Reservation Acquisition Map (Source: Canada Bay Local Environmental Plan)</p> <p>The proposal provides the required variable Parramatta Road setback in accordance with acquisition requirements.</p>	
<p>5.6 Architectural roof features</p> <p><i>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.</i></p> <p><i>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—</i></p> <p><i>(a) the architectural roof feature—</i></p> <p><i>(i) comprises a decorative element on the uppermost portion of a building, and</i></p> <p><i>(ii) is not an advertising structure, and</i></p> <p><i>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</i></p> <p><i>(iv) will cause minimal overshadowing, and</i></p>	<p>This clause applies to development which includes architectural roof features above the height limits set by clause 4.3 of this LEP.</p> <p>The proposed development includes a minor non-compliance with the maximum building height due to architectural roof features. However, the height limits which apply to the proposal are set out by Clause 8.3, not Clause 4.3 as is required under this clause.</p> <p>As such, this clause does not apply to the proposal.</p> <p>The architectural roof features exceeding the HoB applicable in accordance with the LEP and Housing SEPP are addressed in the Amended Clause 4.6 Variation Request (Appendix 2).</p>	<p>Not applicable.</p>

Provision	Comment	Complies
<p><i>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</i></p>		
<p>5.7 Development below mean high water mark <i>(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.</i> <i>(2) Development consent is required to carry out development on any land below the mean high-water mark of any body of water subject to tidal influence (including the bed of any such water).</i></p>	<p>The development site is not located in an area covered by tidal waters or subject to tidal influence, therefore Clause 5.7 is not applicable.</p>	<p>Not applicable</p>
<p>5.10 Heritage Conservation</p>	<p>The site does not contain a heritage item, is not located within a heritage conservation area.</p> <p>A heritage item is located in the adjacent site – within the Roseback College.</p>	<p>Not applicable.</p> <p>Despite the absence of a heritage item at the site, and the site not being located within a heritage conservation area, a Heritage Impact Assessment has been provided (Appendix 66 original submission).</p>
<p>5.21 Flood planning</p> <p><i>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</i> <i>(a) is compatible with the flood function and behaviour on the land, and</i></p>	<p>This clause applies to sites identified in the flood planning area.</p> <p>The site is located in a flood planning area. The proposal adopts the required flood planning levels for the site.</p> <p>The Flood Impact and Risk Assessment prepared by Mott MacDonald at Appendix 10 provides an assessment to address the above flood planning matters.</p>	<p>Complies</p>

Provision	Comment	Complies
<p><i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i></p> <p><i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i></p> <p><i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p><i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i></p>		
<p>5.22 Special flood considerations</p> <p><i>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—</i></p> <p><i>(a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and</i></p> <p><i>(b) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p><i>(c) will adversely affect the environment in the event of a flood.</i></p>	<p>The Flood Impact and Risk Assessment prepared by Mott MacDonald at Appendix 10 and Flood Emergency Response Assessment at Appendix 28 provides an assessment to address the above flood planning matters, including flood evacuation requirements.</p>	<p>Complies</p>
<p>Part 6 – Additional local provisions</p>		
<p>6.1 Acid sulfate soils</p>	<p>The site is mapped as a Class 5 and Class 2 acid sulfate soil area.</p> <p>An Acid Sulfate Soils Assessment has been prepared by EI Australia (Appendix 31 –</p>	<p>Yes.</p>

Provision	Comment	Complies
	<p>original submission) and concludes that the potential for acid sulfate soil to be present on the site is considered low, with the exception of the north-western corner of the site, where there is potential for ASS to be present. All excavated / stockpiled ASS material will be disposed off-site at an appropriately licensed landfill facility.</p>	
<p>6.2 Earthworks <i>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i> <i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i> <i>(b) the effect of the development on the likely future use or redevelopment of the land,</i> <i>(c) the quality of the fill or the soil to be excavated, or both,</i> <i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i> <i>(e) the source of any fill material and the destination of any excavated material,</i> <i>(f) the likelihood of disturbing relics,</i> <i>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i> <i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development</i></p>	<p>The excavation and filling required on site to facilitate the proposed development is set out in detail in the Geotechnical Report (Appendix 26 – original submission).</p> <p>It is considered unlikely that the excavation on site will have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>As subsurface conditions can change abruptly due to variable geological process and as a result of anthropogenic influences, ongoing investigation during construction stage will be required.</p>	<p>Yes.</p>
<p>6.5 Active street frontages <i>The site has active street frontages to Marquet and Mary Street.</i></p>	<p>The proposal provides active street frontages onto Parramatta Road, William Street and Queens Street, and along the new Spencer Street west to east extension within the site.</p>	<p>Yes.</p>

Provision	Comment	Complies
<p>(4) <i>Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—</i></p> <p>(a) <i>entrances and lobbies (including as part of mixed-use development),</i></p> <p>(b) <i>access for fire services,</i></p> <p>(c) <i>vehicular access.</i></p> <p>(5) <i>In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of amusement centres, centre-based child care facilities, commercial premises, community facilities, educational establishments, entertainment facilities, function centres, industrial retail outlets, information and education facilities, light industries, medical centres, mortuaries, public administration buildings, recreation facilities (indoor), registered clubs or veterinary hospitals.</i></p>	<p>This is provided with varied ground floor retail and commercial uses facing the street and internal through-site links. The proposal will provide active uses on the ground floor with a preference for cafes/ restaurants with outdoor seating.</p> <p>The residential lobbies and vehicular access are oriented to the Spencer Street Road extension, and this is consistent with the allowances of subclause (4).</p>  <p>Figure 5: Active street frontages map (Source: Canada Bay Local Environmental Plan)</p>	
<p>6.10 Public utility infrastructure</p> <p>(1) Development consent must not be granted for development on land in an intensive urban development area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</p>	<p>An Infrastructure Delivery, Management & Staging Plan (Staging Management Plan) is provided at (Appendix 24).</p> <p>The assessment demonstrates that public utility infrastructure that is essential for the proposed development (water, electricity gas and telecommunications) is available to the development.</p> <p>Development staging for all proposed public utility infrastructure has been considered in the Staging Management Plan (Appendix 24)</p>	Yes.
<p>6.11 Mix of dwelling sizes in RFBs and mixed-use development</p> <p>(3) Development consent must not be granted to</p>	<p>The below apartment mix is provided and is therefore compliant with Clause 6.11.</p> <ul style="list-style-type: none"> One-bedroom apartments: 237 (20%) 	Yes.

Provision	Comment	Complies
<p>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.</p>	<ul style="list-style-type: none"> • Two-bedroom apartments: 666 (56%) • Three-bedroom apartments: 282 (24%) <p>Total: 1,185</p>	
<p>6.12 Affordable housing <i>The site is mapped in the Kings Bay affordable housing contribution area and captured in ‘Area 32’ on the additional local provisions map.</i> (2) <i>The consent authority may, when granting development consent to development to which this Clause applies, impose a condition requiring a contribution equivalent to the applicable affordable housing levy contribution for the development specified in subclauses (2A)– (6A).</i> (3) <i>The affordable housing levy contribution for development in the following affordable housing contribution areas is 4% of the relevant floor area—</i> (a) <i>the Burwood affordable housing contribution area,</i> (b) <i>the Homebush affordable housing contribution area, except for 3 King Street, Concord West and 176–184 George Street, Concord West,</i> (c) <i>the Kings Bay affordable housing contribution area.</i></p>	<p>It is acknowledged that in accordance with Clause 6.12 of the LEP, the consent authority may, when granting development impose a condition requiring a contribution equivalent to the applicable affordable housing levy contribution.</p> <p>The proposed development provides 15% affordable housing as per the requirements of the amended housing SEPP.</p> <p>The Canada Bay LEP requires a 4% affordable housing contribution in perpetuity or as a monetary contribution, at discretion of applicant.</p> <p>Canada Bay Council has requested that should consent be granted that a suitable condition is imposed to capture the affordable housing contributions identified under clause 6.12 of the Canada Bay Local Environmental Plan, 2013 and the City of Canada Bay Affordable Housing Contribution Scheme and the developer contributions under section 7.11 of the Environmental Planning and Assessment Act. A condition imposed under clause 6.12 of the LEP must provide for the affordable housing levy contribution to be satisfied— (a) <i>by dedication in favour of the Council of land comprising—</i> (i) <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</i> (ii) <i>other land approved by the Council in accordance with the Affordable Housing Contributions Scheme, with any remainder paid as a monetary contribution to the Council, or</i> (b) <i>if the person chooses, by monetary contribution paid to the Council.</i></p>	<p>Yes.</p>

Provision	Comment	Complies
	<p>Deicorp will comply with this requirement and requests that any Affordable Housing Contribution condition which is imposed by the Department is worded flexibly to enable:</p> <ul style="list-style-type: none"> • The dedication of completed dwellings free of cost, and to the satisfaction of Council; or • The payment of a monetary contribution; or • A combination of both. <p>Evidence that the affordable housing contribution requirement is satisfied will be provided to the Department prior to the granting of final Occupation Certificate.</p>	
<p>6.14 Design Excellence <i>Clause 6.14 of the Canada Bay Local Environmental Plan 2013 (CBLEP) requires a Design Excellence Competition to be undertaken for the development. (3) Development consent must not be granted to development to which this Clause applies unless the consent authority considers that the development exhibits design excellence. (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the matters specified in Clause 7.2(3). (5) Development consent must not be granted to development to which this Clause applies that involves a building higher than 28m or 8 storeys, or both, unless— (a) an architectural design competition is held in relation to the development, and (b) the consent authority takes into account the results of the architectural design competition.</i></p>	<p>An Architectural Design Excellence Competition was undertaken to satisfy Clause 6.14 which requires a Design Excellence Competition to be undertaken for the site. Accordingly, a design competition was held for the site (between Monday 8 April 2024 to Monday 6 May 2024 for a total of 4 weeks) and conducted in accordance with the Endorsed Competition Brief and Government Architect NSW Design Excellence Guidelines 2023. The Jury unanimously agreed that the submission prepared by Turner Studio best demonstrated the ability to achieve design excellence as per Clause 6.14 of the CBLEP and the brief. Therefore, the Turner proposal was selected as the winner of the Competitive Design Process.</p> <p>As per the guidance received from DPHI and GANSW, the SSD proposal for the site can rely on the previous Architectural Design Excellence Competition undertaken in accordance with Clause 6.14 of the CBLEP, using the design integrity process set out in the GANSW Guidelines.</p> <p>A Bridging Strategy was prepared by Gyde Consulting, dated 29 August 2024, in accordance with the GANSW Guidelines for the purposes of:</p> <ul style="list-style-type: none"> • establishing the design integrity process that supports the transition of the recently completed competition to a revised In-fill Affordable Housing SSDA, • certifying that the SSDA-73228210 for 129-153 Parramatta Road and 53-75 Queens Road, Five Dock, inclusive of in-fill affordable housing, maintains the potential to achieve 'design excellence' as per the Design Excellence Competition carried out for the site on Monday 6 May 2024, and 	<p>Yes.</p>

Provision	Comment	Complies
	<ul style="list-style-type: none"> requesting a competitive design process exemption. Specifically, it will avoid the requirement to undertake a new design excellence competition process as outlined in Clause 6.14 of the CBLEP. <p>Accordingly, the design integrity process was undertaken and the Design Integrity Panel (DIP) unanimously resolved that the revised design proposed for SSD-73228210 retains or improves upon the design excellence qualities exhibited in the competition winning submission and retains the potential to achieve design excellence. As such, an exemption request was submitted to GANSW and DPHI for the purposes of not having to undertake a second design competition for the site under this clause. The competition exemption approval was received from GANSW on 17 October 2024 (Appendix 73 – original submission).</p> <p>SSD-73228210 was lodged on 28 October 2024 to the DPHI and was placed on public exhibition from 15 November 2024 to 12 December 2024. A total of 39 submissions were received from the public, and 12 submissions were received from various authorities. Objections to the proposal related to various matters including building height, overshadowing, traffic and parking, open space amongst others.</p> <p>Having regard to matters raised in the submissions and the DPHI’s comments in its letter dated 20 December 2024, the project further considered ways to reduce the extent of the height variations and/or design more recessive roof features. As a result, the proposed building heights have been amended, with the overall total building height reduced by lowering the extent of the roof features and minimising rooftop plant/service areas where possible whilst avoiding visual bulk and adverse impacts to the public domain.</p> <p>As outlined in the Endorsed Bridging Design Excellence Strategy, a review of the updated scheme is to be undertaken by the DIP prior to lodgement of ‘Response to Submissions’.</p> <p>Accordingly, the updated scheme was issued to the DIP on 3 March 2025 for review.</p> <p>Accordingly, the DIP reviewed the amended design and confirmed in the Design Integrity Letter dated 6 March 2025 that the amended design retains and improves upon the design excellence qualities exhibited in the original</p>	

Provision	Comment	Complies
	<p>SSDA submission and retains the potential to achieve design excellence.</p> <p>The principles of design excellence have been carried out through from the architectural design competition stage and through to the Design Integrity Process as part of the SSDA process. The proposal and design development has been underpinned with the principles of design excellence.</p> <p>Refer to the Endorsed Design Competition Report (Appendix 6 – original submission), the Endorsed Design Integrity Report (Appendix 9 – original submission), GANSW Competition Exemption Letter (Appendix 73 – original submission), and Design Integrity Letter (Appendix 3).</p>	
Part 8 Burwood-Concord, Homebush North and Kings Bay Precincts		
<p>8.3 Additional floor space ratio and building heights for Areas 1-35</p> <p>(1) This clause applies to development involving the erection of a building in Areas 1–35 if the consent authority is satisfied the requirements specified in clauses 8.4–8.8 will be met in relation to the development.</p> <p>(2) The maximum floor space ratio for a building is the floor space ratio shown on the Incentive Floor Space Ratio Map for the land.</p> <p>(3) The maximum height of a building is the height shown on the Incentive Height of Buildings Map for the land.</p>		<p>Yes.</p> <p>The proposal satisfies the preconditions to benefit from the additional floor space ratio and building heights provided by clause 8.3.</p> <p>As noted earlier, the proposal relies on the additional building height and floor area provided by section 16 of the HSEPP.</p>
<p>8.4 Minimum site area requirements For area 32 – 30,792m²</p>	<p>The area of the proposed site is 31,342m² and therefore complies with the minimum site area requirements.</p>	<p>Yes.</p>
<p>8.5 Public open space <i>(e) For Area 32 - at least 2,290m² of public open space on land at 57 Queens Street, Five Dock that fronts William Street, Five Dock</i></p>	<p>The proposal provides 2,290m² of public open space in the form of a new public park (William Street Park), and therefore complies with the minimum requirement under this Clause.</p>	<p>Yes.</p>

Provision	Comment	Complies
<p>8.6 Setback requirements <i>(b) for Areas 5–9, 11, 12, 19, 20, 32, 34 and 35—a 6m wide setback from the “Building Setback Outline” identified on the Building Setback Map</i> <i>(e) for Areas 13, 14, 25 and 29–32—a 3m wide setback on land that fronts Queens Road, Five Dock</i></p>	<p>The proposal provides the following setbacks and therefore complies with the provision:</p> <ul style="list-style-type: none"> • 6m wide setback fronting Parramatta Road • 3m wide setback fronting Queens Road 	<p>Yes.</p>
<p>8.7 Pedestrian link and road requirements <i>(j) for Area 32—</i> <i>(i) an 18m wide road connecting Spencer Street, Five Dock to the eastern boundary of Area 32 (the Spencer Street extension), and</i> <i>(ii) a 12m wide pedestrian link along the eastern boundary of Area 32 that connects the Spencer Street extension and Parramatta Road, Five Dock, and</i> <i>(iii) an 18m wide road along the eastern boundary of Area 32 that connects the Spencer Street extension and Queens Road, Five Dock.</i></p>	<p>The site is identified in Area 32. The proposal provides:</p> <ul style="list-style-type: none"> • a new 18m wide road for the Spencer Street extension to the eastern boundary and connection to Queens Road; and • a 12m wide pedestrian shared link along the eastern boundary from the new Spencer Street extension to Parramatta Road <p>The proposal is therefore in accordance with this Clause.</p>	<p>Yes.</p>
<p>8.8 Service access way requirements</p>	<p>Not applicable to area 32 (subject site).</p>	<p>Not applicable.</p>
<p>8.9 Additional floor space for BASIX buildings <i>(1) A BASIX building on land to which this Part applies may exceed the maximum permissible FSR by up to 5% if the building— (a) exceeds the BASIX commitment for energy for the building by at least 15 points, and (b) exceeds the BASIX commitment for water for the building by at least 20 points. (2) Development consent must not be granted under subclause</i></p>	<p>The site is located on land to which this part applies.</p> <p>The residential towers of the development achieve the following Energy and Water Targets:</p> <ul style="list-style-type: none"> • An energy score of 78%, therefore complying with: <ul style="list-style-type: none"> – the BASIX minimum rating of 63%; and – achieving 15 points above the minimum BASIX commitment target in accordance with clause 8.9 of the CBLEP to permit a 5% FSR bonus. • A Water score of 60%, therefore complying with: <ul style="list-style-type: none"> – the BASIX minimum rating of 40%; and 	<p>Yes.</p>

Provision	Comment	Complies
<p><i>(1) unless the consent authority is satisfied that— (a) the development will not adversely impact adjoining land or the amenity of the neighbourhood, considering visual bulk and overshadowing, and (b) the additional floor space will not be used for the purposes of car parks</i></p>	<ul style="list-style-type: none"> – achieving 20 points above the minimum BASIX commitment target in accordance with clause 8.9 of the CBLEP to permit a 5% FSR bonus. <p>Refer to the BASIX certificates at Appendix 39.</p> <p>Therefore, the proposal satisfies the BASIX commitment for energy and water under this clause, and a maximum permitted FSR of 3.15:1 under the LEP applies to the site.</p>	
<p>8.10 Other development standards <i>(1) Development consent must not be granted to development on land to which this Part applies unless the consent authority— (a) is satisfied that planning and design measures are incorporated to reduce the urban heat island effect, and (b) is satisfied the development will improve the quality and amenity of the public domain, for example, by including landscaped areas, pedestrian walkways or cycleways, and (c) for the erection of a new building—is satisfied the building has a dual water reticulation system containing pipes for potable water and recycled water for all internal and external water uses.</i></p>	<p>The proposal incorporates both a green roof on the lower podium and a white-painted roof equipped with solar panels on the tower to mitigate the urban heat island effect.</p> <p>New pedestrian through-site links, public park and walkways are provided to improve the amenity of the public domain.</p> <p>The site is currently absent of any significant landscaped areas. Re-used rainwater shall be provided and will supply flushing of fixtures within amenities, wash down hose taps, and landscape irrigation systems.</p>	Yes.
<p>8.11 Maximum number of car parking spaces <i>(1) Development consent must not be granted to development that results in the number of car parking spaces exceeding the maximum specified in this Clause. (2) The maximum number of car parking spaces is as follows— (a) for commercial premises other than retail premises— 1 space per 100m² of gross floor area, (b) for</i></p>	<p>The proposal complies with the relevant non-discretionary car parking provisions for affordable housing dwellings, non-affordable housing apartments under Division 1 of the Housing SEPP, and the relevant commercial, retail and recreational facility (gym) car parking rates under the CBLEP.</p> <p>These parking rates and associated parking requirements are summarised below, demonstrating that the proposed level of car parking aligns with relevant guidelines and is therefore suitable to accommodate expected demands.</p>	Yes.

Provision	Comment	Complies																																																																		
<p><i>retail premises—1 space per 70m2 of gross floor area, (c) for dual occupancies, multi dwelling housing, residential flat buildings and shop top housing— (i) 0.3 spaces per studio dwelling, and (ii) 0.5 spaces per dwelling with 1 bedroom, and (iii) 0.9 spaces per dwelling with 2 bedrooms, and (iv) 1.2 spaces per dwelling with 3 or more bedrooms, and (v) 0.1 visitor car parking spaces per dwelling. (3) If the total number of car parking spaces under this Clause is not a whole number, the total must be rounded down to the next whole number.</i></p>	<p>The proposed car parking supply is as follows at outlined in the Transport Impact Assessment prepared by JMT Consulting (Appendix 16).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #0056b3; color: white;"> <th>Type</th> <th>Parking Rate</th> <th>No.</th> <th>No. of Spaces</th> <th>Provided</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Market Residential</td> <td>Studio / 1 bed</td> <td>0.5 / unit</td> <td>155</td> <td>78</td> </tr> <tr> <td>2 bed</td> <td>1.0 / unit</td> <td>545</td> <td>545</td> </tr> <tr> <td>3 bed</td> <td>1.5 / unit</td> <td>267</td> <td>401</td> </tr> <tr> <td rowspan="3">Affordable Housing</td> <td>Studio / 1 bed</td> <td>0.4 / unit</td> <td>82</td> <td>33</td> </tr> <tr> <td>2 bed</td> <td>0.5 / unit</td> <td>121</td> <td>61</td> </tr> <tr> <td>3 bed</td> <td>1.0 / unit</td> <td>15</td> <td>15</td> </tr> <tr> <td colspan="2">Total – Residents</td> <td></td> <td>1,185</td> <td>1,133</td> </tr> <tr> <td>Visitor parking</td> <td>0.1 / unit*</td> <td></td> <td>118</td> <td>118</td> </tr> <tr> <td>Retail</td> <td>1 / 70sqm*</td> <td>7,327.24</td> <td>104</td> <td>39</td> </tr> <tr> <td>Restaurants and cafes</td> <td>1 / 70sqm*</td> <td>3,577.88</td> <td>51</td> <td>30</td> </tr> <tr> <td>Commercial</td> <td>1 / 100sqm*</td> <td>847.50</td> <td>8</td> <td>4</td> </tr> <tr> <td>Recreational Facility (Gym)</td> <td>4.5 / 100sqm**</td> <td>2930.57</td> <td>132</td> <td>132</td> </tr> <tr> <td colspan="3">Total</td> <td>1,546</td> <td>1,456</td> </tr> </tbody> </table> <p><small>* Maximum car parking rates and rounded down to nearest whole number as per Clause 8.11 of Canada Bay LEP ** Minimum car parking rate as per Table B-E Part B General Controls of the Canada Bay DCP</small></p> <p>Figure 6: Proposed parking supply (Source: JMT Consulting)</p>	Type	Parking Rate	No.	No. of Spaces	Provided	Market Residential	Studio / 1 bed	0.5 / unit	155	78	2 bed	1.0 / unit	545	545	3 bed	1.5 / unit	267	401	Affordable Housing	Studio / 1 bed	0.4 / unit	82	33	2 bed	0.5 / unit	121	61	3 bed	1.0 / unit	15	15	Total – Residents			1,185	1,133	Visitor parking	0.1 / unit*		118	118	Retail	1 / 70sqm*	7,327.24	104	39	Restaurants and cafes	1 / 70sqm*	3,577.88	51	30	Commercial	1 / 100sqm*	847.50	8	4	Recreational Facility (Gym)	4.5 / 100sqm**	2930.57	132	132	Total			1,546	1,456	
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Apartment Design Guide

Table 4: NSW Government Apartment Design Guide Compliance Table

Objective	Comment/ Compliance
Part 3 – Siting the Development	
3A Site Analysis	
<p>Objective 3A -1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p>	<p>A site analysis plan is included in the amended architectural drawings which shows the surrounding amenities such as Rosebank College, parks, public transport and district views. This in turn has informed the arrangement, proportioning, and design of windows, orientation of habitable spaces to avail to district views and amenity.</p>
3B Orientation	
<p>Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development</p>	<p>The architectural drawings include a comprehensive site analysis plan that highlights nearby amenities, such as Rosebank College, local parks, public transport access points, and prominent district views.</p> <p>This contextual understanding has played a pivotal role in shaping the arrangement and proportioning of windows, as well as the orientation of key habitable spaces.</p> <p>By thoughtfully considering these elements, the design optimizes access to scenic district views, enhances the quality of living spaces through cross-ventilation, and maximizes solar access. This approach not only elevates the comfort and environmental performance of the development but also ensures that the architecture remains responsive to its surrounding context and amenities</p>
<p>Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter</p>	<p>Building heights have been carefully planned to compliment the surrounding context, ensuring a harmonious relationship with neighbouring sites. The structures are oriented along a north-south axis, allowing for quick-moving shadows that reduce the duration of shading on adjacent properties. Additionally, the heights gradually taper down as they approach Rosebank College, mitigating the perception of height and bulk from the school's perspective.</p> <p>The proposal maximises solar access where possible to the publicly accessible pedestrian link at Spencer Lane, private communal open space, roads and public park.</p>
3C Public Domain Interface	
<p>Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security</p>	<p>All truck/vehicular access point into the site for residents, visitors and waste collection is from the Spencer Street Road extension rather than the existing high-use Parramatta Road and Queens Road.</p> <p>Resident and Retail parking is separated via secure control points and is shown in the architectural documentation as a boom gate.</p>

Objective	Comment/ Compliance
	<p>Secure residential lobbies are located at key points along the ground plane with street frontages create activation of streetscape and permeability through the site. Appropriate wayfinding signage proposed allowing for increased legibility for residents and visitors.</p> <p>Apartment windows and balconies enjoy aspects over the public domain to encourage passive surveillance.</p>
<p>Objective 3C-2 Amenity of the public domain is retained and enhanced</p>	<p>The public domain is designed to provide a welcoming and immersive environment, defined by extensive canopy coverage that enhances the pedestrian experience by offering shade and a sense of connection to nature. A network of diverse pathways allows for flexible movement through the site, promoting ease of access while creating opportunities for community interaction and spontaneous gatherings.</p> <p>Retail spaces with prominent street frontages ensure an active and lively ground plane, with a continuous flow of people that supports both commercial activity and a dynamic urban experience.</p>
<p>3D Communal and Public Open Space</p>	
<p>Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</p>	<p>30% (6,575.72 m²) of residential lot area (21,849m²) is provided as communal open space.</p> <p>The proposal achieves 50% sunlight to the principal usable part of the communal open space for a minimum of 2 hours of mid-winter sun between 9am-3pm.</p> <p>The proposal provides a diversity of communal outdoor spaces for the amenity of residents and visitors to the site at podium levels and on the certain rooftop levels.</p>
<p>Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p>	<p>Common open spaces are located in a range of aspects. The amenities provided within common open spaces are intended to meet the recreational needs of all residents across all age groups.</p> <p>They are centrally located pavilions suitable for informal gatherings, covered and uncovered picnic settings, discrete private seating, relaxation lawns suitable for activities such as yoga/ pilates, active children’s play areas catering for a range of age groups, nature play opportunities, outdoor gym facilities and community gardens.</p> <p>The intention is for common open space areas and public domain landscape areas to be complimentary resulting in high value environmental, resident and community outcomes.</p>
<p>Objective 3D-3 Communal open space is designed to maximise safety</p>	<p>The placement of windows is strategically placed to provide views of the communal open spaces, enhancing safety by facilitating passive surveillance.</p>

Objective	Comment/ Compliance
	<p>Access to these communal spaces is supported by conveniently located entry points that lead directly to building lobbies, offering ease of movement. In case of emergencies, two designated points of egress are available to ensure safe evacuation.</p>
<p>Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>	<p>The public domain includes a large publicly accessible park at the heart of the site, which has multiple points of entry from various street frontages, as well as visual connection to existing green space, Charles Heath Reserve.</p> <p>The public domain design thoughtfully reflects the industrial heritage of the site, predominantly using brick as a primary material.</p>
<p>3E Deep Soil Zones</p>	
<p>Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p>	<p>The amended proposal provides 2,301.02m² (7.3%) of deep soil area, and 551.02m² of secondary deep soil area (<i>not included in total deep soil calculation as this area does not meet the full definition of deep soil as per the ADG but is an additional offering</i>), resulting in a total area of 2,852.04m².</p> <p>In doing so, it will provide a variety of open space and landscaped areas to enhance the overall amenity for the residents and assist in mitigating the heat island effect.</p>
<p>3F Visual Privacy</p>	
<p>Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</p>	<p>The proposed design complies with the minimum separation requirements for all podiums and towers. The design ensures that building separation distances are shared equitably between neighbouring sites, in line with the Apartment Design Guide (ADG).</p> <ul style="list-style-type: none"> • Separation for podium levels ranges from between 12m and 39m (refer to Level 4-8 Plan) • Separation for mid-levels are typically 24-36m (refer to typical mid-level Plan) • Separation for upper-levels are typically 26-35m (refer to typical upper-level Plan) <p>The buildings are separated by over 24m across Spencer Street between the north and south of the site and over 12m between Industry Lane. In addition, the Marketplace allows between a 12m and 21m building separation. This approach is intended to maintain appropriate levels of both external and internal visual privacy for occupants.</p> <p>To prevent direct lines of sight between windows and balconies across corners, the layout has been carefully considered. In most cases, direct views between opposing buildings have been avoided, promoting privacy and reducing visual intrusion.</p> <p>Further privacy measures include the incorporation of additional design elements such as angled window</p>

Objective	Comment/ Compliance
	orientations and the use of opaque glazing, particularly where secondary windows are placed in habitable areas. These adjustments enhance privacy while still allowing access to light and ventilation.
Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	Outlook and privacy are managed by orientation, building articulation, and dividing walls.
3G Pedestrian Access and Entries	
Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain	Residential lobbies are legible, have a direct connection to the street network.
Objective 3G-2 Access, entries and pathways are accessible and easy to identify	All entry lobbies have at grade thresholds and accessible paths of travel for inclusive access. Where required due to flooding issues, residential lobby RLs have been raised with ramp access provided internally.
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations	The site design incorporates several pedestrian movement corridors that connect key arrival points and active nodes within the precinct. These pathways are thoughtfully arranged to enhance walkability and accessibility, creating a seamless flow throughout the development. Spencer Street serves as one of the primary pedestrian routes, facilitating movement along a major thoroughfare.
3H Vehicle Access	
Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	<p>Vehicular access to the site is strategically located off the newly extended Spencer Road, deliberately positioned to minimise disruption to the existing road network, which experiences significant traffic. Separate driveways are provided for different user groups, ensuring that residential, visitor, staff, and retail patrons have a dedicated entry for accessing basement-level parking. This separate entry is distinct from the driveway used for loading dock and truck access, reducing the risk of conflicts between service vehicles and other users.</p> <p>In response to feedback from Transport for NSW and Council, the amended scheme has adjusted the road geometry to accommodate a raised triangular median on Spencer Street to physically restrict right turns into and out of Spencer Street to minimise driver confusion and provide improved pedestrian safety. Changes made include:</p> <ul style="list-style-type: none"> • Addition of a triangular-shaped median at the northern end of Spencer Street to enforce left-in/left-out movements; and • Widening of the western side of Spencer Street to the intersection with Queens Road providing adequate space for an MRV left turn into and out of Queens Road.
3J Bicycle and Car Parking	

Objective	Comment/ Compliance
Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	Car-parking is provided at rates as prescribed within the Transport Impact Assessment (Appendix 16).
Objective 3J-2 Parking and facilities are provided for other modes of transport	47 motorcycle parking spaces are proposed within the basement of the building and 2817 bicycle parking spaces are provided throughout the site.
Objective 3J-3 Car park design and access is safe and secure	<p>To improve the pedestrian experience and lessen the impact on the public realm, all loading docks and service areas have been placed in the basement levels instead of at street level. This design choice creates a more pedestrian-friendly environment, supporting a lively and active public space.</p> <p>Vehicles entering and exiting the site are designed to move in a forward direction, eliminating the need for complicated turning manoeuvres or use of public streets. This ensures smooth traffic flow and reduces disruptions to the surrounding area.</p> <p>With the combined residential and retail carpark entrance, clear wayfinding is to be developed during the detailed design phase to establish clear vehicular routes to designated areas of the carpark, increasing legibility and safety.</p>
Objective 3J-4 Visual and environmental impacts of underground car parking are minimised	Car parking is located below grade and the entries to the basement comply with Australian standards for width and grades and are integrated into the façade expression.
Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised	<p>The parking areas are thoughtfully designed with extensive landscaping, seamlessly blending them into the surrounding public domain. The integration of greenery not only softens the visual impact of the parking but also enhances the overall aesthetic and pedestrian experience.</p> <p>The entrances to the basement parking have been deliberately minimised in width to reduce their visual presence and impact on the streetscape. These entrances are carefully integrated into the façade design, ensuring they complement the architectural expression of the building. This integration maintains the continuity of the building's appearance, while also contributing to a more cohesive and attractive urban environment.</p>
Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised	Not applicable. No above ground enclosed car parking is proposed in this development.

Part 4 – Designing the Building

4A Solar and Daylight Access

Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	The proposal achieves 70.04% solar access (830 out of 1185 apartments) to apartment living areas and balconies between 9am-3pm in mid-winter, satisfying the 70% minimum requirement. Less than 15% of apartments
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	(125/1185 apartments = 10%) receive no direct sunlight between 9am and 3pm mid-winter across the precinct.
Objective 4A-2 Daylight access is maximised where sunlight is limited.	The building's fenestration has been strategically designed to optimise solar access and enhance internal comfort. In areas with limited natural sunlight, larger windows are incorporated to maximise daylight penetration, ensuring ample natural light and reducing the need for artificial lighting. Conversely, in locations with significant solar exposure, the size and placement of windows are carefully minimised to prevent excessive heat gain and glare. This thoughtful approach to window design helps maintain a comfortable indoor environment by balancing natural light and thermal performance, reducing energy consumption for heating, cooling, and lighting.
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months.	Shading devices, glazing treatments, and other passive design strategies may be integrated to further control solar exposure, contributing to the building's energy efficiency and creating more pleasant indoor spaces throughout the day and across different seasons.
4B Natural Ventilation	
Objective 4B-1 All habitable rooms are naturally ventilated	Habitable rooms are naturally ventilated, and windows and doors are designed to allow for natural ventilation.
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation	Windows and doors are sized to allow the ADG and NCC requirements for natural ventilation. The overall building depth facilitates ventilation to habitable rooms.
Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	60.5% of apartments achieve natural cross ventilation, therefore exceeding the ADG requirement, exceeding the 60% minimum requirement. Cross through units are generally less than the maximum 18m in depth. Minor non-compliance with certain units exceeding 18m with a maximum of 20m. However, these apartments enjoy: <ul style="list-style-type: none"> - Substantial glazing to both elevations - Upper levels enjoy views to the wider context - Quality open plan internal layout - Generally exceed ADG requirements for Cross Ventilation and Solar for the above reasons it is believed that the proposed design is appropriate and supportable.
4C Ceiling heights	
Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	A minimum floor-to-floor height of 3.2m is used to allow the ADG recommendation of 2.7m ceiling height to be generally achieved in habitable areas such as studies, living, dining and bedrooms.
Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	Kitchen will also generally aim to achieve 2.7m ceiling heights with the exception of localised mechanical and other services requirements overhead.
Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building	The design prioritises ceiling heights to enhance the sense of space and provide well-proportioned rooms in the apartments.

	<p>The design of the ground and Level 01 retail spaces incorporates higher and variable floor-to-floor heights (4.6m floor-to-floor on the Ground Level and 3.7m floor-to-floor for commercial and retail on Level 1) compared to the residential levels, allowing for greater flexibility in accommodating different tenancy uses over the building's lifespan.</p>
<p>4D Apartment size and layout</p>	
<p>Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p>	<p>The ADG requirements for minimum internal areas are:</p> <ul style="list-style-type: none"> - Studio – 35m² - 1 bedroom – 50m² - 2 bedroom – 70m² - 3 bedroom 90m² <p>The apartments exceed this requirement, with minimum internal areas as follows, ensuring that they meet both functional and spatial standards for modern living:</p> <ul style="list-style-type: none"> - 1 bedroom – 50m² - 2 bedroom – 75m² - 3 bedroom – 95m² <p>In line with the ADG criteria, two-bedroom apartments with two bathrooms feature an additional 5m² of space, providing enhanced comfort and liveability for residents.</p> <p>A diverse selection of apartment typologies is available, offering 1, 2, and 3-bedroom layouts, each with varying balcony sizes or private open space terraces. This range of options caters to different lifestyle needs and preferences, offering flexibility for singles, couples, families, and multi</p> <p>All habitable rooms are designed with operable windows, ensuring ample access to natural light and ventilation. This feature not only enhances indoor air quality and comfort but also reduces reliance on artificial lighting and mechanical ventilation, promoting sustainable living practices.</p>
<p>Objective 4D-2 Environmental performance of the apartment is maximised</p>	<p>The depths of the primary living areas in the apartments generally adhere to the standards set by the Apartment Design Guide (ADG). In cases where apartment depths exceed the recommended 8-meter maximum, window sizes have been increased to maximise the amount of natural light and improve overall amenity. This ensures that even in deeper spaces, residents enjoy a bright, airy environment that enhances comfort and well-being.</p> <p>These deeper apartments are typically larger 2- and 3-bedroom configurations, which naturally require more expansive living and dining areas to accommodate the needs of residents. The increased depth provides added flexibility in how these spaces can be used, offering a greater range of furnishing and layout options.</p>

<p>Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</p>	<p>Bedrooms in all apartments are designed to generally allow a minimum of 10m² in master bedrooms and 9m² in other bedrooms. Living rooms to 1-bedroom apartments have a minimum width of 3.6m. Living rooms to 2-bedroom apartments have a minimum width of 4m. The width of cross-through apartments are a minimum of 4m wide. All bedrooms have built-in robes with a minimum lineal dimension of 1.5m. Main bedrooms are provided with built in robes with a minimum lineal dimension of 1.8m.</p>
<p>4E Private open space and balconies</p>	
<p>Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p>	<p>The ADG outlines that all apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> - Studio – 4m² - 1 bedroom – 8m² and minimum depth of 2m - 2 bedroom – 10m² and minimum depth of 2m - 3 bedroom – 12m² and minimum depth of 2.4m <p>Apartments meet or exceed the ADG requirements for balcony and terrace areas proposing the below areas and depths:</p> <ul style="list-style-type: none"> - 1 bedroom – 8m² - 2 bedroom – 10m² - 3 bedroom – 12m² <p>Studio typology not proposed in this development. Balconies have been integrated into the facade and building design, responding to the context and the desired objectives of the ADG. Minimum depths are achieved.</p>
<p>Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>	<p>All balconies connect directly to the primary living areas and generally located to maximise solar access and/or outlook. Where possible, bedrooms also connect to the external space.</p>
<p>Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p>	<p>The proposal responds positively to this design criteria, with the balconies providing articulation, depth, shadow and activation across the facades.</p>
<p>Objective 4E-4 Private open space and balcony design maximises safety.</p>	<p>Balcony design typically maximised the safety for the end-users with consideration of balustrade heights and climbability.</p>
<p>4F Common circulation and spaces</p>	
<p>Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments</p>	<p>The ADG specifies that no more than 12 apartments should be provided off a circulation core on a single level. Circulation cores for the proposed development typically service 10 or less apartments per level. Each circulation core has access to natural light and ventilation.</p>
<p>Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents</p>	<p>The common circulation spaces have been carefully designed to enhance safety while promoting social interaction and a sense of community among residents. By creating legible and intuitive spaces, the design fosters opportunities for positive interactions and harmonious living.</p>

	Direct and clear access is provided between vertical circulation points, such as stairs and elevators, and the entrances to individual apartments.
4G Storage	
Objective 4G-1 Adequate, well-designed storage is provided in each apartment	<p>The ADG outlines that in addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> - Studio 4m³ - 1 Bedroom 6m³ - 2 Bedroom 8m³ - 3+ Bedroom 10m³ <p>The proposed apartments are provided with storage facilities that meet the requirements of the abovementioned requirements.</p> <p>In addition, apartments that do not accommodate the entire storage volume within the unit, locate a minimum of 50% of the required storage within the apartment with the remainder located in secure and accessible locations within the basement.</p>
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	Additional storage is typically located in basement areas within consolidated storage areas. These areas will be individually attributed and secured.
4H Acoustic privacy	
Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout.	<p>The design of the development prioritises minimising noise transfer through strategic building siting and layout. Adequate separation between buildings has been incorporated in accordance with the Apartment Design Guide (ADG) requirements, which helps to reduce the potential for noise disturbance between units.</p> <p>Refer to the Noise and Vibration Impact Assessment Report (Appendix 17), (dated 28/03/2025) prepared by Acoustic Logic for further information on suitable noise levels for the proposed development, including no adverse impact on the amenity of occupants from the commercial uses including loading docks, or from mechanical equipment.</p>
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Internal apartment layout separates noisy spaces from quiet spaces, rooms with similar noise requirements have been grouped together. Storage, circulation areas and non-habitable rooms are located to buffer noise from external sources. The party walls (walls shared with other apartments) will be appropriately insulated in accordance with NCC requirements. Refer to the Noise and Vibration Impact Assessment Report (Appendix 17) for more information.
4J Noise and pollution	
Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	The architectural layout and design along major roads feature solid, robust structures to address higher noise pollution levels from traffic. The use of these solid facades mitigates sound intrusion, enhancing interior acoustic

	<p>comfort. The building design and layout also ensure no additional acoustic treatments are required for balcony areas.</p> <p>At the podium levels, the architectural design similarly emphasises solidity, forming a protective buffer against noise from surrounding streets, pedestrian movement at ground level, and activity from nearby public parks.</p> <p>The use of predominantly brick materials at the podium levels further reinforces the barrier function. This choice provides physical separation, durability, and a visual grounding for the building, while also contributing to noise reduction.</p>
<p>Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</p>	<p>Acoustic report prepared by Acoustic Logic was prepared as part of the competition briefing pack which informed materiality choice, fenestration and massing along high-volume and heavy traffic roads such as Parramatta Road and Queens Road. In the proposed development, the design team has maintained these strategies to ensure that comfortable noise levels are maintained.</p> <p>During detailed design development a project specific Acoustic report will be prepared to inform certain decisions such as insulation values and glass types.</p>
<p>4K Apartment mix</p>	
<p>Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.</p>	<p>A variety of apartment types are provided including courtyard apartments, adaptable and liveable apartments, and a total of 20 affordable apartments. The sizing of apartments varies within each typology to allow multiple users including 1-, 2- and 3-bedroom apartments, including those with study areas. The proposed apartment mix complies with 2.9 Diversity and Inclusion in the Urban Design Guidelines.</p> <p>The below apartment mix is proposed:</p> <ul style="list-style-type: none"> • One-bedroom apartments: 237 (20%) • Two-bedroom apartments: 666 (56%) • Three-bedroom apartments: 282 (24%) <p>Total: 1,185</p>
<p>Objective 4K-2 The apartment mix is distributed to suitable locations within the building</p>	<p>A diverse range of apartment types has been strategically distributed across the precinct. This approach not only fosters a sense of variety and inclusivity but also contributes to the overall facade composition, enhancing the aesthetic and functional quality of the development.</p> <p>Larger apartment units are positioned on the upper levels and at the corners of the building, where the extended building frontage offers enhanced opportunities for maximizing sunlight and providing expansive district views.</p> <p>Apartments located at podium levels take full advantage of generous terraces that provide extended open spaces,</p>

	offering residents outdoor living areas that enhance their overall comfort and quality of life.
4L Ground Floor Apartments	
Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located	Not applicable. Retail tenancies and public domain activation spaces are proposed on the Ground level. Residential units are located on Level 01 and above with no street frontage proposed.
Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents	Not applicable. Retail tenancies and public domain activation spaces are proposed on the Ground level. Residential units are located on Level 01 and above with no street frontage proposed.
4M Facades	
Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area	<p>The proposal utilises several façade typologies across the precinct, responding to the building topography, orientation and interface with the surrounding context.</p> <p>The design of the facades incorporates variation of vertical and horizontal elements with suitable floor height to achieve better human scale for the end-users.</p> <p>Use of brick to provide a sense of weight and grounding of the podium facades in contrast to the lighter expression of the towers above. An industrial character is woven into the design through subtle architectural gestures that evoke the site's industrial heritage.</p>
Objective 4M-2 Building functions are expressed by the facade	<p>Building lobbies are legible and well located, by providing a double height or expressive awnings as to differentiate between residential lobby entries, commercial lobby entries and retail tenancies and enhance building identity from the street.</p> <p>Key corners of the building are given visual prominence by incorporating variations in articulation, materials, or colour, as well as distinct roof treatments or changes in height. Facade elements reflect the internal function through the alignment with walls and rooms.</p>
4N Roof design	
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street.	<p>Roof treatments have been integrated with the façade design as a continuation of the building with materials and pattern to compliment the architecture.</p> <p>Service elements have been integrated into the roof design, set back from the roof perimeter and sufficiently screened with the architectural roof feature.</p> <p>These roof features range from horizontal framed screens to portals and contribute to the overall slenderness and verticality of the tower.</p>
Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised	Rooftop gardens have been incorporated on podiums, offering residents and visitors increased greenery and connections to nature. These rooftop spaces serve as meeting points, connecting residents to nature, views, and

	<p>offering opportunities for social interaction, reinforcing the overall sense of community within the development.</p> <p>Landscaping has been carefully designed to direct movement away from sensitive areas and to provide non-traversable planted.</p>
Objective 4N-3 Roof design incorporates sustainability features	The proposal provides space for solar panels across the rooftops to facilitate on-site renewable energy generation. Roof colours and treatments have been selected to minimise heat gain and sit sympathetically within the composition. A number of buildings have rooftop communal areas that incorporate planting and shade structures that mitigate urban heat island effect while providing ecological benefits. These roof gardens include vegetable garden beds for planting by residents to encourage food production. Skylights for cross vent have been incorporated into the rooftop communal open space design.
4O Landscape design	
Objective 4O-1 Landscape design is viable and sustainable	The design of the public domain and open space incorporates a diverse network of spaces that address the climatic conditions along with the selection of appropriate materials and finishes. A selection of plants, trees and materiality has been carefully considered to ensure that they are suited to the site conditions.
Objective 4O-2 Landscape design contributes to the streetscape and amenity	The proposed landscape design will open up a site largely closed off to the public with substantially improved pedestrian permeability into and through the site from all street frontages. The proposal provides for a direct connection to the existing public domain open space to the north of the site and onward to the foreshore of Parramatta River.
4P Planting on structures	
Objective 4P-1 Appropriate soil profiles are provided	<p>A soil specification has been prepared by SESL Australia in coordination with soft landscape selections (Appendix 37 – original submission).</p> <p>The proposed development includes planting and provides appropriate soil volume to facilitate plant growth, including >7% of site area as Deep Soil to facilitate significant tree growth and to contribute to significant canopy coverage in the public domain.</p>
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance	Species selection will provide a range of habitat types contributing to diverse wildlife populations. Refer to Landscape Plans (Appendix 15) for further detail on plant selection.
Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	The proposed development incorporates planting on grade, roofs and podium structures which will contribute positively to the development and to the health and well-being of the residents.
4Q Universal design	

<p>Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members</p>	<p>20% of the apartments comply with the silver level universal design standard. Several different apartment types are used as liveable apartments to suit a wider range of living arrangements and family types.</p>
<p>Objective 4Q-2 A variety of apartments with adaptable designs are provided</p>	<p>A diversity of housing typologies including 1 – 3 bedrooms, adaptable (15% of dwellings) and liveable (20 % of dwellings) apartments to suit a varied demographic are proposed. Several different apartment types are used as adaptable apartments to suit a wider range of living arrangements and family types.</p>
<p>Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs</p>	<p>The apartment layouts have been thoughtfully designed to offer flexibility, catering to a wide demographic range. Whether accommodating singles, couples, families, or multi- generational households, the layouts are versatile enough to adapt to different lifestyle needs. This inclusive design approach ensures that the spaces can meet diverse living requirements, making them suitable for a broad spectrum of residents.</p> <p>The use of simple, well-proportioned room shapes and clean architectural lines is emphasized to enhance the functionality of the interiors. This design choice allows for greater flexibility in furniture placement, enabling residents to personalize their living spaces with ease. The simplicity of the layout ensures that rooms can be used for a variety of purposes, supporting evolving needs over time, from home offices to entertainment areas, while maintaining a sense of spaciousness and flow.</p>
<p>4S Mixed use</p>	
<p>Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</p>	<p>All vehicular access for residents, visitors, and waste collection is routed through the Spencer Street Road extension, rather than the more heavily trafficked Parramatta Road and Queens Road. This design choice minimizes traffic congestion and ensures smoother, safer vehicular circulation within the precinct.</p> <p>The site design incorporates a network of pedestrian pathways that link key entry points and active zones across the development. These corridors are arranged to maximize walkability and accessibility, facilitating seamless movement throughout the precinct. Spencer Street serves as a primary pedestrian route, offering a well-connected path along a major thoroughfare, enhancing overall site connectivity.</p> <p>Spencer Lane stands out as a highly activated, pedestrian-focused space, designed with a particular emphasis on engaging teenagers due to its proximity to Rosebank College. The lane features vibrant public spaces that encourage social interaction and activity, contributing to a lively, dynamic atmosphere. A potential connection to Rosebank College is being considered to ensure safe and convenient movement for students, especially during peak times.</p>

<p>Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</p>	<p>Secure lobbies are thoughtfully positioned along the ground level, fronting key street locations, to activate the streetscape and enhance pedestrian permeability throughout the site. These lobbies not only provide clear and secure access points for both residents and visitors but also contribute to the vibrancy of the street environment by creating a welcoming and active frontage.</p>
<p>4T Awnings and signage</p>	
<p>Objective 4T-1 Awnings are well located and complement and integrate with the building design</p>	<p>Distinctive, expressed awnings have been incorporated into the design to clearly differentiate between building entry points and residential zones, enhancing the building's identity when viewed from the street. These awnings serve as both functional and aesthetic elements, providing shelter while also drawing attention to key access points. Seamlessly integrated into the overall architectural expression, they contribute to the building's visual hierarchy, offering a sense of arrival and reinforcing the character of the development. The awnings also help establish a welcoming, pedestrian-friendly environment by creating a defined transition between the public realm and private spaces.</p>
<p>Objective 4T-2 Signage responds to the context and desired streetscape character</p>	<p>All signage, branding and wayfinding will be developed during the detailed design development phase.</p>
<p>4U Energy efficiency</p>	
<p>Objective 4U-1 Development incorporates passive environmental design</p>	<p>Mechanical exhaust is located on rooftops with minimum separation requirements to openings driven by NCC to prevent warm air from impacting residents. In accordance with the ADG, units achieve cross ventilation, providing fresh air and cooling breezes to residents.</p>
<p>Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</p>	<p>Awnings and pergolas have been thoughtfully incorporated into communal open spaces where appropriate, providing essential protection from the sun. Extensive canopy cover is utilised to provide natural shade, creating cool and inviting spaces that offer refuge from heat. The selection of plants and trees has been carefully chosen to suit the local climate and site conditions, ensuring that they thrive while enhancing the environmental quality of these spaces. The materials used for landscaping, including paving and furniture, have also been selected for their durability and ability to withstand the specific environmental challenges of the location.</p>
<p>Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation</p>	<p>Natural Cross Ventilation meets the ADG requirements of equal to or over 60% of units in the first 9 storeys. Natural ventilation is generally provided to habitable rooms and to circulation spaces.</p>
<p>4V Water management and conservation</p>	
<p>Objective 4V-1 Potable water use is minimised</p>	<p>The development incorporates water efficient fittings, appliances and waste-water re-use. To be addressed during detailed documentation. Plant selections are designed for the microclimate and are typically low-water use. Refer to the landscape design report for further information.</p>

Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters	Complies. Stormwater will be treated before being discharged.
Objective 4V-3 Flood management systems are integrated into site design	Flood management systems have been integrated as outlined in the Flood Impact and Risk Assessment Report provided (Appendix 10).
4W Waste Management	
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	All residential garbage rooms are located on Basement levels and serviced by garbage chutes. The main garbage holding room and bulky goods are near the loading dock/collection point for efficient waste collection and easy manoeuvring of bins.
Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	Communal waste rooms – housing a garbage chute and recycling bins – are provided for residents in convenient and accessible locations related to each vertical core. Waste and recycling storage areas are ventilated and have durable and washable finishes. All dwellings have sufficient internal space for the holding of waste and recycling.
4X Building Maintenance	
Objective 4X-1 Building design detail provides protection from weathering	Building materials are selected to withstand the demands of the environment and to weather gracefully. Painted and applied finishes are minimised. Slab projection with drip groove proposed where suitable to perform as weather protection. Planters offset from building façade to prevent condensation and leaching into internal areas.
Objective 4X-2 Systems and access enable ease of maintenance	Suitable access for cleaning is to be provided from the public domain or appropriately controlled roof access. Spatial provisions for future internal sun shading devices have been allowed for.
Objective 4X-3 Material selection reduces ongoing maintenance costs	The use of applied finishes is minimised in the development. Communal areas are readily accessible for maintenance. Well considered and robust materials have been selected across the development.

Canada Bay Development Control Plan 2013

Table 5: Canada Bay Development Control Plan 2013 Compliance Table

Provision	Comply (Yes or No)	Comment
Part A1 – Introduction		
<p>A1.1 The purpose of this Development Control Plan The purpose of this Development Control Plan (DCP) is to supplement the Canada Bay Local Environmental Plan (LEP) 2013 and provide more detailed provisions to guide development.</p> <p>This DCP has been made in accordance with Section 3.43 of the Environmental Planning & Assessment Act 1979 (the Act) and must be read in conjunction with the provisions of Canada Bay LEP 2013.</p> <p>Compliance with the provisions of this DCP does not necessarily guarantee that consent to a Development Application (DA) will be granted. Each DA will be assessed having regard to the LEP, this DCP, other matters listed in Section 4.15 of the Act, and any other policies adopted by the consent authority.</p> <p>If there are circumstances when it is not relevant to comply with the controls in this DCP, applicants must provide a written submission clearly demonstrating compliance with the objectives of this DCP and detailing the reasons the control/s should be varied.</p> <p>The proposed variation must result in a better outcome and meet all objectives of this DCP. The submission must also clearly demonstrate the variation sought will not adversely impact on the local amenity.</p>	Yes	-
Part B – General Control		
Part B1 – Accessibility B1.1 Adaptable housing		
C1. Adaptable dwellings are to be spread amongst all unit sizes to accommodate various household sizes.	Yes	The proposal provides a diversity of housing typologies including 1-3 bedrooms, adaptable (15%) and liveable (20%) apartments to suit a varied demographic.
C2. Adaptable housing units are to be located close to the main entrance of a building and access to adaptable housing units must comply with Australian Standards.	Yes	A variety of apartment types are provided including courtyard apartments, adaptable and liveable apartments. Several different apartment types are used as adaptable apartments to suit a wider range of living arrangements and family types.

Provision	Comply (Yes or No)	Comment												
C3. Adaptable housing units, and internal and external common areas, are to be designed to Australian Standard AS 4299-1995, to accommodate varying degrees of physical ability over time.	Yes	The adaptable units have been designed in accordance with AS4299. Refer to the Access Report (Appendix 42 – original submission) for further details of the adaptable unit's compliance with the Australian Standards.												
<p>C4. Provide adaptable housing as specified in Table B-A.</p> <p>Table B-A Adaptable housing ratios</p> <table border="1"> <thead> <tr> <th>Total number of dwellings</th> <th>Minimum number of adaptable dwellings to be provided</th> </tr> </thead> <tbody> <tr> <td>Between 0 and 7 inclusive</td> <td>Nil</td> </tr> <tr> <td>Between 8 and 14</td> <td>1 dwelling</td> </tr> <tr> <td>Between 15 and 21</td> <td>2 dwellings</td> </tr> <tr> <td>Between 21 and 29</td> <td>3 dwellings</td> </tr> <tr> <td>30 or more</td> <td>15% of total dwellings</td> </tr> </tbody> </table> <p>* Note: Where the total number of adaptable housing units to be provided is not a whole number, the number is to be rounded to the nearest whole number.</p>	Total number of dwellings	Minimum number of adaptable dwellings to be provided	Between 0 and 7 inclusive	Nil	Between 8 and 14	1 dwelling	Between 15 and 21	2 dwellings	Between 21 and 29	3 dwellings	30 or more	15% of total dwellings	Yes	A total of 15% of dwellings are proposed throughout the development as adaptable dwellings, satisfying this control.
Total number of dwellings	Minimum number of adaptable dwellings to be provided													
Between 0 and 7 inclusive	Nil													
Between 8 and 14	1 dwelling													
Between 15 and 21	2 dwellings													
Between 21 and 29	3 dwellings													
30 or more	15% of total dwellings													
C5. Where a car parking space is to be provided in connection with an adaptable unit, that parking space is to be accessible.	Yes	Car parking spaces will be allocated accordingly in connection with the adaptable units. Refer to the Architectural Plans (Appendix 7) .												
B1.2 Accessible Design														
C1. All development must comply with the following: a) All Australian Standards relevant to accessibility; b) Building Code of Australia access requirements and c) Disability Discrimination Act 1992, including the Disability (Access to Premises – Buildings) Standards 2010.	Yes	The Access Report prepared by MGAC (Appendix 42 – original submission) concludes that solutions have been implemented to ensure the design complies with the Disability Discrimination Act (DDA), Building Code of Australia (BCA), relevant Australian Standards, and enhanced benchmark requirements set by the project. Refer to report for further detail.												
C2. Developments where compliance is proposed through alternative solutions must be accompanied by an Access report prepared by a suitably qualified access professional.	Yes	An Access Report has been prepared by MGAC (Appendix 42 – original submission) to accompany this application.												
C3. Shade and shelter in the form of a veranda, porch, portico or the like is to be provided for weather protection in external areas leading to principal pedestrian entrances.	Yes	Continuous awnings are proposed over the street edge from fine grain retail premises. The character of awnings varies throughout the precinct depending on the interfaces and activities.												

Provision	Comply (Yes or No)	Comment
C4. Publicly accessible buildings that allow gathering of people are to provide accessible seating spaces for a wheelchair and person using an assistance animal.		Details relating to accessible seating spaces will be provided as part of the detailed design stage.
C5. Where heritage impact is used as a reason for not providing equitable access in accordance with this section, evidence is to be provided that no suitable alternatives for access are available.	Not applicable.	Not applicable.
<p>C6. Encroachment onto public land to achieve access requirements is generally not permitted except when:</p> <ul style="list-style-type: none"> a) access by other means will result in a substantial loss of original fabric of a heritage-listed property impacting on the heritage significance of the place, and that the provision of equitable access is highly desirable, with no alternative access options available; or b) the proposal involves a significant public building where equitable access is highly desirable and there are no alternative access options available. 	Not applicable.	Not applicable.
C7. Access for pedestrians and vehicles are to be separated.	Yes	Pedestrian and vehicle access is separated and pedestrian only links connecting the site are proposed.
<p>C8. Access arrangements are to be:</p> <ul style="list-style-type: none"> a) integral with the overall building and landscape design and not appear as 'add-on' elements or as of secondary importance; b) as direct as possible; and c) designed so that a person does not need to summon help. 	Yes	For added safety, two designated points of egress are provided for emergency evacuations, ensuring that residents have safe and reliable escape routes in case of unforeseen events.
C9. Required egress routes in residential development are to allow for safe escape for persons with a disability including, but not limited to, waiting space on landings within fire stairs and provision of accessible egress paths from ground floor apartments.	No	As detailed in the Access Report (Appendix 42 – original submission) , the current configuration of the stairs suggest that they would need to be amended to meet the spatial requirements of a waiting space. This will be considered at the detailed design stage. Also refer to the Access Statement at Appendix 38 in relation to the updated proposal being able to achieve compliance with DDA Premises Standards and Australian Standards can be achieved, and not requiring any additional supporting information, analysis or commentary at this stage of the design.

Provision	Comply (Yes or No)	Comment
C10. In achieving accessible design, buildings and public spaces are to be accessible and the proposed path of travel must meet Australian standards and remove barriers to access.	Yes	Universal Design principles have been incorporated into the design of the development to maximise access for all people. Details on accessible path of travel will be considered at the detailed design stage.
Part B3 – Vehicle and bicycle parking and access		
C1. Parking should not detract from the streetscape qualities, while meeting the needs of residents, visitors and employees in all areas.	Yes	<p>All vehicular and service access for the site is located off Spencer Street and entirely within the site which benefits the surrounding context by re-directing traffic from the existing high volumes on Parramatta Road and Queens Road.</p> <p>The car park includes a below ground connection linking the basements of the northern and southern areas of the site.</p> <p>This below ground connection provides a strong transport outcome in that it minimises the extent of vehicle circulation necessary at surface level on Spencer Street and does not detract from the streetscape qualities.</p>
C2. Stack parking is not permitted for residential development except where two spaces are provided for one apartment.	Not applicable.	Not proposed.
C3. To maximise the area for soft landscaping consolidated parking areas should be concentrated under building footprints wherever possible.	Yes	The proposed basement car parking has been located predominately below the building footprint and allows for sufficient soft landscaping and deep soil to be provided.
C4. To accommodate a relatively safe environment in accordance with CPTED 'Safer by Design' principles.	Yes	A CPTED Report (Appendix 71 – original submission) has been provided which assesses how Safer by Design principles have been incorporated into the development, and makes recommendations to further improve the safety of the environment. These recommendations will be

Provision	Comply (Yes or No)	Comment
		considered at the detailed design stage.
C5. Parking structures should be designed to minimise reliance on artificial ventilation of car exhaust.	Not applicable	Noted for detailed design development stage.
Part B4 – Waste Management		
C1. A Waste Management Plan is required as part of the development application documents for all developments.	Yes	A Waste Management Plan was prepared for the original submission by Barker Ryan Stewart (Appendix 70 – original submission) and an Operational Waste Management Plan was also prepared by Elephants Foot Consulting (Appendix 13) .
C2. On site storage for waste and recycling facilities must be provided in designated areas for all new developments. The area should be located so as not to cause offence to adjoining property owners or occupiers with regard to smell, visual appearance, noise disturbance and traffic.	Yes	The general waste will discharge from the chutes in the chute discharge rooms located on basement levels 01, 02 and 03. Refer to Operational Waste Management Plan prepared by Elephants Foot Consulting (Appendix 13) for further detail.
C3. Source separation facilities and containers shall be provided in kitchens for waste to be divided into separate waste streams to encourage the composting and recycling of materials. Space must be allocated, and receptacles supplied with the capacity to store at least 2 days' worth of residual waste, recyclables and food waste.	Yes	All residents will have access to a storage area within their own unit capable of holding separate receptacles for general waste, recycling and FOGO. This is typically located within kitchen areas beneath the workbench.
C4. Common composting facilities should be provided at accessible locations away from dwellings to every residential development for garden waste and organic kitchen waste.	Yes	Garden organics generated from surrounding landscaped areas will be managed and removed from the site by the designated landscaping contractors as they carry out scheduled landscaping maintenance works. Garden organics generated from foliage within each residential unit will be managed by the residents and should be disposed of into the FOGO bins.
C5. Consideration should be given to bin storage space for garden organics that are not able to be composted on site e.g. thick branches as garden organics cannot be disposed of in Council serviced waste bins.	Yes	See above.
C6. Source separation facilities shall be provided on building sites so that different waste streams may be easily separated during construction and demolition to encourage the re-use and recycling of	Yes	Any hazardous materials identified should undergo characterisation and separation from non-hazardous

Provision	Comply (Yes or No)	Comment
materials. The source separation facilities are to be clearly indicated on the drawings. Tipping docket for disposal and recovery of all wastes are required to be held on site during this phase and are subject to auditing and/or inspection by Council.		materials in order to divert as much waste from landfill as possible. Refer to Construction Waste Management Plan (Appendix 27) for further detail.
<p>C7. In the design of buildings waste should be minimised by:</p> <ul style="list-style-type: none"> • Matching building dimensions to standard sizes of building materials; • Using recycled materials; • Selecting materials that can be re-used or recycled in the future; and • Utilising component parts that may be easily replaced. 	Yes	Recycled materials will be utilised where ever possible. Further details of types and amounts of expected recycled materials are outlined in the Construction Waste Management Plan (Appendix 27).
<p>C8. Plans and drawings of the proposed development that highlight the location of and space allocated to the waste management facilities and the nominated waste collection point must be included in the Waste Management Plan. The path of access for both users and collection vehicles must also be highlighted.</p>	Yes	Details of the location and space allocated for these facilities is detailed in the Operational Waste Management Plan prepared by Elephants Foot Consulting (Appendix 13).
Part B5 – Water conservation		
<p>C1. Water saving devices such as dual flush toilets, tap aerators, low water use dishwashers and washing machines must be provided to all new developments.</p>	Yes	Noted for detailed design development stage.
<p>C2. Spring return taps must be used for all public amenities.</p>	Yes	Noted for detailed design development stage.
<p>C3. Appliances and plumbing hardware should have a “AAA” Australian Standards Conservation Rating.</p>	Yes	Noted for detailed design development stage.
<p>C4. Implement fit for purpose substitution by matching water quality with its intended use. Roof water should be retained on site for use externally, such as garden watering, cleaning and irrigation. The collection and storage of rainwater for toilet flushing should be considered. The recycling of grey water for toilet flushing or external use should also be considered.</p>		Rainwater will be captured from all roof surfaces, awnings, and open trafficable areas and conveyed to the rainwater collection taps. This treated water will be reused for irrigation, common area washdown, and commercial toilet flushing, contributing to the overall sustainability and efficiency of the development.
<p>C5. The installation of insinkerators is not permitted.</p>	Not applicable.	Not proposed.
<p>C6. Water conserving landscape practices, such as use of mulch, irrigation zoning, limited turf areas and flow regulators on hoses should be</p>	Yes	Efficient irrigation systems will be implemented, including sub-surface drip systems, moisture sensors,

Provision	Comply (Yes or No)	Comment
incorporated into design and management arrangements.		and the prioritization of native plants
<p>C7. Minimum water requirements, include:</p> <ul style="list-style-type: none"> • Drip irrigation to all planters/ on slab landscaping, except turf areas • Water efficient taps • Non-potable (recycle) water reticulation to all apartment WC's and laundries (washing machine supply), the irrigation of gardens and the supply of carwash bays • Recycling of water from the fire pump testing system 	Yes	To reduce the demand on potable water, recycled water piping will be installed to all applicable internal and external water uses. Toilet flushing, landscape irrigation, clothes washers and other water uses will be investigated at detailed design stage.
Part B6 – Urban Forest		
C1 A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any protected or heritage tree, or other vegetation to which this development control plan applies without a permit granted by the Council.	Yes	No tree removal is to be done without approval by Council.
Part B10 – Crime prevention through environmental design		
C1. Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of streets, laneways, parking areas, public spaces and communal courtyard spaces.	Yes	Natural surveillance is maximised through the orientation of ground floor retail premises, glazing and residential balconies/terraces overlooking shared spaces, site perimeters, building entry points and the streetscape.
C2. In commercial, retail or public buildings, facilities such as toilets and parent's rooms are to be conveniently located and designed to maximise casual surveillance to facility entries.	Yes	The design and placement of facilities such as toilets and parent's rooms will prioritize both convenience for users and optimal visibility from public areas to ensure casual surveillance at facility entrances. Refer to Architectural Plans (Appendix 7) for details of the locations of toilets/facilities.
C3. Minimise blind-corners, recesses and other external areas that have the potential for concealment or entrapment.	Yes	Continuous sightlines are provided through public open spaces, shared spaces and through-site links.
C4. Building entries are to be clearly visible, unobstructed and easily identifiable from the street, other public areas and other development. Where practicable lift lobbies, stairwells, hallways and corridors should be visible from the public domain.	Yes	The new buildings are bounded by roads and pedestrian links, with residential entry points located in prominent locations and clearly visible from the streetscape.
C5. Ground floors of non-residential buildings, the non-residential component of mixed-use developments, and the foyers of residential buildings, are to be designed to enable surveillance	Yes	Natural surveillance is maximised through the orientation of ground floor retail premises, glazing and residential balconies/terraces overlooking shared spaces, site

Provision	Comply (Yes or No)	Comment
from the public domain to the inside of the building at night.		perimeters, building entry points and the streetscape.
C6. Pedestrian routes from car parking spaces to lift lobbies are to be as direct as possible with clear lines of sight along the route.	Yes	Residential lobbies are well located to maximise sightlines to and from entry/ exit points, including the car park.
C7. Where dwelling units have individual main entries directly from a public space, the entry is to include a clearly defined transitional space between public and private areas.	Not applicable.	Not applicable.
C8. Building details such as fencing, drainpipes and landscaping are to be designed so that illegitimate access is not facilitated by the opportunity for foot or handholds, concealment and the like.	Yes	The proposal aims to reduce opportunities for hiding in bushes/landscaping or behind trees in secluded areas via low planting or taller/thinner trees and canopies.
Part B11 – Energy efficiency		
C1. Roof forms shall be designed to allow for current or future installation of solar panels without adverse impacts on the amenity of neighbours or the streetscape.	Yes	The proposal provides solar panels across the rooftops to facilitate on-site renewable energy generation.
C2. Space should be provided within the building for the current or future installation of battery storage.	No	The proposal does not provide space for the battery storage, as it is not applicable to the development.
Part F – Multi-Dwelling Housing, Multi Dwelling Housing (Terraces), Manor Houses and Residential Flat Buildings		
F2 Design Quality		
F2.2 Materials, colour schemes and details		
C1. Use darker face brick in streetscapes which predominantly exhibit this external finish.	Yes	The proposal utilises several façade typologies across the precinct, responding to the building topography, orientation and interface with the surrounding context. The design of the facades incorporates variation of vertical and horizontal elements with suitable floor height to achieve better human scale for the end-users. To introduce relief and visual interest, the facades are strategically indented and stepped, creating a dynamic rhythm along the building surfaces. These variations, along with the diverse façade depths and material treatments, generate an intriguing play of shadows throughout the
C2. Retain or incorporate existing sandstone fences, walls or wall bases into the design of the building.	Yes	
C3. Terracotta coloured (orange/red) roof tiles should be utilised in streets where this is the predominant roof colour	Yes	
C4. First floor balcony balustrades facing the street should use a different material to the main wall finish.	Yes	
C5. Subject to the Streetscape Character Analysis, no large expansive surface of predominantly white, light or primary colours which would dominate the streetscape, or other vista should be used.	Yes	
C6. New development should incorporate colour schemes that have a hue and tonal relationship with the predominant colour schemes found in the street.	Yes	

Provision	Comply (Yes or No)	Comment
C7. Matching buildings in a row should be finished in the same colour or have a tonal relationship.	Yes	<p>day. This approach contributes to a rich architectural language, offering depth and complexity in the overall aesthetic.</p> <p>Use of brick to provide a sense of weight and grounding of the podium facades in contrast to the lighter expression of the towers above, connection to the surrounding context and vernacular architecture.</p> <p>An industrial character is woven into the design through subtle architectural gestures that evoke the site's industrial heritage. This is evident in the feature saw-tooth structure of the marketplace, which references historical forms, as well as in the strong grid elements and the strategic use of inserts and indents.</p>
C8. All materials and finishes utilised should have low reflectivity.	Yes	
F3.3 Solar access to neighbours		
C1. Direct sunlight to all north facing windows of habitable rooms of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June (mid-winter).	Yes	<p>The proposal achieves more than 70% solar access to apartment living areas and balconies between 9am-3pm in mid-winter. Less than 15% of apartments receive no direct sunlight between 9am-3pm in mid-winter.</p>
C2. Where windows currently receive less than 3 hours, direct sunlight cannot be reduced.		
C3. Direct sunlight to 50% of the principal private open space should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June (mid-winter).		
C4. Where 50% of the principal private open space currently receive less than 3 hours, direct sunlight cannot be reduced.		
F3.4 Solar access to dwellings within the development		
C1. The proposed development shall receive a minimum of 3 hours of direct sunlight to all living room windows between 9.00am and 3.00pm on 21 June (mid-winter).	Yes	<p>The proposal achieves more than 70% solar access to apartment living areas and balconies between 9am-3pm in mid-winter.</p>
C2. Direct sunlight to 50% of the principal private open space should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June (mid-winter).	Yes	<p>The proposal achieves 50% sunlight to the principal usable part of the communal open space for a minimum of 2 hours of mid-winter sun between 9am-3pm.</p>
F3.9 Traffic and transport corridor amenity impacts		

Provision	Comply (Yes or No)	Comment
C1. Development must consider the provisions of SEPP (Infrastructure) 2007 and Development Near Rail Corridors and Busy Roads Interim Guidelines and the design approaches illustrated in Figure F3.5.	Yes	It is noted that SEPP (Infrastructure) 2007 has been superseded by SEPP (Transport & Infrastructure) 2021.
C2. For residential components of new development, noise sensitive areas (living rooms, bedrooms) are located away from road and rail corridors.	Yes	Living rooms are oriented away from the Parramatta Road – a high-traffic road
C3. Windows located towards road and rail corridors are to be double-glazed (or have laminated glazing) and have acoustic seals.	Yes	Appropriate glazing and acoustic treatments will be provided for apartments located towards busy roads. Refer to the Noise and Vibration Impact Assessment prepared by Acoustic Logic (Appendix 17) .
C4. Internal habitable rooms of dwellings are to be designed to achieve internal noise levels of no greater than 50dBA.	Yes	As detailed in the Noise and Vibration Impact Assessment prepared by Acoustic Logic (Appendix 17) , the sleeping areas have an internal noise level of 35dB and living areas 40dB.
F3.12 Access to public transport		
C1. Developments in the vicinity of major public transport hubs (including Metro and railway stations) and local centres are to be designed to support the planning of walkable access including: a) Upgrading of footpaths b) Improving accessibility c) Creating new through-site links/routes d) Planting shade trees e) Lighting f) Passive visual surveillance	Yes	The proposal will allow for the creation of pedestrian only links connecting the site with Parramatta Road and Queens Road, the delivery of Spencer Lane which provides a connection through the site to Parramatta Road and an additional link to the adjacent Rosebank College, widened footpaths on all street frontages. A publicly accessible through site link is proposed to activate the site and provide pedestrian access from Parramatta Road between Buildings C, D & E through to the proposed Spencer Street extension.
F4 General Controls		
F4.1 Frontage		
C1. The minimum frontage requirements specified in the Canada Bay Local Environmental Plan shall be achieved.	Yes	Refer to LEP compliance table above.
C2. Any dwelling within a manor house, multi dwelling housing, or residential flat building development is to have a minimum width of 7m if the dwellings have parking accessed from the primary street and do not have consolidated	Yes	The widths of the building exceed the minimum width requirements outlined in this provision.

Provision	Comply (Yes or No)	Comment
<p>basement parking with a single entry or parking accessed from a rear lane or secondary frontage.</p> <p>The minimum width may be reduced to 5m if the dwellings have consolidated basement parking with a single entry, or parking accessed from a rear lane or secondary frontage.</p>		
F4.5 Bulk and Scale		
<p>C1. To ensure that buildings are compatible with the bulk and scale of the desired future character of the locality.</p>	Yes	<p>The proposal will redevelop the existing low scale industrial site into a vibrant mixed-use precinct with open space, an improved road and pedestrian network, and building heights of a bulk and scale that are consistent with the desired future character of the area.</p>
<p>C2. To minimise the effects of voids in the bulk and scale of buildings.</p>	Not applicable.	Not applicable.
Part K – Special Precincts K20 – Kings Bay (PRCUTS)		
K20.6 Block Configuration		
<p>C1. New development is to consider future development on adjoining sites by providing sufficient separation and setbacks and avoid creating isolated sites.</p>	Yes	<p>The proposed development provides 6m wide setback fronting Parramatta Road and 3m wide setback fronting Queens Road.</p>
<p>C2. The delivery of identified amalgamation and community infrastructure is a prerequisite for the heights and densities identified in the LEP.</p>	Yes	<p>The proposed development provides 2,290m² of public open space in the form of a new public park (William Street Park).</p>
<p>C3. The maximum length of any building above 5 storeys is 60m.</p>	No	<p>The proposal exceeds this provision, The longest facade length is in Building E (Level 5) and is measured to be 76.3m². However, the articulation and staggering of the towers, varied architectural expression and alternating footprints that reduce the perceived bulk of the development, reinforce the verticality of the towers and add visual interest, has all been retained. The proposal has prioritised the proportionate distribution of the additional 30% GFA to the towers to minimise the visual weight of the podium at street level.</p>
<p>C4. Residential towers above podium level shall have a maximum enclosed area of 750sqm (including circulation and excluding balconies) and</p>	Yes	<p>All floor plates are modestly less than the 750m² maximum, being</p>

Provision	Comply (Yes or No)	Comment										
a maximum total floor area of 875sqm (including and assuming 15% for balconies).		closer to 600m ² . Refer to the floor plans at Appendix 7 .										
C5. For commercial uses on all floors above the ground level, any wall with windows must be set back from the side and rear boundary by 3m. Any wall without windows is not required to be setback.	Yes	The upper levels of the proposal are set back from the surrounding street edges and are modest in footprint to allow for a slender built form. All setbacks exceed the 3m ADG control as the proposed development provides 6m wide setback fronting Parramatta Road and 3m wide setback fronting Queens Road.										
C6. Built form is to be positioned for optimal access to daylight and direct sunlight for internal and external spaces, and for adjoining public and private land.	Yes	Passive design principles optimise natural daylighting and solar access to primary internal and external areas.										
C7. Buildings are adaptable to a variety of uses over time. The following minimum floor to floor heights apply: <table border="1" data-bbox="172 987 692 1211"> <thead> <tr> <th>Use</th> <th>Minimum height</th> </tr> </thead> <tbody> <tr> <td>Retail</td> <td>4.4m</td> </tr> <tr> <td>Commercial</td> <td>3.7m</td> </tr> <tr> <td>Adaptable</td> <td>3.7m</td> </tr> <tr> <td>Residential</td> <td>3.1m</td> </tr> </tbody> </table>	Use	Minimum height	Retail	4.4m	Commercial	3.7m	Adaptable	3.7m	Residential	3.1m	Yes	The following floor to floor heights are proposed and therefore comply with this provision. <ul style="list-style-type: none"> 3.2m minimum floor to floor height for residential Generally 4.6m floor-to-floor for retail on Ground Level and 3.7m floor-to-floor for commercial and retail on Level 1.
Use	Minimum height											
Retail	4.4m											
Commercial	3.7m											
Adaptable	3.7m											
Residential	3.1m											
C8. The ground floor of all lots fronting Parramatta Road is to be a minimum of 4.4m in height to facilitate a wide variety of uses. Development on the ground floor fronting Parramatta Road is to prioritise urban services and light industrial uses, consistent with Active Frontages. The second floor of development fronting Parramatta Road in the B4 Mixed Use zone is also to have retail and/or commercial uses.	Yes	4.6m minimum floor to floor heights for retail/commercial lots fronting Parramatta Road are proposed. An immersive and engaging retail environment featuring 1,200 linear meters of active frontages and internal arcade connections is proposed, in line with the highlighted active street frontages. The ground floor offers the convenience of both a large-format supermarket and mini-major produce store.										
K20.7 Access Network												
C1. The existing access network is retained, and new streets, through-site links and cycle routes are provided as identified in Figure K20-8 and Figure K20-9.	Yes	New streets, through-site links and cycle routes are provided as identified in these figures.										
C2. New public open spaces are located as identified in Figure K20-8 and Figure K20-9.	Yes	A 2,290m ² new public park (William Street Park) is proposed on the north-west corner of the site in accordance with these figures.										


Provision	Comply (Yes or No)	Comment
C3. Wherever possible, long blocks are broken up with new high quality pedestrian prioritised links, particularly where new connections would facilitate access to public transport, open spaces and community facilities.	Yes	A potential pedestrian link between Rosebank College and the proposed development has been planned for Spencer Lane. This pathway is designed to be youth-oriented, featuring gathering spaces and activities that promote community engagement and interaction
C4. Size and location of footpaths, laneways, cycleways, planting and parks are to be provided according to Council's PRCUTS Public Domain Plan and PRCUTS Masterplan.	Yes	Complies. Also refer to LEP compliance table.
C5. New roads, public domain widenings, parks and cycleways are required to be in public ownership where identified in the LEP. New roads and parks that are identified in the LEP to be publicly accessible but not in public ownership, may be delivered as a public access easement over private land.	Yes	<p>The proposed development will deliver a 2,290m² new park to be known as William Street Park which will become a Council asset, as well as providing a 12m wide pedestrian laneway link along eastern boundary connecting Spencer Street extension to Parramatta Road, resulting in a pedestrian focussed precinct.</p> <p>The development also provides on-site services for the existing and future population including food and dining, health and wellbeing and medical services, as well as providing affordable housing for those on very low, low, to moderate incomes.</p>
C6. Future pedestrian/ cycle links are to be naturally lit and ventilated, appropriately lit after hours, publicly accessible 24/7, and have clear sightlines from end to end.	Yes	Pedestrian and cycle links are well lit, refer to Specialist Lighting Report (Appendix 25).
C7. All new pedestrian/ cycle links are to be defined by built form and quality edge treatments such as low semi-transparent fences and landscaping.	Yes	All new pedestrian links are clearly defined and use landscaping treatments
C8. Bicycle facilities, such as parking, secure storage and end-of-trip facilities are to be easily accessible from the public domain and conveniently located near entrances and/or lifts of new development.	Yes	The development provides high quality, accessible end of trip facilities such as lockers, showers and change areas for commercial and retail staff to support cycling as a form of transport to the site. These facilities are accessibly located on the ground floor.
K20.8 Public Domain Experience		
C1. New development that fronts onto streets identified as active frontages, including vibrant, friendly and mixed facades (see Figure K20-10) must:	Yes	Secure residential lobbies are located at key points along the ground plane with street frontages create activation of streetscape and

Provision	Comply (Yes or No)	Comment
<p>a) minimise the number and width of vehicular driveways across the footpath;</p> <p>b) ensure building entries are clearly visible and pedestrian access to entries and lobbies is direct;</p> <p>c) ensure building entries are clearly visible and pedestrian access to entries and lobbies is direct;</p> <p>d) maximise the number of doors and windows on upper levels overlooking the street; and</p> <p>e) maximise the number of doors and windows on upper levels overlooking the street; and</p>		<p>permeability through the site. Appropriate wayfinding signage proposed allowing for increased legibility for residents and visitors.</p> <p>All truck/vehicular access point into the site for residents, visitors and waste collection is from the Spencer Street Road extension rather than the existing high-use Parramatta Road and Queens Road.</p> <p>Resident and Retail parking is separated via secure control points and is shown in the architectural documentation as a boom gate.</p> <p>Apartment windows and balconies enjoy aspects over the public domain to encourage passive surveillance.</p>
<p>C2. New development that fronts onto Parramatta Road is to:</p> <p>a) set back as per Figure K20-8 and Figure K20-9.</p> <p>b) apply coordinated urban and landscape design features that unify the linear green edge; and</p> <p>c) prioritise urban services uses.</p>	Yes	<p>The proposal provides the following setbacks and therefore complies with the provision:</p> <ul style="list-style-type: none"> • 6m wide setback fronting Parramatta Road • 3m wide setback fronting Queens Road • 3m wide setback to William Street • 3m wide setback to Spencer Street <p>The proposed urban and landscape design contributes to the overall streetscape and amenity of the site. The proposed public domain treatments look to establish a cohesive design theme site wide whilst allowing for precinct / program specific public domain finishes suited to the community, residential, commercial and retail activities proposed.</p>
<p>C3. Development is to support the experience and safety of future public open spaces as identified in Figure K20-8 and Figure K20-9. Development that faces open space must:</p> <p>a) maximise the number of doors and windows overlooking the open space;</p>	Yes	<p>A. Number of doors and windows:</p> <ul style="list-style-type: none"> • The proposal has allowed for a predominantly glazed street edge at ground floor along Queens Road, Spencer Street, Industry Lane, The Market Place, Parramatta Road, and

Provision	Comply (Yes or No)	Comment
<p>b) pay particular attention to quality architectural detail at the lower levels;</p> <p>c) ensure that at least 50% of each open space receives a minimum of 3h direct solar access in mid-winter (21 June) between 9am and 3pm; and</p> <p>d) where an active frontage is required by the LEP, encourage active uses on the ground floor with a preference for community facilities and cafes/ restaurants with outdoor seating. The minimum floor to floor height of the first two levels is to be as per the 'Adaptable' category in Section K20.6 Block Configuration.</p>		<p>the new William Street Public Park. This allows for unencumbered sight lines into the tenancies, and flexibility in how the future glazing systems of the retail tenancies can be configured.</p> <ul style="list-style-type: none"> • To achieve this permeable street edge condition, the design has located loading docks and services in the basement wherever possible, to allow for predominantly active uses to address the new networks of streets, lanes and public spaces. • Where there is a significant fall in the topography such as long the new Spenser Street, the entries to the retail tenancies have been designed at appropriate locations for level access, and proximity to trade out/external seating zones. • The numerous residential and commercial entry lobbies are distributed throughout the streets of the new precinct so that activity and passage surveillance is maximised. <p>B. Quality Architectural Detail at the Lower Levels:</p> <ul style="list-style-type: none"> • The proposal uses brick as the predominant material at the lower levels of the buildings. Brick is a high quality, and low maintenance material that will ensure the quality and longevity of the design into the future. Brick brings warmth and texture to the facade design as these lower levels where it can be appreciated at eye height. • The brick colours vary between buildings to allow for a playful and animated materiality. • The retail tenancies are refined by a rhythm of brick vertical piers to reinforce the fine grain retail experience and avoid long runs of uniform retail glazing. This is further enhanced by the use of glazed

Provision	Comply (Yes or No)	Comment
		<p>coloured brick to the retail portals of Buildings A and B facing Queens Road, Industry Lane and Spencer Street.</p> <ul style="list-style-type: none"> • The awnings have been carefully considered to allow for continuous coverage to the main streets, desire lines and active frontage. The awning details vary between buildings to provide a varied streetscape and are broken up into lengths that reflect the proportions of the buildings overhead. • The new Market Place will feature a free standing canopy structure that references the industrial history of the area via its steel work structure and zig zag roof profile. The canopy offers weather protection to the new public space that can facilitate flexibility in programming and uses. • The landscape architecture design compliments the architecture of the buildings with a well-considered design that brings paving patterns, seating, street trees and greenery to the pedestrian experience. • The Market Place and Industry Lane will feature a series of dynamic artworks that will embellish the streetscape and speaks to the quality of the design proposal being delivered by Deicorp within this proposal. <p>C. Solar Access to Public Open Space</p> <ul style="list-style-type: none"> • The new William Street Public Park will be delivered as part of the proposed development. The space faces north-west and its solar access is not affected by any the proposed buildings within the development, which lie to the south and east of the park. • The William Street Park will enjoy greater than the required

Provision	Comply (Yes or No)	Comment
		<p>3hours solar access to at least 50% of the park in mid-winter (21 June) between 9am and 3pm.</p> <p>D. Active Frontage</p> <ul style="list-style-type: none"> • The proposal has allowed for a fine grain retail experience along the street edges where tenancies can be flexible in their layout but still allow for an intimate and engaging streetscape experience. • This permeable ground floor is achieved via a series of design considerations including loading docks and services being located in the basement where possible, to allow for predominantly active uses along the new streets, lanes and public open spaces. • Numerous residential and commercial entry lobbies are distributed throughout the streets within the new precinct so that activity and passage surveillance is maximised. • Fine grain retail tenancies sleeve the street interface along Queens Road, Spencer Street, Industry Lane, The Market Place, and the new William Street Public Park. • Commercial tenancies at Level 01 overlook the streets along Parramatta Road, and the new William Street Park. These retail tenancies are predominantly glazing around their perimeter, and have a strong visual connection to the street level below.
<p>C4. Development fronting Queens Road is to maximise entry doors and windows overlooking the street, minimise vehicular entry points and pay particular attention to quality landscape and architectural detail along lower levels.</p>	<p>Yes</p>	<p>The proposed development will maximize entry doors and windows facing Queens Road, creating an active and engaging streetscape. Additionally, vehicle entry points are not located on Queens Road. High-quality landscaping and architectural detail are proposed at the lower levels to ensure a visually appealing and cohesive frontage.</p>

Provision	Comply (Yes or No)	Comment
<p>C5. Any development on a corner site including corners of the new open spaces must pay particular attention to overall design quality due to the location's high visibility and impact on the local character, i.e. well-proportioned facades and quality material, finishes and plant species selection.</p>	<p>Yes</p>	<p>Key corners of the building are given visual prominence by incorporating variations in articulation, materials, or colour, as well as distinct roof treatments or changes in height. These design features highlight the importance of these corners within the urban context, creating focal points that contribute to the building's identity and visual appeal. This is particularly apparent at the junction between Parramatta Road and William Street which functions as an identifier signalling the approach of the retail precinct.</p>
<p>K20.9 Active Frontages</p>		
<p>C1. Active frontages are to be provided as identified in Figure K20-10.</p>	<p>Yes</p>	<p>Active street frontages are proposed along Queens Road (north), William Street (west) and Parramatta Road (south) and Spencer Street extension as per below.</p>  <p>Figure 7: Active street frontages map (Source: Canda Bay LEP)</p>
<p>C2. A maximum of 70% of the ground floor facade is to be glazing and balanced with solid vertical elements creating a rhythm along the street.</p>	<p>Yes</p>	<p>Apartments in the lower podium levels adjacent to high-volume roads such as Parramatta Road and Queens Road are predominantly brick and have reduced opening sizes and glazing extents to minimise acoustic impact on internal areas.</p>
<p>K20.10 Street Wall Heights and Setbacks</p>		
<p>C1. All development is to comply with the setbacks shown on Figure K20-8 and Figure K20-9.</p>	<p>Yes</p>	<p>The proposal provides the following setbacks and therefore complies with the provision:</p> <ul style="list-style-type: none"> • 6m wide setback fronting Parramatta Road

Provision	Comply (Yes or No)	Comment										
		<ul style="list-style-type: none"> • 3m wide setback fronting Queens Road • 3m wide setback to William Street • 3m wide setback to Spencer Street 										
<p>C2. Where applicable, a portion of the setback area is to provide deep soil zones and tree planting.</p>	Yes	<p>The proposed setback areas propose significant tree planting, particularly along Parramatta Road, William Street and Spencer Street. In addition, the north west corner of the site accommodates the village green (William St Park).</p>										
<p>C3. 'Undesirable' elements such as vents, electrical substations, or plant and equipment spaces are not permissible within the setback area and should be accommodated within the building. Service cabinets are to be co-located internally, accessible from loading, waste or parking areas where possible to avoid impact on the public realm.</p>	Yes	<p>Vents, electrical substations, or plant and equipment are not proposed in the setback area and have been internally located.</p>										
<p>C4. Upper-level setbacks are required towards all public domain interfaces.</p>	Yes	<p>To introduce relief and visual interest, the facades are strategically indented and stepped, creating a dynamic rhythm along the building surfaces.</p>										
<p>C5. The following street wall heights apply:</p> <table border="1" data-bbox="172 1227 619 1512"> <thead> <tr> <th>Location</th> <th>Maximum street wall height</th> </tr> </thead> <tbody> <tr> <td>Parramatta Road</td> <td>2, 4 & 5 storeys</td> </tr> <tr> <td>Queens Road</td> <td>1 & 2 storeys</td> </tr> <tr> <td>Kings Road</td> <td>2 & 3 storeys</td> </tr> <tr> <td>Laneways and through-site links</td> <td>nil</td> </tr> </tbody> </table>	Location	Maximum street wall height	Parramatta Road	2, 4 & 5 storeys	Queens Road	1 & 2 storeys	Kings Road	2 & 3 storeys	Laneways and through-site links	nil	No	<p>The proposal has prioritised the proportionate distribution of the additional 30% GFA to the towers to minimise the visual weight of the podium at street level to maintain the intent of this provision.</p> <p>The distribution of the additional height respects the desired future character of a lower street wall within the emerging precinct, as per the objectives from this DCP.</p> <p>The additional height is predominately focused within the towers, which are set back from the surrounding street edges, and are modest in footprint to allow for a slender built form.</p>
Location	Maximum street wall height											
Parramatta Road	2, 4 & 5 storeys											
Queens Road	1 & 2 storeys											
Kings Road	2 & 3 storeys											
Laneways and through-site links	nil											
<p>K20.11 Transitions and Interfaces</p>												
<p>C1. Where adjacent to low density residential interfaces and heritage items, new development should gradually step away in height and provide appropriate setbacks as identified in Figure K20-23 and Figure K20-24.</p>	Yes	<p>The podium levels are designed with distinct indentations and step-back elements, creating a dynamic visual aesthetic that enhances the public domain and street interface.</p>										

Provision	Comply (Yes or No)	Comment
<p>C2. Development along 'sensitive interfaces' (opposite lower residential uses and/ or heritage) pays particular attention to quality landscape and architectural detail along lower levels and complies with the maximum building envelope identified in Figure K20-12, Figure K20-13, Figure K20-23 and Figure K20-24.</p>	Yes	<p>The proposal responds to and respects the interface with the adjacent school by providing adequate separation distances and a stepped built form away from the school boundary and noting the existing heritage items located within the school site.</p>
<p>C3. Along all streets where future public domain is required to be delivered (such as the 'linear green edge' interface to Parramatta Road), development must comply with the primary and upper-level setbacks shown in Figure K20-8, Figure K20-9, Figure K20-12, Figure K20-13 and Figure K20-25. The following applies:</p> <p>A) treatment of the setback area is designed to be an extension of the public footpath area, is publicly accessible 24/7 and focuses on pedestrian amenity; and</p> <p>B) the setback area maximises deep soil to allow for mature vegetation with trees provided as outlined in Section K20.18 Landscape Design.</p>	Yes	<p>The Proposal provides increased setbacks along all existing and future street frontages (including the Spencer Street road extension). All setback/footpath areas, laneways and pedestrian through-site links will be publicly accessible 24/7. All setback zones allow for adequate soil depths for tree planting, particularly noting the 551.02m² secondary deep soil zone to be provided along Parramatta Road.</p>
K20.12 Interactive Frontages		
<p>C1. Developments are to maximise the number of front doors and private spaces which are visible from the street. At a minimum there is to be a pedestrian entries and/or primary private open space overlooking the street every 15m.</p>	Yes	<p>Residential lobbies are well located to maximise sightlines to and from entry/ exit points from the streetscape and pedestrian environment. No residential apartments are directly accessible from ground level which assists with safety and security for residents.</p>
<p>C2. Developments are to provide openable windows and balconies at upper levels that encourage views of the street.</p>	Yes	<p>Natural surveillance is maximised through the orientation of ground floor retail premises, glazing and residential balconies/terraces overlooking shared spaces, site perimeters, building entry points and the streetscape</p>
<p>C3. Entries and private open spaces are encouraged within the 3m or 4.5m landscaped setbacks including a 1.5m wide strip of landscaping (see Figure K20-26 and Figure K20-27) and other controls including those identified in Section K20.18 Landscape Design are also to be met.</p>	N/A	<p>Figure K20-26 and 27 refer to residential ground floor dwellings which is not applicable to this development.</p>
<p>C4. Deeper front setbacks (greater than 5m) are discouraged and landscaping and fences or structures higher than 0.9m within the front setback are not permitted.</p>	Yes	<p>The proposal provides the following setbacks:</p> <ul style="list-style-type: none"> 6m wide setback fronting Parramatta Road (Although exceeding the 5m maximum

Provision	Comply (Yes or No)	Comment
		<p>requirement, this setback is required under the LEP and is to be dedicated to Council)</p> <ul style="list-style-type: none"> • 3m wide setback fronting Queens Road (to be dedicated to Council) • 3m wide setback to William Street • 3m wide setback to Spencer Street <p>Structures higher than 0.9m within the front setback are not proposed.</p>
<p>C5. All landscaping within the front setback is to maintain clear views from the footpath to the development.</p>	<p>Yes</p>	<p>The proposed landscaping within the front setback does not obstruct views to the development.</p>
<p>C6. Front fences are to be a maximum of 1.2m high and at least 50% is to be at least 50% transparent and enable a high level of passive surveillance.</p>	<p>Not applicable.</p>	<p>No front fences are proposed</p>
<p>C7. Front terraces and entry areas are to be elevated by between 0.6m and 1.0m above the level of the street to improve privacy and increase opportunities for passive surveillance.</p>	<p>Yes</p>	<p>Residential terraces/entry areas are not located on the ground floor.</p>
<p>C8. Development is to minimise services (i.e. substations, fire services and water services) located within the front setback, along the site frontage or on building facades.</p>	<p>Yes</p>	<p>Building services, including substations are appropriately integrated into the building design. The existing kiosk on William Street, which services public street lighting, will be decommissioned to allow for the new Spencer Street road extension and relocated to the park.</p>
<p>K20.13 Massing and Articulation</p>		
<p>C1. Buildings that are 3 storeys or more are to be designed so that they clearly articulate a base, middle and top.</p>	<p>Partial</p>	<p>A clear podium is provided with tall, elegant towers with varying heights above, which is consistent with eh advice provided from the design competition Jury and the Design Integrity Panel, who have reviewed the SSDA design and endorsed the proposed building articulation.</p>
<p>C2. Facades are articulated using techniques such as projections, recesses, eave overhangs and deep window reveals. Where development is set back at least 3m from the site boundary, elements can protrude up to 0.3m into the front setback (articulation zone).</p>	<p>Yes</p>	<p>The podium facade types change at intervals along the street edge to ensure a playfulness and diversity. The strong use of brick at these lower levels grounds the buildings. The streetscapes are characterised by generous setbacks which deep soil and significant tree canopy coverage. Combined with the</p>

Provision	Comply (Yes or No)	Comment
		<p>continuous awnings to streets the result is well-defined street edges that are comfortable and pedestrian focused. Projecting awnings over retail tenancies are broken up with glazing to allow vertical elements such as support walls and columns to define a vertical rhythm along the street. The 'Long Verandah' facing north over William Street Park allows guests a slow dining experience.</p>
<p>C3. The maximum length of straight wall on any storey above ground floor level, without articulation such as a balcony or return, is 15m.</p>	<p>Yes</p>	<p>Non-articulated facade lengths equal to or greater than 15m are not proposed in this development. Services and core walls have been orientated to minimise blank facade lengths and are typically no greater than 5m. Refer to Architectural drawings for further information.</p>
<p>C4. New development is to place particular focus on creating a 'human scale' at the lower levels through the use of detailed design, insets and projections that create interest and, where relevant, the appearance of finer grain buildings.</p>	<p>Yes</p>	<p>Podiums have finer-grain architectural language that respond to a human scale at street level. The key move for all towers to have a distinctive yet cohesive architectural language is appreciated, providing a point of visual interest from the streetscape. Building façades are deliberately bold but complement each other to read as a familial language across the precinct. The public domain treatments help establish a site-wide cohesive design theme.</p>
<p>C5. Where frontages are more than 20m wide, building massing is also to be vertically articulated.</p>	<p>Yes</p>	<p>The distribution of most of the additional height to towers respects the desired future character of a lower street wall within the emerging precinct. The staggered towers have varied architectural expression and footprints that reduce the perceived bulk of the development. Most floor plates are modestly less than the 750m² maximum, being closer to 600m². Combined with the articulated facades and varied materiality, the additional height assists the give a more elegant proportion to the</p>

Provision	Comply (Yes or No)	Comment
		towers and reduces repetitiveness.
C6. Vertical elements such as support walls and columns at the street level are ideally to be continued to the upper levels to support a vertical rhythm along the street.	Yes	Vertical alignment is maintained from the facade of the podium to the street to achieve a vertical rhythm in the street scape. Refer to Architectural drawings for further information.
C7. For built form that is 3 storeys or more, the upper-most level is set back and visually unobtrusive. Ways to achieve this include the use of lightweight construction techniques, darker colours, solid balustrades and roof overhangs that create deep shadows.	Yes	The building setbacks respect the desired future character and perceived bulk within the emerging precinct. Podiums are defined by their fine-grain architectural gestures that respond to a human scale at street level. The additional height is focused within the towers, which are set back from the surrounding street edges, and are modest in footprint to allow for a slender built form.
C8. Adjoining buildings are considered in terms of setbacks, awnings, parapets, cornice lines and facade proportions.	Yes	The strategic positioning of the site in relation to the neighbouring Rosebank College significantly influenced the height variation of the proposed development. To minimise both the visual impact and potential overshadowing on the school, the building design thoughtfully tapers down as it approaches the school boundary. The proposed design ensures that building separation distances adequate between neighbouring sites. To prevent direct lines of sight between windows and balconies across corners, the layout has been carefully considered. In most cases, direct views between opposing buildings have been avoided, promoting privacy and reducing visual intrusion.
C9. Roof plant, lift overruns, vents, carpark entries and other service-related elements are integrated into the built form and complement the architecture of the building.	Yes	The appearance of encroaching elements and architectural roof features have been thoughtfully integrated into the overall design of the upper levels of the tower. Vehicular access to the site is strategically located off the newly extended Spencer Road to minimise disruption to the road network, but also to further

Provision	Comply (Yes or No)	Comment
		integrate into the built form of the proposal.
C10. Buildings on corners address both streets and architectural elements are composed so that they 'turn the corner'.	Yes	Key corners of the building are given visual prominence by incorporating variations in articulation, materials, or colour, as well as distinct roof treatments or changes in height. These design features highlight the importance of these corners within the urban context, creating focal points that contribute to the building's identity and visual appeal. This is particularly apparent at the junction between Parramatta Road and William Street which functions as an identifier signalling the approach of the retail precinct.
K20.14 Heritage and Fine Grain		
C1. Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by: a) providing an adequate area around the building to allow interpretation of the heritage item; b) retaining original or significant landscaping (including plantings with direct links or association with the heritage item); c) protecting, where possible and allowing the interpretation of archaeological features; and d) retaining and respecting significant views to and from the heritage item.	Yes	<p>The subject site – which is not heritage listed, nor within a heritage conservation area – and will not involve building works to Rosebank College itself. It is noted that tree removal along Rosebank College's western boundary will be required, and owners' consent is being sought from the College. As such, the original volume, setting, materials, roof form and general appearance that constitute the heritage significance of Rosebank College will be retained.</p> <p>The proposed works will have not result in a negative impact to the main frontage of Rosebank College along Harris Road. As the proposed development on the subject site is located at the back (west) of Rosebank College, the primary street views of and to the heritage item will not be affected and will largely be seen as a backdrop to Rosebank College. Furthermore, the volumes of the proposed development are heavily modulated, with similar podium volumes to the existing surrounding buildings and towers forms being located away from Rosebank College at the east.</p>

Provision	Comply (Yes or No)	Comment
C2. All development of and in the vicinity of a heritage item is to address the requirements of Part C Heritage of the City of Canada Bay DCP.	Yes	A Heritage Impact Statement (Appendix 66 – original submission) has been prepared and outlines the potential heritage impacts of the development on the heritage significance of Rosebank College.
C3. Alterations and additions to buildings and structures and new development of sites in the vicinity of a heritage item are to be designed to respect and complement the heritage item in terms of the building envelope, proportions, materials, colours and finishes, and building and street alignment.	Yes	The proposed development is uncharacteristic, in terms of the overall scale, height and bulk for the area, however, it has been designed to ensure that it is a sympathetic and complementary development to the adjacent Rosebank College, the existing and desired development of the area.
C4. Where additional storeys are proposed above a heritage building, the new front wall should be set back from the existing front building line by a minimum of 8m.	Not applicable	Not applicable to this proposal.
C5. Where a finer grain existing subdivision is present and lot consolidation is proposed, the subdivision pattern and fine grain is to be interpreted in the architectural treatment of the facades, e.g. through building layout, composition, modulation and vertical articulation.	Not applicable.	Not applicable to this proposal.
C6. All development of, or in the vicinity of, heritage items must submit a heritage impact assessment as part of the DA. It should be noted that the assessment may lead to setbacks, building heights and built form modulation that may differ (are less than) the minimum provisions outlined in this DCP.	Yes	A Heritage Impact Statement has been prepared by Urbis (Appendix 66 – original submission) and accompanies this application.
K20.15 Safety and Accessibility		
C1. Development is to consider and comply with Crime Prevention Through Environmental Design (CPTED)'s Safer by Design Guidelines.	Yes	A CPTED report has been prepared by Barker Ryan Stewart (Appendix 71 – original submission) and accompanies this application.
C2. New development addresses and defines the public domain through entrances, lobbies, windows and balconies that overlook public spaces, maximising opportunities for passive surveillance.	Yes	Lobbies are strategically located off the street and adjacent to active public areas, ensuring high visibility and easy wayfinding for both residents and visitors. This placement enhances safety by encouraging natural surveillance and creates a welcoming transition between the public domain and private residential spaces. The strategic placement of windows is carefully designed to overlook communal open spaces,

Provision	Comply (Yes or No)	Comment
		<p>promoting passive surveillance and enhancing safety across the site. This thoughtful layout ensures that shared areas are visible from multiple vantage points, fostering a sense of security and encouraging natural monitoring by residents.</p>
<p>C3. The location and width of vehicle entries is to minimise impacts on the pedestrian network.</p>	<p>Yes</p>	<p>Vehicular access to the site is strategically located off the newly extended Spencer Road, deliberately positioned to minimise disruption to the existing road network, which experiences significant traffic. Separate driveways are provided for different user groups, ensuring that residential, visitor, staff, and retail patrons have a dedicated entry for accessing basement-level parking.</p> <p>To further enhance the pedestrian experience and reduce the impact on the public realm, all loading docks and service areas are located within the basement levels, rather than at street level. This approach promotes a pedestrian-focused environment, fostering a vibrant and highly active public domain. Pedestrian crossings have been carefully planned to align with natural pedestrian circulation patterns, facilitating smooth connections between the northern and southern parts of the site.</p>
<p>C4. All building entries are clearly visible from the public domain.</p>	<p>Yes</p>	<p>Residential lobbies are legible and have a direct connection to the street network.</p>
<p>C5. To avoid blank walls and create visual interest, the maximum length of any wall at the ground floor level, without articulation such as a door or window is 5m.</p>	<p>Yes</p>	<p>Facades with street frontages on Ground level and Level 01 are enhanced with brick detailing, indentation and awning expression to ensure that the public domain has a human-scale and provides a varied architectural experience. The design team has aimed to reduce blank walls by locating services and loading docks within basement levels. Refer to Architectural drawings (Appendix 7) for further information.</p>

Provision	Comply (Yes or No)	Comment
C6. Residential uses on the ground floor can be raised to a maximum of 1.0m above the footpath level to improve internal privacy. Direct access from the footpath to individual dwellings is required wherever possible.	Not applicable	No residential apartments are directly accessible from ground level.
C7. Front setback treatments incorporate safety considerations such as lighting after hours.	Yes	Adequate street lighting is proposed to create a well-lit public domain. Refer to Specialist Lighting Report (Appendix 25) for detail of the proposed street lighting.
C8. Front fencing for residential uses on the ground floor are to display an appropriate balance of visibility and outlook, informal surveillance of the street and privacy for residents and building users. Fences are to be a maximum height of 1.2m and at least 25% transparent. Solid walls are only acceptable to a maximum height of 0.6m.	Not applicable	No front fencing is proposed
C9. Common areas for building users/ residents are encouraged within the front setback with seating facilities located close to the public footpath to encourage surveillance of the street, visible activity and social interaction.	Yes	Retail and Commercial tenancies are proposed on Ground level and localised areas on Level 01 which is supported by a highly activated and generously landscaped public domain which is accessible by the general public and residents alike. This contributes to the passive surveillance of the area at all hours.
C10. Active frontages are provided as identified in Figure K20-10.	Yes	Active street frontages are proposed along Queens Road (north), William Street (west) and Parramatta Road (south) and Spencer Street extension as per the relevant figures.
<p>C11. Along active frontages:</p> <ul style="list-style-type: none"> a) the finished ground floor level is to match the footpath level; where this is not possible due to topography, the ground floor level is to be a maximum of 0.4m above the footpath, unless the building is located within an area vulnerable to flooding; b) in flood prone areas where the ground floor is elevated above the footpath or adjoining public open space, street activation is to be created by locating entries at footpath level, and with internal steps. Any elevated areas outside are to form an activated continuation of the interior and are not to create a visual barrier to the interior (see Figure K20-30). c) continuous awnings must be provided to shelter pedestrians from weather conditions; 	Yes	Active frontages largely enjoy a flush external to internal transition unless impacted by flood levels as provided by Mott MacDonald. In these localised areas, the design team has proposed either internal stairs and ramps within the tenancy or a raised external 'verandah' style platform to address the required level difference.

Provision	Comply (Yes or No)	Comment
<p>d) awnings should be designed to allow for street tree planting;</p> <p>e) awnings are to be between 3.5m and 5m above ground level (see Figure K20-28;</p> <p>f) consistent paving, street furniture, signage, planting and lighting is desirable; and</p> <p>g) design guidance in Figure K20-11 is applied where possible with long expanses of floor to ceiling glass prohibited.</p>		
K20.16 Amenity		
<p>C1. Siting and built form configuration optimises solar access within the development and minimises overshadowing of adjoining properties.</p>	Yes	<p>The orientation of the towers along the north-south axis reduces overshadowing on neighbouring sites, ensuring minimal impact on sunlight access while contributing to dynamic, fast-moving shadows. The placement of windows is optimised to enhance solar access, natural ventilation, and provide passive surveillance over the public domain, fostering a sense of safety and connection between the residents and the community.</p>
<p>C2. Taller elements of built form are oriented north-south where possible. The height and modulation of east-west buildings allows solar access to courtyard spaces (where courtyards are appropriate).</p>	Yes	<p>The varied building heights and modulated facades allow for compliant solar access to communal open space areas.</p>
<p>C3. Louvres, shading devices and windows are able to be operated by buildings users where possible, to allow building occupants to regulate climatic conditions rather than rely solely on mechanical systems.</p>	Yes	<p>Shading devices, glazing treatments, and other passive design strategies may be integrated to further control solar exposure, contributing to the building's energy efficiency and creating more pleasant indoor spaces throughout the day and across different seasons.</p>
<p>C4. Development along Parramatta Road is to consider the provisions of the State Environmental Planning Policy (Infrastructure) 2007 and Development Near Rail Corridors and Busy Roads Interim Guidelines and the design approaches illustrated in Figure K20-33.</p>	Yes	<p>It is noted that SEPP (Infrastructure) 2007 has been superseded by SEPP (Transport & Infrastructure) 2021. SEPP (Transport & Infrastructure) 2021 has been considered in table 1 and in Section 4.2 of the EIS.</p>
<p>C5. For residential components of new development, noise sensitive areas (living rooms, bedrooms) are located away from Parramatta Road where possible.</p>	Yes	<p>All dwellings are appropriately setback from Parramatta Road or oriented towards the north, away from the high traffic road.</p>
<p>C6. Windows located towards Parramatta Road are double-glazed (or use laminated glazing) and have acoustic seals.</p>	Yes	<p>Acoustically rated external windows and doors are proposed. Refer to Noise and Vibration Impact</p>

Provision	Comply (Yes or No)	Comment
		Assessment (Appendix 17) for further details of the proposed glazing.
C7. Habitable rooms (excluding balconies) are to be designed to achieve internal noise levels of no greater than 50dBA.	Yes	Proposal is capable of achieving compliance
K20.17 Appearance		
C1. The composition of facades balances solid and void elements and does not display large areas of a single material, including reflective glass.	Yes	A variety of materials and finishes are proposed for the balconies. No reflective glass is proposed. Confirmed alignment with DCP control through the application of facade articulation strategies such as scalloped indents, facade depth for visual interest, variation of materials etc. Refer to Architectural drawings (Appendix 7) for further information.
C2. External walls are constructed of high quality and durable materials and finishes with low maintenance attributes ('self-cleaning') such as face brickwork, rendered brickwork, stone, concrete and glass.	Yes	<p>The proposal was designed using robust, low-maintenance materials is a key element of sustainable design and construction.</p> <p>By selecting materials that are durable and resilient, the overall carbon footprint of a project is reduced over its lifetime, supporting sustainability goals while ensuring long-term performance and cost savings. This approach aligns with principles of resource efficiency and environmental stewardship, contributing to more sustainable buildings and infrastructure.</p>
C3. Any blank sidewalls (including temporary walls that may be covered in the future) that are visible from the public domain are designed as an architecturally finished surface that complements the main facade.	Yes	Blank walls are minimised in the proposal. Where they are proposed, near loading docks for example, visible from the public domain use colour and materials that are integrated into the façade and are visually attractive. Refer to Architectural drawings (Appendix 7) for further information.
C4. Visually prominent elements such as balconies, overhangs, awnings, and roof tops are to be of high design quality.	Yes	Distinctive, expressed awnings have been incorporated into the design to clearly differentiate between building entry points and residential zones, enhancing the building's identity when viewed from the street. Seamlessly integrated into the overall

Provision	Comply (Yes or No)	Comment
		architectural expression, they contribute to the building's visual hierarchy, offering a sense of arrival and reinforcing the character of the development.
C5. Roof plant, lift overruns, utilities, vents and other service-related elements are to be integrated into the built form design and complementary to the architecture of the building.	Yes	All roof plant and service areas are setback from the parapet and integrated behind roof architectural features.
<p>C6. Materials and finishes are to be consistent with late 19th century and early 20th century industrial and warehouse buildings, which typically included:</p> <ul style="list-style-type: none"> - Internal walls of exposed face brickwork rendered or painted brickwork, or sandstone. - Floors typically of timber or concrete. - Windows were either timber or steel framed. - Street frontages and window surrounds were typically of exposed face brickwork, rendered or painted brickwork, or sandstone. - High ceilings, with exposed structural elements and utilities (pipes, ducts and vents), that reflect the original functions that required clearance or storage space. 	Yes	An industrial character is woven into the design through subtle architectural gestures that evoke the site's industrial heritage. This is evident in the feature saw-tooth structure of the marketplace, which references historical forms, as well as in the strong grid elements and the strategic use of inserts and indents.
C7. Signage is to comply with the requirements of State Environmental Planning Policy No 64-Advertising and Signage. Also refer to requirements in the City of Canada Bay DCP Part I Signage and Advertising.	Yes	All signage, branding and wayfinding will be developed during the detailed design development phase.
C8. Signage is to be integrated into the overall architectural design. Advertising signs should complement the design of buildings and the overall character of the precinct. Signage must relate to an approved use on the site.		
C9. The main facades of buildings from the first floor to the rooftop or parapet are to be uncluttered and generally free of signage.		
C10. Freestanding signs are not to be located on the top of buildings and should not impact on the skyline when viewed from the street. Signs painted on or applied to the roof of a building are not permitted.		
K20.18 Landscape Design		
C1. Existing street trees and landscape features are to be retained wherever possible. All 'significant trees' that are identified as either High Significance or Medium Significance in the PRCUTS Public Domain Plan are to be retained and assessed by a suitably qualified Arborist. Refer also to CCB DCP	On merit	Of the forty-two trees existing on the site, four (4) trees are exempt non-prescribed trees being permitted to be removed without Council consent.

Provision	Comply (Yes or No)	Comment
<p>Part B General Controls, B6.10 Urban Tree Canopy and Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.</p>		<p>The remaining thirty-eight (38) prescribed (protected) trees fall within building footprints or proposed road infrastructure where tree removal is required to accommodate the Kings Bay Village design proposal.</p> <p>Existing tree groups 43 and 44 identified in the Arboricultural Report (Appendix 34 – original submission and Appendix 39 of the RtS submission) are located against the Rosebank College boundary and are required to be removed for the demolition of the structural building and removal of the foundations and retaining walls. Deciorp is in discussions with Rosebank College to obtain owner's consent.</p> <p>The proposal will result in a site canopy coverage of 34%, in comparison to the existing 3%, and therefore creates a better overall design outcome.</p>
<p>C2. The layout and key design features of all parks and plazas are to be as per the PRCUTS Public Domain Plan.</p>	Yes	<p>Complies. The new proposed park is consistent with PRCUTS</p>
<p>C3. Landscape design complements the proposed built form and minimises the impacts of scale, mass and bulk of the development in its context.</p>	Yes	<p>The proposed landscape design complements the built form by integrating greenery that softens the building's scale, mass, and bulk. This approach will blend the development harmoniously into its surroundings, minimizing visual impact and enhancing the overall aesthetic of the site.</p>
<p>C4. Landscape design highlights architectural features, defines entry points, indicates direction, and frames and filters views from and into the site.</p>	Yes	<p>The landscape design emphasises assists to clearly define entry points, and guide pedestrian flow through indicating direction. Additionally, it is thoughtfully arranged to frame and filter views both from and into the site, enhancing visual interest and connectivity.</p>
<p>C5. For development along Parramatta Road, a minimum of 1 canopy tree per 10m of length of frontage is to be planted in the 'green edge' setback area, capable of reaching a mature height of at least 10m.</p>	No	<p>The proposal largely complies with the requirement for development along Parramatta Road, excluding the south-east corner of the site. However, the proposal substantially</p>

Provision	Comply (Yes or No)	Comment
		increases the overall site coverage (with a proposed site canopy coverage of 34% as opposed to the existing 3%). These trees will be capable of reaching a mature height of at least 10 meters, ensuring alignment with the specified development standards.
C6. For development along all other streets (excluding active frontages) a minimum of 1 canopy tree per 12m of frontage is to be planted. New trees are to be capable of a mature height of at least 6m.	Yes	As mentioned above, the proposed landscape design result in a substantial increase of the overall site overage from 3% to 34% with significant planting along the site boundaries and setbacks to improve pedestrian permeability into and through the site.
C7. Where surfaces on rooftops or podiums are used for community open space, the development must demonstrate at least 50% of the accessible roof area is shaded by a shade-structure or covered with vegetation, including tree canopy.	Yes	A minimum of 50% of the accessible roof area is shaded.
C8. Where surfaces on rooftops or podiums are not used for community open space, for example solar PV or heat rejection, the development must demonstrate at least 75% of the remaining roof area or podium is covered in vegetation, including tree canopy.	Yes	The proposal provides COS and vegetation on roof tops or the provision of PV solar panels.
C9. A minimum of 40% projected tree canopy coverage on publicly accessible streets and laneways, unless it can be clearly demonstrated that it is unreasonable to meet this requirement, and a suitable urban design outcome can be achieved which would be applicable in this specific instance only.		A minimum of 40% tree canopy coverage on publicly accessible streets is provided. Refer to the canopy Analysis diagram in the Landscape Report (Appendix 14).
C10. A minimum of 75% projected tree canopy coverage shall be achieved for all parks.	Yes	Total projected canopy coverage is 75% for the new 'Village Green' William Street Park. Refer to the Landscape Report (Appendix 14).
C11. Adequate soil volume is to be provided for the tree species. In areas where deep soil is restricted, opportunities for structural soil or under paving vault systems should be included to meet these requirements. Where the building setback is 1.5m or less, additional uncompacted soil volumes are to be provided under pavements to provide the soil volumes suitable for the tree species.	Yes	A soil specification has been prepared by SESL Australia (Appendix 37 – original submission) in coordination with soft landscape selections. Soil volume to public domain canopy plantings are consistent with Key Design Strategies, Parramatta Road Select Precincts, Public Domain Plan – Stage 1 (2022). Refer to the amended Landscape Plans (Appendix 15) Issue N - additional detail and annotation

Provision	Comply (Yes or No)	Comment
		provided. Soil depths are in accordance with ADG requirements
C12. Tree planting is to be prioritised in the planning and design of all public domain areas and, where possible, utilities to be bundled, undergrounded and located away from tree planting areas.	Yes	The proposed development prioritizes tree planting, allowing for 34% site canopy coverage as opposed to the existing 3%.
C13. Tree species are to be selected for their respective micro-climatic suitability and need to provide a high level of urban amenity, noting that the duration and density of overshadowing from buildings will impact the growth and species suitability.	Yes	Tree selections are indigenous / native canopy species largely consistent with the City of Canada Bays Kings Bay Precinct Street Design Guidelines 2023 and have been selected as suitable to aspect, location and be low water species. The design provides for a contiguous tree canopy through the site from Queens Road to Parramatta Road and importantly connects to the established tree plantings of Charles Heath Reserve and onward to the foreshore of Parramatta River.
<p>C14. A landscape architect to be engaged to ensure that:</p> <ul style="list-style-type: none"> - the architectural planning, building footprint and basement engineering result in adequate deep soil zones and podium planter boxes. - the deep soil zones are located in areas where canopy and landscape outcomes will best serve the future users and general architectural amenity. - species selection considers site suitability, shade requirements of any communal open space and solar access into internal building spaces. 	Yes	Land & Form Landscape Architects have been engaged and have prepared the Landscape Plans and Landscape Report (Appendix 14 and 15).
K20.19 Sustainability and Resilience		
C1. A residential flat building or a mixed use development (that contains dwellings) which complies with Table K20-1 is eligible for an amount of additional residential floor space (above that already permitted elsewhere under this Plan) equivalent to that which exceeds the floor space ratio as shown on the Floor Space Ratio Map or Incentive Floor Ratio Map (as applicable to that development) by up to 5%, subject to the consent authority being satisfied that this additional residential floor space does not adversely impact on neighbouring and adjoining land in terms of visual bulk and overshadowing.	Yes	The maximum permitted FSR including the BASIX 5% bonus under the LEP is 3.15:1. The BASIX Certificates and Reports (Appendix 39) and ESD report (Appendix 57 – original submission) demonstrate how the proposal exceeds the BASIX commitment in accordance with clause 8.9 of the CBLEP to apply the 5% FSR bonus.

Provision	Comply (Yes or No)	Comment
C2. Future development should demonstrate consistency with the smart parking strategies and design principles outlined in Section K20.20 Access and Parking.	Yes	Refer to Section K20.20 Access and Parking below for a response to the proposals compliance with these provisions.
<p>C3. Public domain and buildings shall be designed to reduce localised heat created by the urban heat island affect by:</p> <ul style="list-style-type: none"> a) maximising canopy cover along all streets, particularly along Parramatta Road, Queens Road, Spencer Street and Spencer Street extension; b) developments within the R3 zone are to provide at least 25% canopy cover across the site, identified on the landscape plan and measured by the extent of canopy at maturity; c) maximising the use of vegetation on buildings, including above ground parking facilities; d) encouraging vegetation, green roofs, green walls and materials with a high solar reflectance index on at least 50% of the surfaces of all buildings with western and northern building facades; and e) complying with landscape DCP guidelines within Section K20.18 Landscape Design. 	Yes	<p>The provision of public infrastructure that increases the public domain through new open spaces, and meaningful landscape interventions provides for green photosynthetic infrastructure such as street trees and parks. The extensive canopy cover will provide respite from the heat of the summer sun and will shade the streets to reduce the effects of the urban heat island effect.</p> <p>The types and diversity of species provided support flora and fauna. The proposal achieves the deep soil and open space recommendations of the ADG and in doing so will provide a variety of open space and landscaped areas to enhance the overall amenity for the residents and assist in mitigating the heat island effect. Materials within the public domain and roof tops have been chosen to mitigate Heat Island Effect, in line with best practice design principles.</p>
C4. Flow rates from the site should not be more than pre-development site discharge.	Yes	The implementation of the measures outlined in the Water Management Plan (Appendix 9) in the development of the proposal will result in no worsening stormwater and environmental conditions and will provide improvement to quality of the runoff discharged from the site.
<p>C5. Stormwater run-off quality should seek to reduce annual loads of:</p> <ul style="list-style-type: none"> a) total Nitrogen by 45%; b) total Phosphorus by 65%; and c) total suspended solids by 85%. 	Yes	As outlined in section 5.2.5 of the Water Management Plan (Stormwater Management Report) (Appendix 9) the proposal satisfies this provision.
C6. All new streets should implement water sensitive urban design treatments at the point source across all catchment areas.	Yes	WSUD treatments to all new streets and public domain areas is proposed.
C7. Development consent must not be granted unless the building, or part of a building, contains both potable water pipes and recycled water pipes	Yes	Refer to the Water Management Plan at Appendix 9 .

Provision	Comply (Yes or No)	Comment
for the purposes of all available internal and external water uses.		
K20.20 Access and Parking		
C1. Vehicular access points minimise visual intrusion and disruption of the streetscape, emphasise the pedestrian experience and maximise pedestrian safety.	Yes	Vehicular access points are well integrated into the building design and well separated from pedestrian entries and key activated edges.
C2. The width and height of vehicular entries is kept to a minimum. Roller doors or gates should be integrated with the architectural design of the development. Vehicular entry/ exit points are to be recessed by at least 0.5m behind the building line.	Yes	The car park has been designed in accordance with AS2890.1 with respect to ramp gradients, circulation aisle widths and car space dimensions. A review of the plans has found that the car park layout complies with the requirements of AS2890.1-2004 for all uses. Refer to Transport Impact Assessment (Appendix 16) for further analysis.
C3. The public footpath treatment is to be continued across driveways to create a threshold, signal pedestrian priority and slow vehicle speeds.	Yes	The driveways on Spencer Street will be designed in a manner to prioritise pedestrian safety by being fully integrated with the adjoining footpath, at one continuous level
C4. Vehicle access points are not permitted along active street frontages that are identified as Vibrant and are to be minimized on Friendly and Mixed Facades. Where rear or side access is not possible, development without parking will be considered.	Yes	No direct vehicle access is provided via Parramatta Road or Queens Road. The Queens Road / Spencer Street intersection to be limited to left in / left out vehicle movements only as per advice from TfNSW.
C5. At grade parking is not permissible within any of the setback zones and, only if unavoidable due to proximity to the Metro tunnel, is to be sleeved with active uses to shield the car parking from the street.	Not applicable.	Not applicable.
C6. Parking is to be designed to be 'adaptable' and able to be converted to other uses in the future. Underground car parking and basement spaces are to have a minimum floor to floor height of 3.7m to be able to be converted to commercial uses.	Yes	Refer to the Transport Impact Assessment (Appendix 16) for details
C7. Where unavoidable due to topography, basement parking can only protrude above natural ground level by a maximum of 0.4m in R4 zone and 1.0m in R3 zone. Car parking cannot protrude into the front setback area within an R3 zone.	Not applicable.	Basement parking does not protrude above natural ground.
C8. Where unavoidable due to topography, basement parking can only protrude above natural ground level by a maximum of 0.4m in R4 zone and 1.0m in R3 zone. Car parking cannot protrude into the front setback area within an R3 zone.	Not applicable.	Basement parking does not protrude above natural ground.

Provision	Comply (Yes or No)	Comment
C9. Development sites are encouraged to provide below-ground car parking that is interconnected to and shared with or is able to be interconnected in the future to, the below-ground car parking on adjoining sites and developments In order to facilitate rationalisation of vehicle entry points and to increase future planning flexibility.	Yes	The public car park includes a below ground connection linking the basements of the northern and southern areas of the site. This below ground connection provides a strong transport outcome in that it minimises the extent of vehicle circulation necessary at surface level on Spencer Street, providing flexibility for drivers to enter / exit either one of the two access ramps at ground level.
C10. Off street parking is to be provided in accordance with the maximum rates identified in (residential uses) and (non-residential uses).	Yes	Car parking for residents is to be provided in accordance with the parking rates for in-fill affordable housing noted in Part 2, Division 1 of the Housing SEPP 2021. Refer to Transport Impact Assessment (Appendix 16) for further analysis.
C11. On-street parking to be integrated to the streetscape and parallel to the kerb.	Yes	Additional street parking to be provided along the Spencer Street extension for use of the general public.
C12. Parking is to be listed on a separate title (unbundled) from the development.	Yes	Non-residential parking to be on a separate title
K20.21 Housing Diversity		
C1. For mix of residential flat buildings and residential components of mixed-use developments, refer to LEP clause - 6.11 Mix of dwelling sizes in residential flat buildings and mixed-use development	Yes	Refer to LEP compliance table provided above.
C2. Regarding the amount of adaptable (accessible) housing to be provided refer to requirements in City of Canada Bay DCP Part B1.1 Adaptable Housing.	Yes	The proposal provides 15% Affordable Housing dwellings.
C3. Contributions towards Affordable Housing is to be provided according to Council's Affordable Housing Contributions Scheme.	Yes	A 4% affordable housing contribution is required under Council's Affordable Housing Contributions Scheme. The proposal will comply with the 4% requirement.
C4. Affordable housing is to be consistent with the requirements of the City of Canada Bay Affordable Housing Program and Policy.	Yes	Complies