

Department of Planning, Housing and Infrastructure
Attention: Liam Frayne
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2124

5 June 2026

Emailed to: liam.frayne@dpie.nsw.gov.au

Proposal: Concurrent rezoning and State Significant development application for the construction of one build-to-rent apartment building and two build-to-sell apartment buildings over a podium, the development includes infill affordable housing.

Property: 1-7 Burton Street, 3B-11 Loftus Street and 10-12 Gipps Street, Concord

Ref No: SSD-84962709

Dear Mr Frayne,

Thank you for the opportunity to comment on the State Significant Development (SSD) proposal.

The City of Canada Bay has reviewed the EIS and supporting documentation and objects to the application in its current form due to several concerns, which are outlined below.

Strategic Merit

Issues:

In accordance with the LEP Making Guideline, planning proposals must demonstrate strategic merit through alignment with the NSW strategic planning framework, including relevant precinct or place-based plans.

The proposal fails to demonstrate sufficient strategic merit to justify the extent of variation from established controls. It is inconsistent with emerging State-led planning for the Burwood North precinct and does not demonstrate improved or equivalent outcomes that would warrant departure from the exhibited strategic and built form framework.

Examples of where the proposals failure to demonstrate strategic merit are outlined below.

- *Local Planning Directions 1.1 Implementation of Regional Plans* - While the proposal has addressed the *Greater Sydney Region Plan: A Metropolis of Three Cities* and the *Eastern City District Plan*, it has not addressed consistency with

the *draft Sydney Plan*, which was publicly exhibited from 10 December 2025 to 27 February 2026.

- *Local Planning Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy* - The proposal is inconsistent with this Direction, providing no clear justification or comment. The State-led Burwood North Metro rezoning justifies departures to the Strategy, however the EIS and SSDA are also significantly inconsistent with the exhibited Explanation of Intended Effects and supporting studies for Burwood North.
- *State-led Burwood North Metro rezoning* - Clause 4.15 Evaluation of the *Environmental Planning and Assessment Act 1979* requires that a development application must consider the provisions of any *proposed* instrument that is or has been the subject of public consultation under the Act.

The State-led Burwood North Metro Precinct rezoning proposal was publicly exhibited from 10 March to 10 April 2026.

The proposal is significantly inconsistent with the exhibited Burwood North Metro Precinct rezoning and supporting Urban Design Framework, that establishes the intended planning and urban design outcomes for this strategic location. The proposal departs from key elements of the exhibited framework, including land use, scale, public domain outcomes and infrastructure delivery, without sufficient justification.

- A proposed MU1 - Mixed Use Land Zone control along Burton Street and Loftus Street (with an R4 High Density Residential zone proposed by the development). Of note, an MU1 zone has been chosen for the Burwood North rezoning to create an activated high street and local place along Burton Street, to the north of the Metro station, and along the edge of Concord Oval. This site plays a significant role in the creation of this place.
- A 64m maximum Height of Buildings control (with a 101m building height proposed).
- A 3.5:1 maximum Floor Space Ratio control (with a 5.0:1 floor space ratio proposed).
- Inclusion of a mechanism to ensure the delivery of a new road through the site, such as the Key Sites provisions and Incentive Height of Building and Floor Space Standards.
- A requirement for 3m secondary setbacks (with nil upper-level setbacks proposed - presenting a continuous and visually imposing 101m-tall street wall that will not be broken up by a setback at Level 4).
- A requirement for 5-10% affordable housing in perpetuity (with 15% affordable housing for 15 years proposed under *SEPP (Housing) 2021*. The Burwood North Metro EIE states that “*The contribution rate has been considered in the*

development of the Urban Design framework to ensure maximum public benefits can be achieved without creating adverse urban design outcomes. Therefore, no additional affordable housing incentives are available in the Precinct.”

- The Burwood North Metro Urban Design Framework states “*Protected Open Space Requirements: Concord Oval shall not have any additional overshadowing of the playing surface from any adjacent development.*” Additional overshadowing of the playing surface from 1pm onwards at mid-winter is shown in the shadow diagrams. See further discussion below.

It is recommended that the SSDA and concurrent rezoning be required to:

- demonstrate consistency with the *draft Sydney Plan* (Local Planning Direction 1.1)
- demonstrate a better outcome than would be delivered under the *Parramatta Road Corridor Urban Transformation Strategy* (Local Planning Direction 1.5)
- be updated and amended to reflect the draft provisions in the *State-led Burwood North Metro rezoning*, including:
 - Application of a MU1 Mixed Use zone to the site;
 - Reduction to the maximum Height of Building, so that it is consistent with the Incentive Height of Building standard under the exhibited Burwood North rezoning proposal;
 - Reduction to the maximum Floor Space Ratio, so that it is consistent with the Incentive Floor Space Ratio under the exhibited Burwood North Rezoning proposal;
 - Inclusion of Key Sites provisions to provide certainty that the proposed road will be delivered;
 - Inclusion of an upper-level setback to Gipps Street, Lotus Street, Burwood Road and the new Moreton Street Road extension through the site;
 - Provision of affordable housing in perpetuity as opposed to temporary affordable housing under *SEPP (Housing) 2021*;
 - Revised overshadowing analysis to demonstrate that the proposal will not create any additional overshadowing of Concord Oval between 11am and 2pm mid-winter.

Site Specific Merit

Overshadowing of Concord Oval

Concord Oval is part of the Concord Community and Sports Precinct and was reopened in 2022 after extensive Council and State Government-funded renovations (as part of the *Parramatta Road Urban Amenity Improvement Program*). It is a state-of-the-art community facility and key asset providing recreational amenity for the LGA, future residents and further afield.

The West Tigers Rugby Club are based at the oval and have contracts with Council to use the field for training. The contract requires Council to maintain the playing field to a professional standard, with Council responsible for all maintenance and repairs needed to ensure the standard is maintained.

Council is acutely aware of the need to protect the oval from impacts of overshadowing and overuse, especially as Burwood North evolves into a high-density area containing tall buildings and significantly more people. A key concern for Council is the need to carefully manage overshadowing of the playing field of Concord Oval.

To assist in developing appropriate solar access requirements for the previous proponent-led planning proposal for the site, Council commissioned an independent agronomic assessment. The findings, summarised below, should be applied to the current proposal.

Burwood North Metro rezoning

The State-led Burwood North Metro rezoning has included provisions that will ensure no additional overshadowing of Concord Oval, a 'high-amenity area', by adjacent development. The rezoning Urban Design Framework states:

"Ensuring solar access to public open spaces is essential for maintaining a high level of amenity year-round for those visiting, working, and living in the Precinct" and

"Concord Oval shall not have any additional overshadowing of the playing surface from any adjacent development."

The SSDA & EIS do not meet these requirements.

Assessment of overshadowing

Council-led testing and independent urban design analysis (Studio GL) established that a building envelope in the order of 15–18 storeys (approximately 3.0–3.4:1 FSR) represents the upper limit of development that can be accommodated on the site without resulting in unacceptable overshadowing of Concord Oval.

The proponent's scheme, ranging from 23 to 29 storeys with a significantly higher FSR, substantially exceeds this envelope and results in additional mid-winter overshadowing of the playing surface (See figure 2). Independent agronomic review confirms that this increase in shadow would adversely affect turf health, resilience and the safe use of the facility, particularly during periods of peak winter use.

Council's position is informed by a consistent and evidence-based assessment process. As part of its precinct-wide planning work for Stage 2 of the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS), Council prepared a planning proposal identifying a compliant built form of approximately 12 storeys and 2.3:1 FSR, which demonstrated minimal overshadowing impacts (See figure 1).

In response to a subsequent site-specific proponent-led proposal seeking increased height and density, Council engaged Studio GL in February 2025 to test the environmental limits of the site. This analysis found that a building of approximately 15 storeys and 3.0:1 FSR could be achieved while maintaining acceptable solar access outcomes. This envelope was endorsed by Council as part of its broader PRCUTS Stage 2 planning proposal.

Following declaration of the site as State Significant Development (SSD) with a concurrent rezoning by the Housing Delivery Authority, enabling a substantially larger built form of up to 29 storeys and 6.4:1 FSR, Council undertook further testing to assess whether any additional uplift could be supported. This subsequent analysis confirmed that an upper limit of 18 storeys and 3.4:1 FSR represents the maximum development capacity of the site having regard to overshadowing constraints (See figure 3).

This position has been formalised through an endorsed planning proposal that is with the Department of Planning, Housing and Infrastructure awaiting a Gateway Determination, which seeks to introduce a local clause and Sun Access Protection Map into the Canada Bay Local Environmental Plan 2013 requiring no additional overshadowing of Concord Oval between 11am and 2pm on 21 June. The proposal reflects both urban design and agronomic evidence that maintaining existing solar access is essential to the ongoing function, safety and viability of this critical community and regional sporting facility.

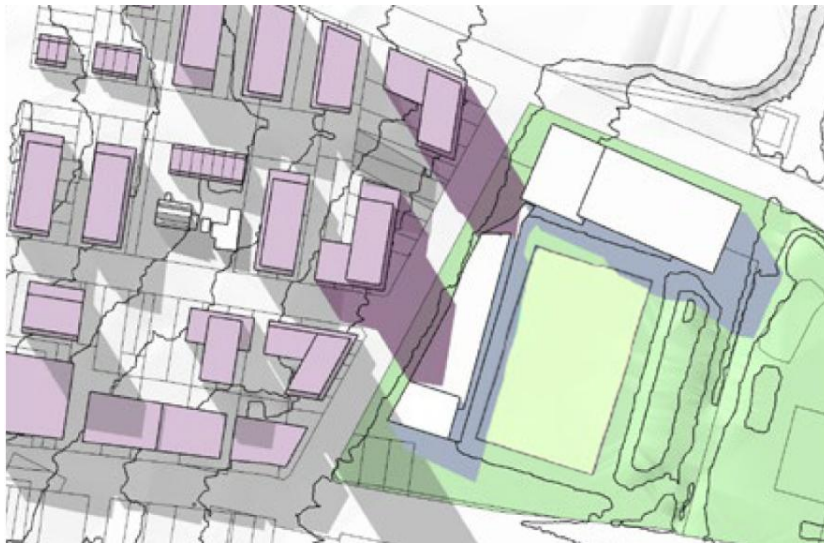


Figure 1: Overshadowing from the PRCUTS planning proposal built form (12-storeys & 2.3:1) at 2pm mid-winter.

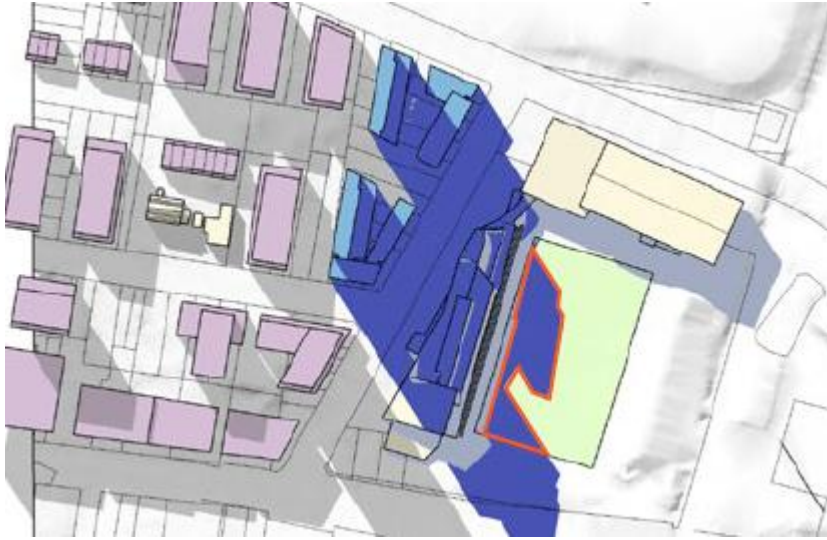


Figure 2: Overshadowing from the proponent's SSD proposed built form (29 storeys & 6.4:1) at 2pm mid-winter (red outline is additional)

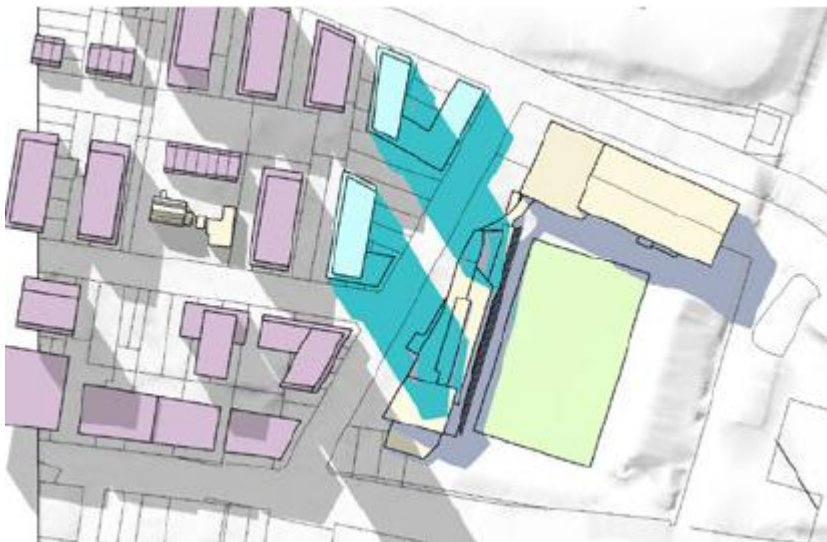


Figure 3: Overshadowing from Studio GL's alternative built form (18 storeys & 3.4) at 2pm mid-winter

Precedents

The protection of solar access to key public open spaces is well established in NSW planning practice. Examples include:

- City of Sydney – Sun Access Planes and “No Additional Overshadowing” controls for major public spaces.
- Willoughby – no additional overshadowing controls for Chatswood Oval.

- City of Parramatta – LEP provisions protecting key parks and foreshore areas.
- Canada Bay – existing LEP protections for parks in Rhodes.

These precedents demonstrate that stringent solar access controls are both justified and necessary to protect high-value public assets.

Agronomic assessments

1. *Greenspace 4D assessment of previous Planning Proposal - January 2025*

In March 2025, prior to announcement of the Burwood North State-led rezoning, Council engaged Greenspace 4D to undertake an agronomic assessment to determine whether the overshadowing created by the proposed built form of the proponent's planning proposal would adversely impact Concord Oval's turf surface and to quantify the impacts. It assessed three different built forms – Council's original PRCUTS planning proposal (up to 12 storeys & 2.4:1), the proponent's planning proposal (up to 23 storeys & 4.2:1), and the alternate built form developed and recommended by Studio GL that limited additional overshadowing to after 2pm mid-winter (up to 15 storeys & 3.0:1).

The report recommended the PRCUTS built form scenario as the optimal choice as this would have minimal impact on turf quality, playability, and safety. It would ensure that the field remained resilient, safe, and cost-effective to maintain while supporting high-traffic use for rugby union and rugby league throughout the non-growing season.

2. *Turfgrass Scientific Services assessment of proposed SSD and concurrent rezoning – April 2025 (now SSD-84962709)*

In October 2025, the proponent engaged Turfgrass Scientific Services to undertake an agronomic assessment of the proponent's HDA SSDA scheme to support the SSDA proposal. The report states that *"the evidence indicates that the reduction in solar energy resulting from the LFD development is minimal and is not expected to have any meaningful impact on field performance, other than a minor localised effect in the north-east corner... Resolution of the minor and localised overshadowing is best addressed via management techniques rather than the blunt approach of denying development [and that] Should the recommended measures be implemented, the effect of the minor overshadowing in a localised area can easily be alleviated."*

The proponent's agronomic assessment relies on ongoing interventionist turf management measures to offset reduced solar access. This approach is not supported. It would transfer long-term maintenance costs and operational risks to Council, reduce the resilience of the playing surface, and is inconsistent with Council's strategic objective to maintain the Oval as a high-quality, low-intervention public asset.

Direct and uninterrupted solar access is required to ensure the long-term viability of the facility.

3. *Council response to the proponent's Turfgrass Scientific Services agronomic assessment for the SSDA and concurrent rezoning*

In February 2026, Council engaged Greenspace 4D to peer review the TurfGrass report. The Greenspace 4D report reiterates that, of the three built form schemes tested (Council's original PRCUTS planning proposal of up to 12 storeys, the proponent's planning proposal of up to 23 storeys, and the alternate built form by Studio GL of up to 15 storeys), the proponent-led proposal would result in the highest level of additional overshadowing particularly in winter.

However, the report gave conditional acceptance to the reconfigured Studio GL alternate built form (18 storeys & 3.4:1) as a compromise *"that achieves planning yield goals while materially reducing shading impacts compared to Scenario B [the proponent's SSDA proposal]. While some degradation is possible, it is less extensive, and more localised."*

The report states that the findings of the Turfgrass report are *"insufficiently supported by current scientific evidence. The [Turfgrass] report lacks quantitative analysis of light thresholds and underrepresents well-documented physiological impacts of shade on cool-season (Lolium perenne) and warm-season (Cynodon dactylon spp.) grasses, particularly in relation to wear tolerance and recovery during the oversown period of February–September."* The report concludes that:

- The proponent's SSD proposal (up to 23 storeys) is likely to result in measurable and adverse impacts on turf health, resilience, and safe use, particularly under winter traffic loads.
- The Studio GL alternative proposal (up to 18 storeys) offers reduced adverse impacts but still non-negligible risk.
- Council's (superseded) PRCUTS Stage 2 scheme (up to 12 storeys) presents no agronomic concern and should be upheld as the preferred development envelope.

It is recommended that:

- the proposal be updated and amended to demonstrate that there will be no additional overshadowing of Concord Oval between, at least, 11am and 2pm in mid-winter.

Traffic, Transport and Strategic Road Network

Issues:

- Council has reviewed the submitted Traffic Impact Assessment and associated basement access arrangements and raises significant concerns regarding the adequacy of the proposed traffic, parking, servicing and pedestrian access outcomes having regard to the scale and intensity of the development, the constrained surrounding road network and cumulative growth anticipated within the Burwood North Metro Precinct.
- The submitted assessment relies upon several assumptions and modelling inputs that have not been sufficiently justified and does not adequately

demonstrate that the surrounding transport network can accommodate the cumulative impacts associated with the proposal together with broader strategic precinct growth.

- The Traffic Report assumes that no background traffic growth should be applied to the future assessment scenario based solely on a comparison between 2021 and 2025 traffic survey data. Council does not support this approach. A comparison of limited historical survey counts is insufficient justification to exclude future traffic growth from the assessment, particularly given the significant strategic redevelopment anticipated within the Burwood North Metro Precinct.
- The assessment does not adequately account for cumulative growth associated with the Burwood North Metro Precinct Rezoning Proposal, which is anticipated to facilitate approximately 18,300 additional dwellings (approximately 23,500 dwellings in total), together with more than 130,000m² of non-residential floor space. These cumulative future growth pressures have the potential to significantly alter future network operation, travel demand and intersection performance.
- The proposed Burwood North Metro Precinct Explanation of Intended Effect, specifically Appendix D – Proposed Key Sites Map (Canada Bay), identifies the future extension of Moreton Street eastwards through the subject site connecting Burwood Road to Loftus Street. A through-site roadway is proposed to be delivered as part of the broader precinct road network framework.
- Council considers that the future Moreton Street extension is consistent with Council's strategic transport planning objectives and will function as a significant east-west local road connection between Burwood Road and Loftus Street, broadly parallel to Burton Street and Gipps Street. The future road connection will improve network permeability, traffic distribution and local accessibility while also providing opportunities for landscaping, tree planting and enhanced public domain outcomes.
- The submitted documentation does not adequately demonstrate how the proposal safeguards and integrates with the future Moreton Street extension and broader strategic road network framework identified within the Burwood North Metro Precinct planning framework.
- Council raises concerns regarding the submitted intersection modelling and the extent to which broader network interaction and queue spillback effects have been considered. The modelling identifies queue lengths exceeding approximately 104.5 metres at the Parramatta Road / Burwood Road intersection. Given the proximity of the Burwood Road / Burton Street intersection, located approximately 102 metres away, there is significant potential for queue interaction, queue spillback and downstream operational impacts between the two intersections.

- The submitted assessment models these intersections in isolation and does not adequately assess coordinated network operation, intersection blocking or broader network resilience outcomes.
- Council raises significant concerns regarding the proposed vehicular access arrangement and its proximity to the Gipps Street / Loftus Street intersection. The proposed access driveway is located approximately 25 metres from the intersection and has the potential to adversely impact intersection operation, driver decision-making, vehicle queuing behaviour and road safety performance.
- The Burwood North Metro Precinct Rezoning Transport Management and Accessibility Plan identifies the Gipps Street / Loftus Street intersection as operating at Level of Service F during both the AM and PM peak periods under the 2021 assessment scenario. Council considers that the proposal has not adequately demonstrated that the surrounding road network can safely and efficiently accommodate the additional traffic generation associated with both the residential and commercial components of the development.

It is recommended that:

- Future traffic demand be determined using an appropriate strategic forecasting methodology, including reference to the Sydney Traffic Forecasting Model (STFM) and consultation with relevant authorities to establish suitable future annual growth assumptions for the surrounding road network.
- The Traffic Impact Assessment be updated to incorporate cumulative growth associated with the Burwood North Metro Precinct Rezoning Proposal, including future residential and non-residential development anticipated across the precinct.
- The applicant demonstrates how the proposal appropriately safeguards and integrates with the future Moreton Street extension and associated strategic road corridor, including consideration of future traffic operation, pedestrian and cyclist connectivity, public domain integration and long-term network functionality.
- The Parramatta Road / Burwood Road and Burwood Road / Burton Street intersections be modelled and assessed as a coordinated network to appropriately assess queue interaction, queue spillback and cumulative operational impacts.
- A detailed quantitative traffic impact assessment be undertaken for the Gipps Street / Loftus Street intersection and proposed access arrangement, including

- The Transport Impact Assessment be updated to respond to City of Canada Bay. The revised report is to address moderate and major issues, including:
 - SIDRA modelling including Gipps Street / Loftus Street intersection incorporating the proposed driveway arrangement;
 - assessment of cumulative traffic impacts on the surrounding road network;
 - assessment of queue lengths, intersection operation and road safety impacts;
 - consideration of vehicle blocking and driveway interaction effects; and
 - identification of mitigation measures, intersection upgrades or developer contributions required to maintain acceptable operational outcomes.

Pedestrian Connectivity and Metro Accessibility

Issues:

- Council notes that the future Burwood North Metro Station will function as a significant public transport interchange and major pedestrian attractor within the precinct.
- The submitted proposal does not adequately demonstrate that sufficient pedestrian infrastructure improvements have been incorporated to support safe and legible pedestrian connectivity between the development, the future Metro Station and surrounding public domain destinations.
- Council notes the anticipated future pedestrian demand between the development and Concord Oval together with the absence of formal pedestrian crossing facilities along Loftus Street.

It is recommended that:

- A pedestrian crossing be introduced on Burton Street as part of the key pedestrian movement corridor connecting the development to the future Metro Station, in consultation with Council and Sydney Metro.
- A mid-block pedestrian crossing be introduced on Loftus Street to improve pedestrian safety, permeability and connectivity outcomes within the precinct.

Parking and Sustainable Transport

Issues:

- The proposed residential parking provision is inconsistent with Council's DCP requirements under Part B3.5 – Residential Medium/High Density Car Parking Rates (Category B).
- The applicable parking rates are:
 - 1-bedroom dwelling: 0.5 spaces per dwelling;
 - 2-bedroom dwelling: 0.9 spaces per dwelling;
 - 3-bedroom dwelling and above: 1.2 spaces per dwelling; and
 - Visitor parking: 0.1 spaces per dwelling.
- The proposal has not adequately demonstrated compliance with Council's requirements relating to bicycle parking, end-of-trip facilities, EV charging infrastructure and motorcycle parking provision.
- Bicycle parking rates are required to comply with Council's DCP Part B3.11 – Bicycle Parking and Storage Facilities (Table B-G).
- Safe and compliant bicycle access paths must comply with AS2890.3 envelope requirements.
- Detailed EV charging infrastructure layouts and provisions are required in accordance with Council DCP Part B3.13 O1–O2.
- Motorcycle parking is required in accordance with Council DCP Part B3.1 C35.

It is recommended that:

- The applicant revises the parking calculations and updates the proposal to demonstrate consistency with Council's DCP requirements.
- The applicant provides compliant bicycle parking, end-of-trip facilities and bicycle access arrangements in accordance with Council's DCP and AS2890.3 requirements.
- Detailed EV charging infrastructure layouts and charging provisions be incorporated into the proposal documentation.
- Motorcycle parking be provided in accordance with Council's DCP requirements.

Basement Layout, Internal Circulation and Servicing

Issues:

- Council does not support the proposed location of the accessible parking spaces within the remote corner areas of Basement Levels 1–4. The proposed arrangement is inconsistent with the objectives of Council's DCP, which requires parking facilities to be accessible, convenient and integrated with principal pedestrian access points.
- The proposed tandem parking arrangements are only supported where both spaces are allocated to the same residential unit and appropriately managed through strata and allocation arrangements.
- Council raises concerns regarding the proposed basement circulation arrangements, particularly having regard to the constrained one-way ramp operation associated with the Build-to-Rent (BTR) component and the interaction between service vehicle manoeuvring and general vehicle circulation associated with the Build-to-Sell (BTS) component.
- The current basement arrangement has the potential to create operational conflicts, driver confusion and reduced safety outcomes within the basement environment.
- The proposal has not adequately demonstrated, through swept path analysis, that B85 and B99 design vehicles can safely and efficiently access, manoeuvre within and exit the development in accordance with AS/NZS 2890.1:2004.
- Council also considers that additional basement exit safety measures are required to minimise potential vehicle conflict and improve driver awareness at basement exit points.

It is recommended that:

- Accessible parking spaces be relocated to positions near the primary lift core and principal pedestrian access routes servicing the development and public domain.
- Tandem parking spaces only be permitted where both spaces are allocated to the same residential unit.

- Traffic signal control systems, convex mirrors and associated traffic management measures be incorporated into the basement access arrangements to safely manage vehicle movements.
- A future loading dock management plan be prepared to minimise conflicts between service vehicles and general parking movements.
- Swept path analysis be provided demonstrating that B85 and B99 design vehicles can safely and efficiently access, manoeuvre within and exit the development in accordance with AS/NZS 2890.1:2004.
- Stop signs, associated line marking and speed humps be provided at basement exit locations in accordance with the relevant Australian Standards, including locating speed humps a minimum of 1.5 metres from the boundary alignment.

Waste Generation Rates

Issues: The applicant has adopted waste generation rates in accordance with the NSW EPA Better Practice Guide for Waste Management in Multi-Unit Dwellings, which is currently accepted; however, Council's DCP specifies a flat rate of 120L per dwelling for both waste and recycling streams.

- The waste generation calculations are generally correct; however, the conversion of total waste volumes into bin numbers is incorrect for some buildings.
- Building B requires 20 x 1,100L bins for each of the waste and recycling streams.
- Building C requires 5 x 1,100L bins for each of the waste and recycling streams.
- The applicant has not applied Council's rounding requirement, whereby bin numbers must be rounded up to the nearest whole number.

It is recommended that:

- The applicant revises the bin quantity calculations to reflect Council's rounding requirements.
- Updated waste and recycling bin schedules be provided for Buildings B and C to reflect correct bin numbers.

Fogo (Food Organics & Garden Organics)

Issues:

- While FOGO generation rates have been calculated correctly, the nominated bin size is incorrect.
- 1,100L bins are not available for FOGO collection services.
- Council services FOGO using 240L bins only.
- The required FOGO bin numbers are as follows:
 - Building A: 35 x 240L bins
 - Building B: 29 x 240L bins
 - Building C: 7 x 240L bins
- Insufficient information has been provided regarding the storage location and servicing arrangements for FOGO bins.

It is recommended that:

- The applicant amends the OWMP to reflect the correct FOGO bin sizes (240L only)
- Detailed plans and management arrangements be provided identifying FOGO bin storage locations and collection methodology.

Bin Rooms

Issues:

- The applicant has advised the following bin room capacities:
 - Building A: 60 x 1,100L bins
 - Building B: 50 x 1,100L bins
 - Building C: 10 x 1,100L bins
- The current bin room capacities appear sufficient for waste and recycling streams only.
- There is no demonstrated capacity to accommodate the required FOGO bins.

It is recommended that:

- The applicant demonstrates how FOGO bins will be accommodated within existing or revised bin room layouts.
- Updated bin room plans be provided confirming adequate capacity for all waste streams.

Council Service and accommodation for HRV

Issues:

- The OWMP indicates that the development will be serviced by Council once per week using a Heavy Rigid Vehicle (HRV).
- Waste collection is proposed to occur onsite; however, the suitability of vehicle access and manoeuvrability has not been confirmed.

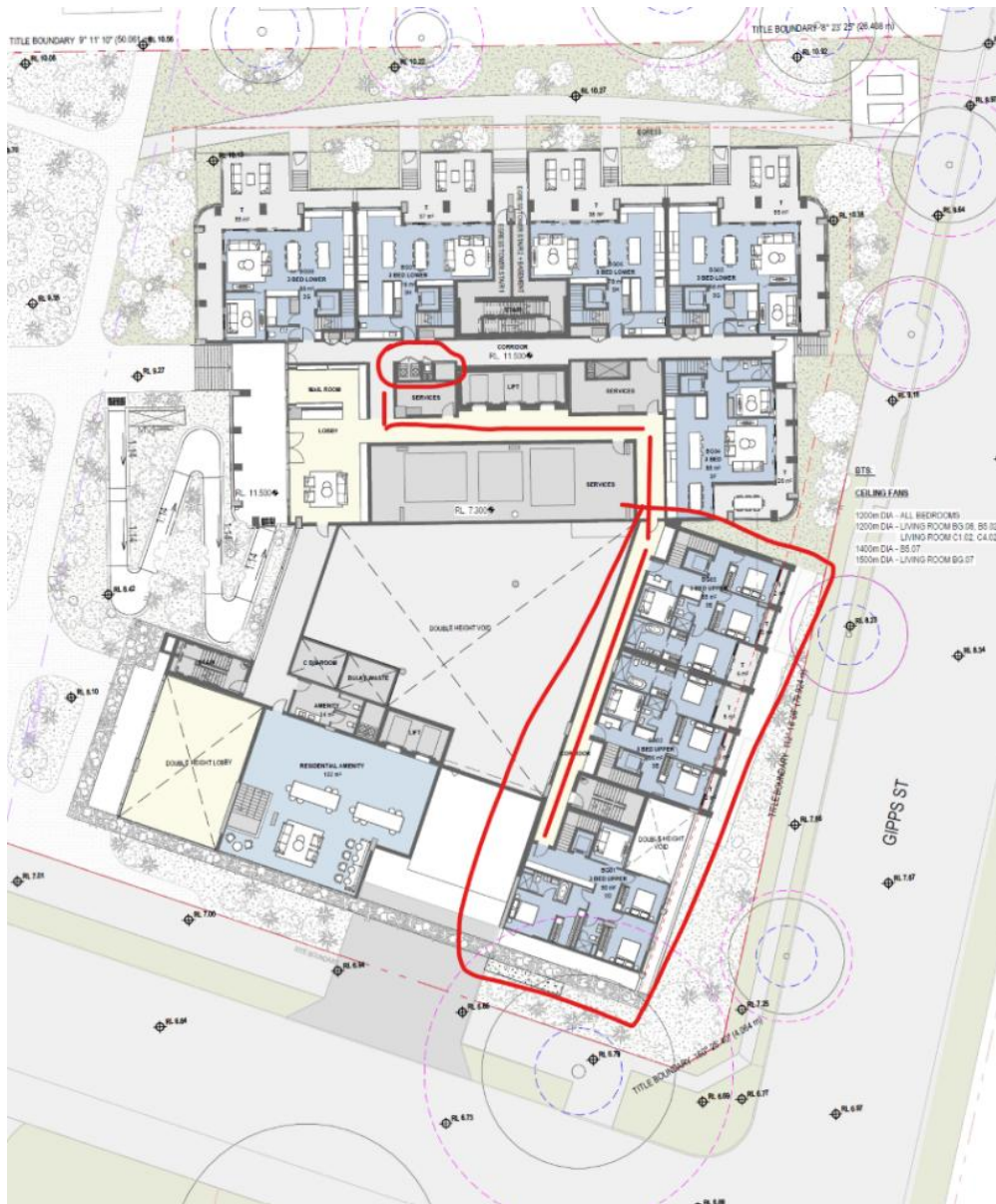
It is recommended that:

- The Traffic Engineer review the swept path analysis for the HRV to confirm safe and adequate onsite collection.
- Confirmation be provided that the proposed servicing arrangement is acceptable.

Travel distance / path for resident to chute room

Issues:

- Two (2) three-bedroom units located in Building C (upper-level group) appear to rely on waste chute facilities located within Building B.
- The travel distance for these residents has not been clearly demonstrated.
- Council requires a maximum travel distance of 30 metres from each dwelling to a waste facility.



It is recommended that:

- The applicant provides confirmation of travel distances from affected units to waste disposal facilities.
- The design be amended where necessary to ensure compliance with the 30-metre maximum travel distance requirement.

Trees for Removal

Issues:

- Trees on site
 - Many trees on site have been proposed for removal. While these trees offer significant value, their removal can be supported with appropriate replacement planting.
 - Transplanting of T43 has been proposed and can be supported.
- Street trees
 - Most street trees have been proposed for retention. T48 and T38 have been proposed for removal due to conflict with the proposed footpath, while T61 and T60 have been proposed for removal due to conflict with the proposed driveway. These removals can be supported as the trees have relatively low retention value.
 - Proposed management of T24 is unclear. It is located within the proposed footpath, there is a significant proposed TPZ encroachment, and it is listed in the tree schedule as requiring removal. However, under part 5.3.1 of the AIA, there is discussion regarding retention of T24. T24 is highly desirable for retention, and the footpath should be adjusted to facilitate retention. This will need to be clarified in the AIA.

It is recommended that:

- Updated AIA clarifying whether T24 is proposed to be retained or removed.
 - If T24 is proposed for removal due to conflict with the footpath, consideration should be given to altering plans to facilitate retention

Tree retention and protection

Issues:

- No Tree Protection Plan (TPP) has been provided. This will be needed to assess the feasibility of retaining trees.
- Multiple street trees have TPZ encroachments from mixed sources, but no breakdown of this has been provided.
- Where TPZ encroachments result from relatively minor construction and excavation (such as installation of footpaths and underground services), conditions ensuring that work will be conducted in a tree-sensitive manner will be needed.

- And additional street tree is located to the west of T61. This will need to be considered in the TPP.
- A moderate (11%) encroachment has been proposed for T9 Araucaria heterophylla (Norfolk Island Pine) located on neighbouring property. It is stated that this encroachment is from mixed sources, but no breakdown has been provided.

It is recommended that:

- A TPP for all trees to be retained.
 - TPP must include additional street tree to the west of T61.
- Updated AIA detailing sources of TPZ encroachments.
 - This should include discussion of which encroachments can be mitigated.
- Updated plans showing tree sensitive construction where TPZ encroachments are from mitigable elements (such as footpaths being constructed above grade or underground services being installed with non-destructive digging).
 - These measures should be considered in the AIA and TPP

Tree planting

Issues:

- Many canopy trees have been proposed, with projected canopy cover of 36%. Some of this appears to have been calculated from rooftop plantings. While such plantings are encouraged, the canopy cover from plants in ground must be compliant. This information should be specified in the Landscape Plan.
- The proposed species can generally be supported, though changes should be made for the proposed street trees along Loftus Street. Council has been having issues recently with young watergums being damaged by Jewel Beetles, so this species is best avoided. The row of trees should also consist of at least 2 species to ensure long term resilience.
- The proposed plantings include a lot of large trees over basement excavation, it must be demonstrated that sufficient soil volume will be in place for trees to reach specified mature dimensions.
- Where tree pits are located adjacent to sealed surfaces, Strata Vaults should be specified. Soil vaults should be connected wherever feasible.

It is recommended that:

- Amended Landscape Plans showing:
 - Distinct assessments of portion of canopy cover provided by trees in ground and trees planted on structures.
 - Street trees on Loftus Street to consist of at least 2 species, neither of which should be *Tristaniopsis laurina* (Watergums).
 - Clear demonstration of soil volumes compliant with B6.2.C7 of the DCP to allow proposed trees to reach specified mature sizes.
 - Trees planted under sealed surfaces to be planted in Strata Vaults with connected soil wherever feasible.

Public Spaces

Issues:

- The design of the building integration and associated landscapes must be improved to satisfactory address the extension of Moreton St. The design of Building B and C forecourt includes extensive ramping which is not supported. Greater refinement of the design is required to improve experience and user comfort, to overcome limited solar access and wind effects.
- The design of these forecourt areas is to ensure that the area appears welcoming to the public rather than as a forecourt to the apartment building itself.
- The ground floor uses fronting the public forecourts are to provide activation of the forecourts, to bring life and vibrancy to the spaces.
- The location of the proposed substations for both Buildings should be relocated off higher order roads to improve street presentation and broader amenity of the area.

It is recommended that:

- The design of the building facades and associated landscaping be improved to consider how they will address the extension of Moreton St and prioritise user comfort.
- Any boundary demarcation(s) including building signage and alike is located at the boundary of the building line itself, rather than along the property boundary and the road reserve. The design of the forecourts is to read as an extension of the road reserve, rather than the forecourt of the buildings.

- The final design of the proposed Moreton St Park should be developed in consultation with Council and to Council's satisfaction.
- During detailed design, the following requirements are embedded into the project to contribute to its success;
 - CPTED assessment and design reviews
 - Access consultant engagement and recommendations implemented
 - Wind and solar analysis to guide embellishment and the creation of areas suitable for users throughout the year.
 - Operational Plan of Management developed to Council's satisfaction
 - Wayfinding consultant and implementation of recommendations

Deep Soil Zones

Proposing to utilise deep soil within proposed subdivision Lot 3, which is for the extension of Moreton St area, as contributing to achieve the overall deep soil requirement is not supported as this land will become a roadway, eliminating the proposed deep soil through the middle of proposed Lot 3.

It is recommended that:

- Design adjustments are undertaken to achieve the deep soil requirements within the proposed subdivision lots 1 and 2.

Property

Issues:

- Council notes the requirement for the extension of Moreton Street, Concord identified in the State-led Burwood North Metro Precinct rezoning, the application identifies no arrangement to secure the road (or portions of it) to be provided by the developer.

It is recommended that:

- Council is willing to consider entering into a Voluntary Planning Agreement to ensure satisfactory arrangements are in place to secure this infrastructure.

Construction Traffic and Pedestrian Management Plan (CTMP)

Issues:

- Council notes that, notwithstanding the proposal being assessed as State Significant Development (SSD), the construction impacts associated with the development will occur primarily within the local road network, pedestrian environment and public domain under Council's care and control, including the surrounding residential streets and areas in proximity to Concord Oval. Given the scale and intensity of the proposed development, Council considers that detailed construction traffic management measures are required to minimise impacts on traffic operation, pedestrian safety, local amenity and access within the surrounding area.

It is recommended that:

- A suitable condition be placed on any consent requiring: a detailed Construction Traffic and Pedestrian Management Plan (CTMP) be prepared by a suitably qualified traffic consultant and submitted to Council for review and approval, in consultation with relevant agencies where required, prior to the commencement of any demolition, excavation or construction works.

Flooding

Issues:

- The Flood Impact and Risk Assessment (FIRA) prepared by Martens & Associates Pty Ltd (MA), Report No. P2511029JR01V01 dated 15 January 2026 (the Report), has been reviewed. Council notes that the flood assessment has not addressed the requirements outlined in the Draft Climate Change Scenario Guidelines prepared by the Department of Planning, Housing and Infrastructure (DPHI), dated February 2026, specifically the requirement to assess the SSP3-7.0 emissions scenario at both the 50-year and 100-year planning horizons. Under the SSP3-7.0 scenario, the Draft Guidelines indicate that rainfall intensity is projected to increase by up to 59% for a 1-hour storm duration and 29% for a 24-hour storm duration by 2090 (Appendix 2, page 12). The FIRA identifies the critical storm duration for the subject catchment as 45 minutes. The Report adopts the 0.2% AEP flood event as a surrogate climate change scenario. However, no technical assessment or comparative analysis has been provided to demonstrate the extent to which the adopted 0.2% AEP event represents the projected rainfall intensity increases associated with the SSP3-7.0 scenario at either the 50-year or 100-year planning horizons. Accordingly, it is not possible to determine whether the adopted 0.2% AEP surrogate provides a sufficiently conservative representation of future flood risk for the proposed development. The applicant shall provide a revised flood assessment that addresses the SSP3-7.0 climate change scenario for both the 50-year and 100-year planning horizons in accordance with the Draft Climate Change Scenario Guidelines. Alternatively, the applicant may provide a robust technical

justification, supported by detailed hydraulic and hydrologic analysis, demonstrating that the adopted 0.2% AEP flood event provides an equivalent or more conservative representation of the projected climate change impacts applicable to the development.

- The Flood Impact and Risk Assessment (FIRA) indicates that the proposed BTR and BTS buildings will obstruct localised overland flow paths from the upstream catchment during the 1% AEP storm event, resulting in ponding depths of up to 300 mm adjacent to the proposed buildings. The submitted Stormwater Management Plan (Drawing No. P2511029) does not clearly demonstrate how these impacts will be managed, nor whether the intercepted overland flow will be directed into the proposed On-Site Stormwater Detention (OSD) system. Accordingly, the applicant must demonstrate how the diverted overland flow will be safely conveyed and managed without creating adverse flooding impacts to the development, adjoining properties, or the public domain. Where the proposed OSD system is intended to accommodate any intercepted upstream overland flow, the OSD system must be redesigned and reassessed to cater for these additional inflows in accordance with Control OSD66 of Council's DCP, Appendix 2 – Engineering Specification. Detailed hydraulic calculations and supporting plans shall be provided to demonstrate compliance.

It is recommended that:

- The applicant shall address the DPHI Draft Climate Change Scenario Guidelines (February 2026) in the EIS, acknowledging the minimum SSP3-7.0 scenario requirement for Major Development (SSD) at 50-year and 100-year timeframes as specified in Draft Guidelines Table 2.
- The electronic flood modelling (DRAINS and TUFLOW with All Scenarios and the flood results shown in the flood maps shall be provided to Council for record reference in accordance with Council's DCP, Appendix 2 – Engineering Specification.
- The applicant's flood engineer shall consult and coordinate with the applicant's stormwater engineer to develop an integrated design solution for the management of localised overland flow from the upstream catchment during the 1% AEP storm event. The revised design shall demonstrate how the intercepted flows will be safely conveyed and managed without adversely impacting the proposed development, adjoining properties, or the surrounding public domain.

Stormwater Management

Issues:

- The submitted Stormwater Management Plan (Drawing No. P2511029) prepared by Martens & Associates Pty Ltd (MA) has been reviewed. Council notes that the proposed stormwater management system, including the On-Site Stormwater Detention (OSD) system (specifically the BTR OSD tank), has not adequately considered the tailwater impacts associated with the proposed stormwater discharge point or the 1% AEP flood levels identified in the Flood Impact and Risk Assessment (FIRA) prepared by Martens & Associates Pty Ltd (MA), Report No. P2511029JR01V01. The current OSD assessment does not demonstrate compliance with Controls OSD18 and OSD19 of Council's DCP, Appendix 2 – Engineering Specification, which require the effects of downstream tailwater conditions on the operation and available storage capacity of the OSD system to be appropriately considered. Accordingly, the applicant shall revise the stormwater management design and provide supporting hydraulic calculations demonstrating the impact of the applicable tailwater levels on the OSD system. Where tailwater conditions reduce the effective storage volume or discharge performance of the OSD system, the required OSD storage volume shall be increased accordingly to compensate for the loss of available detention storage and ensure compliance with Council's stormwater management requirements.
- Any proposed stormwater drainage system within the future Lot 3 area shall be designed in accordance with, and demonstrate compliance with, Council's DCP, Appendix 2 – Engineering Specification. In addition, should Future Lot 3 ultimately be dedicated to Council as public road reserve, the location, specification, ownership, and maintenance arrangements for any proposed Ecoceptor, Gross Pollutant Trap (GPT), or other stormwater quality treatment device shall be subject to separate review and approval by Council. The applicant shall demonstrate that any such assets are suitable for future public ownership and maintenance.
- The submitted stormwater management documentation does not provide sufficient hydraulic analysis to support the proposed extension of the stormwater drainage system within the road reserve. No detailed hydraulic grade line (HGL) analysis or equivalent hydraulic assessment has been provided to demonstrate that the proposal will not result in adverse impacts, including backwater effects, tailwater impacts, surcharge, or increased flood risk to the subject site, upstream properties, downstream properties, or the public domain. Furthermore, the documentation does not demonstrate that the proposed drainage infrastructure has sufficient capacity to accommodate the additional runoff generated by the development, together with any relevant upstream catchment flows. The applicant shall provide detailed hydraulic calculations, including HGL analysis for the relevant design storm events, demonstrating that the proposed drainage extension has adequate capacity and will operate without causing adverse hydraulic impacts to the existing drainage network or surrounding properties.

- The submitted Stormwater Management Plan (Drawing No. P2511029) does not clearly demonstrate how the impacts associated with localised overland flow from the upstream catchment, as identified in the Flood Impact and Risk Assessment (FIRA) prepared by Martens & Associates Pty Ltd (MA), Report No. P2511029JR01V01, will be managed. Where any intercepted overland flow is proposed to be conveyed into the On-Site Stormwater Detention (OSD) system, the applicant shall demonstrate that the OSD system has been appropriately designed and sized to accommodate these additional inflows during the 1% AEP storm event, in accordance with Control OSD66 of Council's DCP, Appendix 2 – Engineering Specification. The applicant shall provide detailed hydraulic calculations, supporting design documentation, and revised stormwater management plans demonstrating how the additional upstream catchment flows will be managed and confirming that the OSD system has sufficient capacity to accommodate these inflows without compromising its performance or creating adverse flooding impacts.

It is recommended that:

- The applicant revises the OSD hydraulic assessment for the BTR OSD system to account for the tailwater conditions at the proposed discharge point, including the 1% AEP flood levels identified in the FIRA (Report P2511029JR01V01). The revised assessment shall demonstrate compliance with Controls OSD18 and OSD19 of Council's DCP Appendix 2 – Engineering Specifications. Where the applicable tailwater reduces the effective storage volume or discharge performance of the OSD system, the required detention storage volume shall be increased accordingly to maintain full compliance with Council's OSD requirements.
- Any proposed stormwater drainage infrastructure, including any Gross Pollutant Trap (GPT), Ecoceptor or equivalent, or other stormwater quality improvement device, located within Future Lot 3 shall be designed in accordance with Council's DCP Appendix 2 – Engineering Specifications. Should Future Lot 3 be dedicated to Council as public road reserve, the location, specification, ownership, and ongoing maintenance arrangements for any such assets shall be subject to separate review and approval by Council prior to dedication. The applicant shall demonstrate that any stormwater assets proposed within Future Lot 3 are suitable for future public ownership and maintenance or alternatively relocate those assets to privately owned lots where maintenance obligations can be secured by way of a Positive Covenant registered on title.
- The applicant to provide detailed hydraulic calculations, including a hydraulic grade line (HGL) analysis for all relevant design storm events, demonstrating that the proposed stormwater drainage extension within the road reserve has sufficient capacity to accommodate the additional runoff generated by the development together with any applicable upstream

catchment flows. The HGL analysis shall confirm that the proposed drainage works will not result in surcharge, backwater effects, or increased flood risk to the subject site, upstream properties, downstream properties, or the surrounding public domain. All drainage works within the road reserve shall comply with Council's DCP Appendix 2 – Engineering Specifications.

- The applicant's stormwater engineer, in consultation with the applicant's flood engineer, demonstrate how the localised overland flow from the upstream catchment intercepted by the proposed development — including ponding depths of up to 300 mm adjacent to the buildings as identified in the FIRA — will be safely conveyed and managed during the 1% AEP storm event. Where any portion of this intercepted flow is proposed to be directed into the OSD system, the applicant shall revise and resize the OSD system to accommodate these additional inflows in accordance with Control OSD66 of Council's DCP Appendix 2 – Engineering Specifications. Detailed hydraulic calculations and revised stormwater management plans demonstrating OSD compliance with the additional upstream inflows shall be submitted for Council's review.

Public Domain Lighting

Issues:

- **Gipps Street (from Ausgrid pole LE05286 to LE21104):** No compliant street lighting design has been submitted. The applicable AS 1158 lighting categories for this frontage are V3 (roadway), PP2 (footpath), and PR2 (cycleway). Multi-Function Poles (MFPs) with high GPO and banner arm are required in accordance with Council's requirements. No design has been provided.
- **Burton Street (from Loftus Street to Ausgrid pole LE05398):** No compliant street lighting design has been submitted. The applicable AS 1158 lighting categories for this frontage are PR3 (roadway) and PP3 (footpath). MFPs with high GPO and banner arm are required. No design has been provided.
- **Loftus Street (along the development site frontage):** No compliant street lighting design has been submitted. The applicable AS 1158 lighting categories for this frontage are PR1 (roadway) and PP2 (footpath). MFPs with high GPO and banner arm are required. No design has been provided.
- The SIR identifies existing Ausgrid overhead assets on Gipps Street and Loftus Street that may need to be undergrounded. No compliant removal and undergrounding strategy has been submitted, and no coordination between the proposed Ausgrid substation connection, underground reticulation, and public domain lighting pole locations has been demonstrated.

- The applicable MFP specification for all frontages is P273 – 10 m pole, 3,500 mm outreach arm, MH 9,420 mm, with LED luminaires with DALI2 D4i drivers, 7-pin NEMA and Zhaga port. Conduit provisions required: 2 × 63 mm electrical conduits and 2 × 50 mm communications conduits, with spare conduit and draw wire. A 620 × 280 × 800 mm electrical pit is required adjacent to each streetlight. Pole setback shall be a minimum of 500 mm from the face of kerb to the face of pole. These specifications have not been addressed in any submitted documentation.
- The pole locations and any undergrounding works must be consistent with the Kings Bay, Burwood-Concord Precincts Street Design Guideline (Tract, 10 February 2025). The submitted documentation does not demonstrate compliance with or reference to the Guideline street cross-sections for the relevant frontages.
- No Council Lighting Scheme has been proposed. New Council lights are required to be connected to the City's 3-phase MSB. No MSB design has been submitted.
- No obtrusive lighting assessment in accordance with AS 4282 has been submitted, noting the development's proximity to residential uses and future development envisaged under the PRCUTS framework.
- No structural footing design for light poles has been submitted.
- No certifications (WAE, CCEW, design and completion certificates for structural footings) have been identified or committed to in the EIS documentation.

It is recommended that:

- **Lighting Categories and Pole Infrastructure.** The applicant design and install public domain street lighting on all site frontages in accordance with AS 1158, to the following minimum categories and with Multi-Function Poles (MFPs, complete with high GPO and banner arm) and LED luminaires in accordance with Council's requirements:

Frontage	Extent	Roadway	Footpath	Cycleway
Gipps Street	Ausgrid pole LE05286 to LE21104	V3	PP2	PR2

Burton Street	Loftus Street to Ausgrid pole LE05398	PR3	PP3	—
Loftus Street	Along the development site frontage	PR1	PP2	—

- **MFP Specification.** All MFPs shall be to Council's standard specification: P273 – 10 m pole, 3,500 mm outreach arm, MH 9,420 mm, LED luminaires complete with DALI2 D4i drivers, 7-pin NEMA and Zhaga port. Conduit provision: 2 × 63 mm electrical conduits and 2 × 50 mm communications conduits with spare conduit and draw wire. A 620 × 280 × 800 mm electrical pit shall be installed adjacent to each streetlight. Minimum pole setback: 500 mm from face of kerb to face of pole. Pole locations shall be consistent with the Kings Bay, Burwood-Concord Precincts Street Design Guideline (Tract, 10 February 2025).

- **Ausgrid Assets – Undergrounding.** Carry out compliant removal and undergrounding of all identified Ausgrid overhead assets on the site frontages. The undergrounding design shall be fully coordinated with public domain lighting pole locations, conduit routes, and the proposed substation connection strategy.

- **Preliminary Lighting and Electrical Plans.** Submit preliminary lighting and electrical plans to Council for review and comment prior to ordering materials. Prior to issuing for-tender and construction drawings, arrange a meeting with the City's Strategic Assets Engineer to confirm pole styles, finishes, specifications, MSB requirements, and any other City-specific details. Submit construction drawings to the City for review and comment prior to issue for construction.

- **Lighting Design and Certification.** Submit a full lighting design and certification package covering:

- i. photometric calculations demonstrating AS 1158 compliance for each frontage to the categories specified above;
- ii. compliant design for any pedestrian crossing lighting (category PX1 where applicable) and intersection lighting;
- iii. electrical reticulation design and certification; and
- iv. structural footing design, certified by a suitably qualified practising engineer, specific to site conditions.

- **Council Lighting Scheme.** Provide a Council Lighting Scheme for all new street lighting to be owned and maintained by the City of Canada Bay. New Council lights shall be connected to the City's 3-phase MSB. Provide a new MSB. Contact the City's Strategic Assets Engineer to obtain MSB specifications and other City requirements prior to design.

- **Obtrusive Lighting.** Provide an obtrusive lighting design report in compliance with AS 4282, with calculation points based on the future vision for the area consistent with the Kings Bay, Burwood-Concord Precincts Street Design Guideline.

- **Under-Awning Lighting.** Where awnings are proposed over the public footway, provide under-awning lighting designed to meet the applicable AS 1158 lighting levels for that footway category.

- **Traffic and Street Light Pole Consolidation.** Where applicable, traffic signals and street lighting shall be consolidated onto the same pole to avoid clutter in the public domain, in consultation with Transport for NSW and the City's Strategic Assets Engineer.

- **Temporary Lighting.** Provide compliant temporary lighting prior to removal of any existing street lighting. Submit a compliance certificate for temporary lighting prior to removal works commencing.

- **Certifications and Witness Testing.** Prior to issue of the Occupation Certificate, provide the following:

- i. Works-as-Executed (WAE) documentation;
- ii. Certificate of Compliance for Electrical Work (CCEW), including design and completion certificates for structural pole footings, all signed by a suitably qualified practising engineer.

Arrange witness testing with the City's officers. Testing shall be carried out by the developer's contractor in the presence of the City's representative.

As outlined above, there are fundamental matters raised with the proposal that would require careful consideration and amendments to address and resolve.

Should you require further clarification or wish to discuss these comments, please do not hesitate to contact me on 9911 6441 or email shannon.anderson@canadabay.nsw.gov.au.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'S/A' with a stylized flourish extending to the right.

Shannon Anderson
Manager, Statutory Planning
City of Canada Bay