

CANADA BAY LOCAL ENVIRONMENTAL PLAN 2013

Canada Bay Local Environmental Plan 2013 – Compliance Table			
Current version for 19 September 2025 to date			
Clause	Control	Comment	Complies
Zoning	R4 High Density Residential	<i>'Residential Flat Building'</i> is permitted with consent within the R4 High Density Residential Zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone objectives and land use table	The proposed residential flat building, child care facility and commercial premises are consistent with the zone objectives	Yes
2.6	Subdivision	Subdivision is proposed for the residential flat buildings and commercial premises.	Yes
2.7	Demolition requires consent	All existing structures on the site is proposed to be demolished as part of this application.	Yes
Part 4 Principal Development Standards			
4.1A	Minimum lot sizes for certain dwellings – R4 Zone 1,500m ² and width at building line of 20m	Complies	Yes
4.3	Height of buildings – 59m and 25m	A split maximum height of 59m and 25m is identified for the site under the Canda Bay Local Environmental Plan 2013 Height of Building Map. The development seeks a minor departure to this clause. A clause 4.6 departure that discusses the merits of the minor departure accompanies this development application and should be referenced separately and this sets out that the variation has merit on the site when having regard to the context and flood affectation of the land.	Yes
4.4	Floor space ratio - NA	No maximum floor space ratio applies to the site. not applicable.	N/A
Part 5 Miscellaneous Provisions			
5.10	Heritage conservation	Addressed in EIS and complies.	Yes
5.21	Flooding	Addressed in EIS and complies.	Yes
5.22	Special flood considerations	Addressed in EIS and complies.	Yes
Part 6 Additional Local Provision			
6.1	Acid sulfate soils	Addressed in EIS with no acid sulfate soil risk	N/A
6.2	Earthworks	Earthwork is proposed as part of this application.	Yes
6.3	Environmentally Sensitive Land	Not mapped	N/a

6.5	Active street frontages	Not mapped	N/A								
6.10	Public Utility Infrastructure 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. public utility infrastructure, in relation to an intensive urban development area, includes infrastructure for any of the following— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage.	An infrastructure services report is provided with the proposal and confirms that all necessary infrastructure is available to support the proposed development. Refer to EIS for detail.	Yes								
6.11	Mix of dwelling sizes in residential flat buildings and mixed use development - at least 20% of the dwellings in the development will be studio or 1 bedroom dwellings, and - at least 20% of the dwellings in the development will have at least 3 bedrooms.	The development application proposes a mix of dwelling appropriate to context and market demand. In this regard, the following mix is provided. <table><tr><td>Studio</td><td>20 (10%)</td></tr><tr><td>1 Bed</td><td>8 (4%)</td></tr><tr><td>2 Bed</td><td>118 (58%)</td></tr><tr><td>3 Bed</td><td>58 (28%)</td></tr></table> The proposed development varies the 1 bedroom control but complies with the 3-bedrooms. A clause 4.6 has been prepared and attached as part of this application.	Studio	20 (10%)	1 Bed	8 (4%)	2 Bed	118 (58%)	3 Bed	58 (28%)	Yes
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6.12	Affordable Housing	Not applicable – site is outside of the mapped area.	N/A								
6.13	Development in areas subject to aircraft noise	Not applicable	N/A								
6.14	Design Excellence	Not applicable.	N/A								
Part 8 Burwood-Concord, Homebush North and Kings Bay Precincts											
8.1	Application of Part	Not within the key precinct area.	N/A								
Part 9 Homebush Transport Oriented Development Precinct											
9.2	Application of Part	The site is identified as being within the key sites maps.	N/A								

9.3	Design guide	The proposed development has been designed in accordance with the Homebush TOD where relevant.	Yes
9.4	Design Excellence		
	(a) the requirements of the Homebush Transport Oriented Development Precinct Design Guide,	The proposed development has been designed in accordance with the requirements of the Homebush TOD Design guide.	Yes
	(b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The proposed 21-storey mixed-use building is designed to exhibit a high standard of architectural design, employing materials and detailing appropriate to its type and prominent location. A renowned architectural team has developed a contemporary yet context-sensitive design using durable, high-quality materials. These materials are chosen to complement the surrounding character. The façade is highly articulated with vertical fins, balconies, and varied textures to provide visual interest and refined detailing at human scale.	Yes
	(c) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The form and external appearance of the development are conceived to positively enhance the public domain's quality and amenity, rather than detract from it. At street level, the building provides an active and inviting edge: the ground-floor retail tenancies feature transparent glazing, multiple entries, and canopies, which activate the streetscape and encourage pedestrian activity into the evenings. This active frontage and the integration of shops/café's will add vibrancy and "eyes on the street," improving safety and interest for pedestrians.	Yes
	(d) whether the development detrimentally impacts on view corridors,	A thorough analysis has confirmed that the proposed building will not detrimentally impact any important view corridors in the area. The site is located within a high-density precinct envisioned for tall buildings, and its height and placement are consistent with the strategic plan, ensuring that no protected or iconic vistas are unduly obstructed. The tower has a relatively slender form and is positioned to maintain sky gaps and long-range sightlines where possible	Yes
	(e) how the development responds to the physical and cultural connection of the local Aboriginal community to the land,	The development has been shaped by engagement with the local Aboriginal community to respond to their physical and cultural connection to Country. From the	Yes

earliest design stage, the project team consulted the Traditional Custodians and a local Indigenous stakeholder group. Their input has informed several aspects of the design in meaningful ways. For instance, the landscaping and public domain areas will incorporate native plant species indigenous to the area, selected in collaboration with Aboriginal knowledge-holders, to reflect the local ecology and traditional uses of plants. An Acknowledgement of Country and interpretive elements (such as artwork, carvings or plaques) will be included at the building's entrance and within the publicly accessible area sharing stories and the significance of this land. The architectural concept embraces a "Country-centred" design approach, meaning it recognizes the significance of the area to Aboriginal people and actively fosters connections with Country throughout the project's design and delivery.

(f) how the development addresses the following—

(i) the suitability of the land for development,

The site is highly suitable for a development of this scale, being located within the Homebush Transport Oriented Development Precinct which is earmarked for high-density growth. The precinct planning documents explicitly identify this area for urban renewal to accommodate new housing and jobs in close proximity to public transport. The subject land is currently underutilized and is zoned for high-density, meaning the proposal aligns with the intended land use. Its location near major transport nodes – including Homebush and North Strathfield Stations (and the future Sydney Metro West station) and supports a transit-oriented development that makes optimal use of infrastructure. Overall, the land can sustain a 21-storey development, and doing so is consistent with State and local strategy to concentrate growth in well-serviced, suitable locations

Yes

(ii) existing and proposed uses and use mix,

The proposal delivers a mixed-use outcome that is compatible with surrounding uses and advances the precinct's objectives. The new building will comprise ground-floor commercial and retail spaces (active street-front uses) with residential apartments above, which is in line with the precinct vision of a vibrant, multi-use local Centre providing housing, jobs, and services. This use mix has several benefits: the retail/restaurant tenancies at street level will

Yes

	serve both residents and the wider community	
(iii) heritage issues and streetscape constraints,	The development has been carefully designed to respect and complement this heritage context, rather than overwhelming it. A heritage report has been prepared which confirms that the proposed development can be supportable on heritage grounds.	Yes
(iv) Aboriginal cultural heritage,	There are no known Aboriginal archaeology sites or objects on the parcel; however, the project's approach to Aboriginal cultural heritage is proactive and inclusive. A due diligence Aboriginal heritage assessment confirmed no registered sites, but importantly the design process included local Aboriginal voices to acknowledge and celebrate the Aboriginal history of the area. In line with the precinct's principles, the development recognises the significance of this land to Aboriginal people and considers Aboriginal perspectives, stories, and history in design decision	Yes
(v) the relationship of the development with other development, existing or proposed, on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The proposal has been designed with careful consideration of its relationship to surrounding existing and future developments , to ensure mutual amenity and a harmonious urban form. The building observes the precinct's prescribed setbacks and separation distances: for example, it maintains the required boundary setbacks for tower elements, ensuring adequate spacing from any potential future towers on adjoining sites so that privacy and sunlight access are preserved. The tower is separated from the side boundaries in compliance with the Apartment Design Guide recommendations (achieving roughly 18m tower-to-tower separation where facing habitable rooms, if an adjacent site is developed similarly).	Yes
(vi) bulk, massing and modulation of buildings,	Material variation further helps distinguish the base, middle, and top of the building. These techniques of modulation and articulation soften the building's perceived bulk and add visual interest. Additionally, the corners of the tower are slightly chamfered and balconies are staggered in a pattern that creates a finer grain texture on the facade. The outcome is a building that, despite its height, feels well-proportioned and visually broken-down, avoiding large unrelieved facades. This approach is fully in line with design guide expectations for tall	Yes

	buildings to use stepping, facade articulation, and mixed materials to reduce mass, ensuring the development integrates into its context without appearing overly bulky	
(vii) street frontage heights,	The development has been designed with an appropriate street frontage height (podium height) to complement the street's scale and meet planning controls. In the mixed-use zoning of the precinct, a consistent street wall is desired to frame the public domain	Yes
(viii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	The development has been designed to reduce environmental impacts. Please see attached consultant reports for further details.	Yes
(ix) the achievement of the principles of ecologically sustainable development,	Ecologically Sustainable Development (ESD) principles are embedded throughout the proposal, guiding both design and operation. The building has been planned holistically to minimize energy and water consumption, reduce waste, and create a healthy indoor environment, exceeding many baseline sustainability requirements	Yes
(x) pedestrian, cycle, vehicular and service access, circulation and requirements,	The development has been designed to provide safe and efficient access for pedestrians, cyclists, vehicles, and service deliveries, with a clear emphasis on pedestrian amenity and minimizing conflicts.	Yes
(xi) the impact on, and proposed improvements to, the public domain,	The development will have a positive impact on the public domain, and it includes several on- and off-site improvements to enhance public spaces. Rather than being a self-contained tower, it actively contributes to its streetscape and vicinity.	Yes
(xii) achieving appropriate interfaces at ground level between the building and the public domain,	The ground floor interface has been designed to be active, transparent, and welcoming, ensuring a seamless integration with the public domain. All ground-floor tenancies facing the street are conceived as active frontages and they will be occupied by shops, cafés, or other publicly accessible uses (no blank façades or inward-facing rooms)	Yes
(xiii) excellence and integration of landscape design.	A high-quality landscape design is an integral part of this project, not an afterthought, and it has been developed in coordination with the building design from the outset. A professional landscape architect is part of the design team, ensuring	Yes

		that the open spaces, planting, and green infrastructure are thoughtfully integrated with the architecture. The landscape plan addresses multiple scales, at street level, and in communal areas.	
9.5	Affordable Housing contribution scheme for Homebush TOD precinct	The proponent proposes to satisfy the affordable housing contribution by way of a monetary contribution, paid to Council in accordance with Clause 9.5(7)(b) of the <i>Canada Bay LEP 2013</i> .	Yes
9.6	Application of division	The area is identified as area 61	Noted
9.7-9.9	Additional floor space and building heights	The proposed development does not proposed to amalgamate the site therefore does not seek for additional floor space or height.	N/A
Schedule 1 Additional permitted uses			
19	Use of land in Zone R4 <i>Development for the purpose of commercial premises is permitted with development consent on the ground floor of residential flat buildings.</i>	The proposed development seek for commercial premises and retail premises within the ground floor.	Yes