



# **AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**2 June 2025 - 6.00 pm**

**Location:  
Council Chambers  
corner Chapel Road and the Mall  
Bankstown**

# Welcome to the City of Canterbury Bankstown

We're committed to creating a liveable and loveable City for all our residents. Here's how we're doing it:



## Great Cities

We believe in creating vibrant, dynamic, and diverse communities that offer opportunities for people to connect, pursue their passions, and contribute to the world around them.



## Naturally Green

We protect and prioritise nature in and around our city to enhance environmental sustainability and improve the quality of life for our residents.



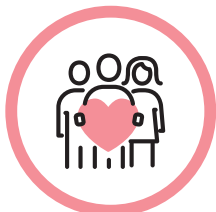
## Design Excellence

We encourage buildings, spaces, and objects that are both beautiful and practical, enhancing the beauty, accessibility, and safety of our built environment.



## People First

We prioritise the needs, preferences, and aspirations of our community in all aspects of urban planning and design, creating supportive and enriching places people love.



## Community

We engage with our community to ensure their needs and aspirations are reflected in the outcome, creating sustainable, resilient, vibrant, diverse, and inclusive places.



## Sustainability

We seek designs that reduce negative impacts on the environment while also promoting social and economic well-being.



## Net-Zero

We encourage our community to design buildings and places that produce as much renewable energy as they consume, reducing greenhouse gas emissions, lowering energy bills, and increasing resilience to environmental shocks and stresses.

**Join us in creating a City that's liveable, loveable, and sustainable for all!**

---

## ORDER OF BUSINESS

---

### APOLOGIES AND DECLARATIONS

### CONFIRMATION OF PREVIOUS MINUTES

### BUNMARRA / ROSELANDS WARD

#### 1      31 Forsyth Street, Belmore

Increase the maximum student enrolment at All Saints Grammar School  
Secondary Campus (ASGS) by 25 students, from 360 to 385 3

### BUNMARRA / ROSELANDS WARD

#### 2      6-8 Kent Street, Belmore

Modify the approved shop top housing development by carrying out internal  
alterations, providing affordable housing and adding a seventh storey 25

---

## Canterbury Bankstown Local Planning Panel - 02 June 2025

---

<b>ITEM 1</b>	<b>31 Forsyth Street, Belmore</b>
	<b>Increase the maximum student enrolment at All Saints Grammar School Secondary Campus (ASGS) by 25 students, from 360 to 385</b>
<b>FILE</b>	<b>DA-86/2025 – Bunmarra / Roselands</b>
<b>ZONING</b>	<b>R3 Medium Density Residential</b>
<b>DATE OF LODGEMENT</b>	<b>11 February 2025</b>
<b>APPLICANT</b>	<b>All Saints Greek Orthodox Grammar School</b>
<b>OWNERS</b>	<b>The Greek Orthodox Parish &amp; Community of Belmore &amp; District All Saints Ltd</b>
<b>ESTIMATED VALUE</b>	<b>NIL</b>
<b>AUTHOR</b>	<b>Planning</b>

### REPORT

This application is referred to Council's Local Planning Panel (the Panel) in accordance with Schedule 2 of the *Local Planning Panels Direction – Development Applications and applications to modify Development consents*, issued by the Minister for Planning and Public Spaces under section 9.1 of the *Environmental Planning and Assessment Act 1979* on 6 March 2024. The application seeks consent for a "contentious development" that is the subject of ten (10) or more unique submissions by way of objection and must be reported to the Panel for determination.

Development Application DA-86/2025 seeks to amend a previous consent on site, being DA-253/2009 which imposed a maximum student capacity on the facility of 360 students via condition of consent. The subject Development Application seeks to increase the maximum number of students that can be enrolled at the All Saints Grammar School Secondary Campus (ASGS) by 25 students. That is an increase from 360 students to 385 students or 7%.

Development Application DA-86/2025 has been assessed having regard to the matters for consideration contained in section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* requiring, amongst other things, an assessment against the provisions contained within:



- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Canterbury Bankstown Local Environmental Plan 2023
- Canterbury Bankstown Development Control Plan 2023.

The application establishes the developments permissibility within the subject R3 Medium Density Residential Zone and has demonstrated compliance with all relevant development standards and controls, including Councils requirements for traffic management. Council has reached the conclusion that the increase of 25 students would generate a negligible increase in vehicle trips and will not result in adverse impacts on local traffic operations or road safety. The application was referred to Council's Traffic Services Officer who raised no objections.

The application was advertised and neighbour-notified for a period of 21 days ending on 18 March 2025 in accordance with Council's Community Participation Plan. A total of 16 submissions, of which 15 are unique, have been received. The submissions relate mostly to the potential impacts of traffic and parking on the streets surrounding the subject site. Other concerns relate to noise, heritage impacts, built form, and public disruption, residential amenity, and community consultation. All matters raised have been addressed within the body of this report.

The assessment of this application has found that it is worthy of support and has been recommended for approval.

## **POLICY IMPACT**

---

This matter has no direct policy implications.

## **FINANCIAL IMPACT**

---

The proposed matter being reported has no direct financial implications.

## **RECOMMENDATION**

---

It is recommended that Development Application DA-86/2025 be **APPROVED** subject to Conditions of Consent in Attachment 2.

## **ATTACHMENTS**

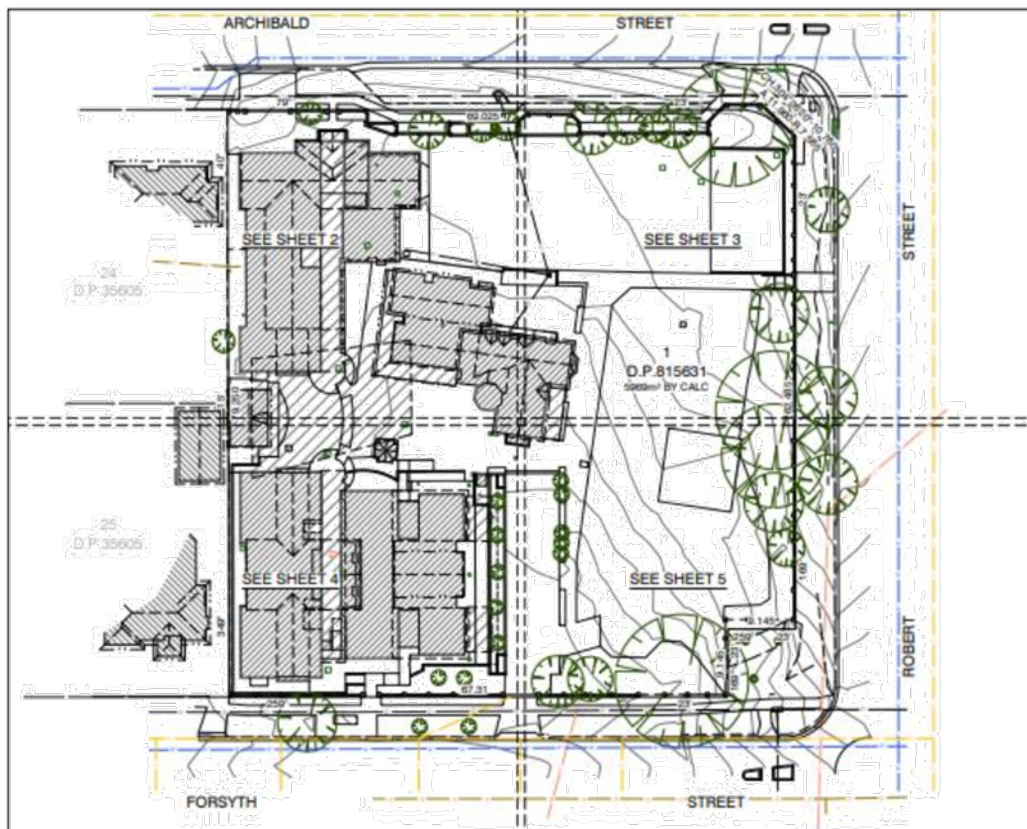
---

1. Section 4.15 Assessment Report
2. Conditions of Consent

## **DA-86/2025 ASSESSMENT REPORT**

### **SITE AND LOCALITY DESCRIPTION**

The subject site is known as 31 Forsyth Street, Belmore and is legally described as Lot 1 in DP 815631. The land is owned by the Greek Orthodox Parish and Community of Belmore and District. The school site is irregular but generally rectangular in shape and has a total area of 5969m<sup>2</sup>. The site has three street frontages, with a 76.5m frontage to Archibald Street to the north, a 76.5m frontage to Robert Street to the south, and 79m frontage to Forsyth Street to the east. It is located 18m north of Moorefields Road and 250m from Kingsgrove Road.



**Figure 1: Site Source: Survey**

The site contains the All Saints Grammar School – Secondary Campus (ASGS). It is listed as a local heritage item (Item 36) in the LEP comprising of the Victorian Villa, “The Towers”. The existing school campus buildings are located within the western portion of the site. ASGS currently comprises 25 permanent classrooms, a learning support room, library, and a central covered outdoor learning area (COLA). The eastern part of the site is comprised of a landscaped open space, outdoor gym and multipurpose court.



**Figure 2: Site Aerial (site highlighted in blue) Source: NearMaps**

There are 13 angled car parking spaces located to the north of the site along Archibald Street (highlighted green in figure 3 below) that service the site and the surrounding community. Two of the angled spaces are reserved for School use. There is a bus stop located on Forsyth Street next to the main entrance to the school which is serviced by both public and private bus services (highlighted yellow in figure 3 below).

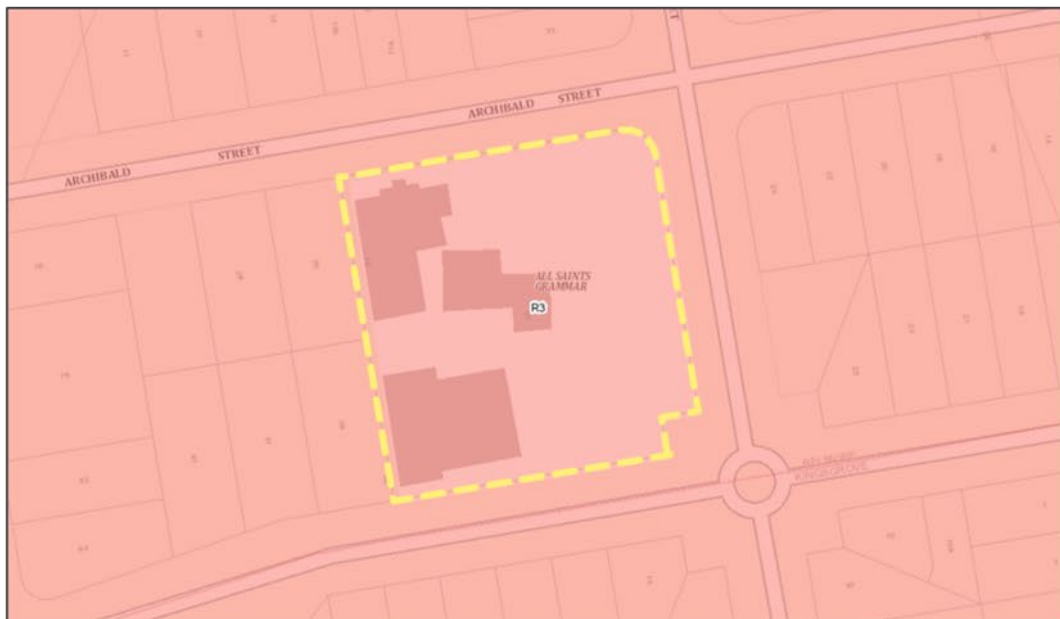
The surrounding residential streets have unrestricted on-street car parking. There is a time restricted 'No Parking' zone along Robert Street and a time-restricted Bus Zone along Forsyth Street which acts as pickup and drop off zones (highlighted red in figure 3 below).

There is vegetation and a large number of tree plantings of various species within and outside the site along all three street boundaries. The topography of the site is relatively flat with a slight slope towards the North-Eastern corner.





**Figure 3:** Aerial of parking (green), bus zone (yellow) and time limited no parking (red)  
**Source:** NearMaps



**Figure 4:** Excerpt from LEP Land Zoning Map **Source:** Council LEP Zoning Map

The site is zoned R3 Medium Density Residential and is surrounded by residential development generally comprising single and double storey detached and attached dwellings. Directly adjoining the site to the west are one to two storey brick and rendered residential dwellings. Adjoining the site's three street frontages to the north, south and east are similar styled one and two storey residential dwellings.



**Figure 5:** Existing School Playground with heritage listed Villa "The Towers"  
**Source:** Case Officer



**Figure 6:** 13 space angled car parking on Archibald Street **Source:** Case Officer





**Figure 7:** Existing Classrooms with heritage listed Villa "The Towers"  
**Source:** Case Officer



**Figure 8:** Existing bus zone along Forsyth Street **Source:** Case Officer

## **BACKGROUND**

The site's heritage listed item "The Towers" is an 1870s Gothic villa built by David Jones and is the sole remaining country villa which dotted the area in the nineteenth century.

The school (ASGS) was established in 1990 and since its founding, has undergone various alterations and additions. These include new classrooms, new fencing, new staircase, construction of the multipurpose court and new awnings. There are several previous DAs that are relevant to the site. These are listed below:

- DA-9492/98 - on 23 July 1998 Council approved a two-storey library and classroom building and 13 angled car parking spaces.
- DA-253/2009 - on 11 February 2010 Council approved the construction of additional classrooms and two fabric canopies over the existing assembly area. No increase in student numbers was proposed. It is this consent that is now sought to be modified by the subject DA. The condition which is sought to be amended is Condition 5 of the consent of DA-253/2009. It reads as follows:

*5. The maximum number of students at the school is limited to 360.*

- DA-140/2018 - on 9 May 2018 Council approved the replacement of existing signage on the corner of Forsyth Street and Robert Street with electronic signage.

## **PROPOSED DEVELOPMENT**

DA-86/2025 proposes increasing the maximum number of students that can be enrolled at the All Saints Grammar School Secondary Campus (ASGS) by 25 students from 360 students to 385. This represents a 7% increase in capacity of the school. The application does not propose any physical works to the site and there are no proposed changes to the school and its current operations.

## **LEGAL MECHANISM FOR PROPOSAL**

The applicant seeks to amend a condition of consent imposed on the operation of the site in DA-253/2009 to limit the number of students enrolled at the school to 360.

The subject development application may be approved with conditions of consent imposed in accordance with s4.17(1)(a) for conditions relating to s4.15 of the Act.

Further, the Act permits the consent authority to modify conditions of a previously granted development consent subject to s4.17(1)(b) and s4.17(5) of the Act, provided the conditions are in accordance with the Regulations (s67).

The application is accompanied by a written request in accordance with s67 of the Regulations to make changes to the determination notice of DA-253/2009 in order to facilitate the development proposed under DA-86/2025.

The resulting determination of this development application would therefore include a new consent for DA-86/2025 as well as modifications to conditions of consent imposed



on DA-253/2009. The original determination notice as modified as well as a new consent relating to the subject modifications can be read and operated concurrently to permit the proposed development.

### **TRAFFIC AND ACOUSTIC ASSESSMENT**

Supporting documentation in the form of an Acoustic Report and a Traffic and Parking Impact Assessment was provided with the subject application.

The Acoustic Report prepared by E-LAB Consulting dated 17 October 2024, considered the noise impact to nearby residential areas surrounding the subject site and found that the noise emissions were similar to the existing noise levels of the school, and it is expected the acoustic amenity of the residential receivers remains unchanged.

A Traffic and Parking Impact Assessment prepared by TEF Consulting dated 19 December 2024, considered the traffic generation an increase of 25 students at the school would result in and found that the existing formal drop-off and pick-up areas operate effectively, with ample capacity within nearby informal pick-up areas to accommodate increased demand. It was recommended that the school monitor the school bus capacity as the numbers increase to determine if an additional school bus is required. The assessment also concluded that additional parking was not required.

### **INTERNAL REFERRALS**

The application was referred to internal Council teams as part of the assessment process. Below are the comments provided by the relevant Council teams.

#### **Traffic and Transport Services Team**

The application was referred to Council's Traffic Services Officer who reviewed the supporting documentation. There were no objections to the development and conditions of consent were provided.

#### **Environmental Health Officer**

The application was referred to Council's Environmental Health Officer who reviewed the supporting documentation. There were no objections to the development and conditions of consent were provided.

#### **Heritage Advisor**

The application was referred to Council's Heritage Advisor who reviewed the supporting documentation. As there are no physical works proposed to buildings or landscaping on the site and the proposal therefore retains the existing built form no objections were raised to the proposal.

### **PERMISSIBILITY**

Development for the purpose of an educational establishment is not permitted in the R3 Medium Density Residential zone under the Canterbury Bankstown Local Environmental Plan 2023. Development for the purpose of an educational establishment is permitted with consent in the R3 zone under the provisions of Clause



3.36 (Schools—development permitted with consent) of the State Environmental Planning Policy (Transport and Infrastructure) 2021. Accordingly, the proposed change to the existing school facility is a permissible form of development for the site.

### **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

When determining this application, the relevant matters for consideration listed in section 4.15(1) of the *Environmental Planning and Assessment Act 1979* must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Canterbury Bankstown Local Environmental Plan 2023
- Canterbury Bankstown Development Control Plan 2023
- Canterbury-Bankstown Community Participation Plan 2019 (amendment 2, dated 23 July 2024).

### **SECTION 4.15 ASSESSMENT**

The following sections of this report provide for an assessment of the development having regard to the matters for consideration contained in section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*.

#### **Environmental planning instruments [section 4.15(1)(a)(i)]**

##### ***State Environmental Planning Policy (Biodiversity and Conservation) 2021***

Chapter 2 in this SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Chapter 2 applies to the whole of Canterbury-Bankstown Council, including the subject development site.

The application does not seek consent for the removal of any vegetation and accordingly the proposal is consistent with the aims of Chapter 2 of the SEPP.

##### ***State Environmental Planning Policy (Resilience and Hazards) 2021***

State Environmental Planning Policy (Resilience and Hazards) 2021 aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment. The SEPP states that the consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

The development site has a history of use for an education facility, and the development application seeks the continued use of the site for educational purposes. Council has no record of, and the accompanying SEE makes no reference to potential

sources of contamination that may be present at the site. The subject land has not been associated with any activities identified in Table 1 of the Managing Land Contamination Planning Guidelines that may cause contamination, nor have there been any activities carried out or undertaken on the site as listed in Appendix 1 of Council's Contaminated Land Policy. Accordingly, the land is not considered to be contaminated and is considered suitable for the proposed intensification of use.

### ***State Environmental Planning Policy (Transport and Infrastructure) 2021***

State Environmental Planning Policy (Transport and Infrastructure) 2021 (TISEPP) aims to facilitate the effective delivery of infrastructure across the State. Chapter 3 of TISEPP applies to schools and aims to facilitate the effective delivery of educational establishments across the State.

The following aims and divisions of the TISEPP have been considered as part of this assessment:

- 3.1. *Aims of Chapter*  
*The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—*
  - a) *improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and*
  - b) *simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development).*
- 3.36 *Schools—development permitted with consent*
  - (3) *Development for the purpose of a school may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing or approved school.*
- 3.37 *Existing or approved government schools—development permitted without consent.*

The application does not propose development listed under 3.37 of TISEPP. Therefore, Section 3.36 applies to the proposal and thus can be permitted with consent.

### ***Canterbury Bankstown Local Environmental Plan 2023***

The proposed development is consistent with the relevant aims of the CBLEP 2023, which are as follows:

## Clause 1.2 - Aims of Plan

### 1.2. *Aims of Plan*

- (1) *This Plan aims to make local environmental planning provisions for land in Canterbury-Bankstown in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows—*
  - (d) *to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,*
  - (i) *to provide a range of recreational and community service opportunities and open spaces to meet the needs of residents of and visitors to Canterbury-Bankstown,*
  - (j) *to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,*
  - (k) *to ensure activities that may generate intensive car usage and traffic are located near public transport that runs frequently to reduce dependence on cars and road traffic,*
  - (l) *to consider the cumulative impact of development on the health of the natural environment and waterways and on the capacity of infrastructure and the road network,*
  - (m) *to support healthy living and enhance the quality of life and the social well-being and amenity of the community,*

The proposal reflects a development that is consistent with these aims as the proposal has adequately considered the impacts of the development to the adjoining neighbours and demonstrated that the development would have a negligible impact on the adjoining lots while continuing to allow the school to provide services to the community.

The site is zoned R3 Medium Density Residential under the Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP).

Clause 2.3(2) of the CBLEP states that the consent authority “... *must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone*”. The Land Use Table identifies the objectives of the R3 Zone as being:

### **Zone R3 Medium Density Residential**

#### **1. Objectives of zone**

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*



- *To allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.*
- *To ensure suitable landscaping in the medium density residential environment.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.*
- *To promote a high standard of urban design and local amenity.*

The application satisfies the objectives of the zone as the proposed increase in students provides for the needs of the surrounding area residents with a negligible impact on the living environment or amenity of the areas shown within this assessment.

The proposed increase in school capacity will not create any additional impacts from the existing school operations, which has been reviewed by Council Officers and found to be acceptable. In particular, the noise generation from the school is currently acceptable, with the acoustic report provided demonstrating that the increase in students will create noise emissions that are similar to the existing noise levels of the school, and it is expected the acoustic amenity of the neighbours will remain unchanged. Furthermore, the traffic management report provided has also demonstrated that the existing zones for buses, drop-off and pick-up and on-street parking are sufficient to accommodate the increase in students.

In addition, the following relevant clauses of the CBLEP 2023 were taken into consideration:

- Clause 5.10 - Heritage conservation
- Schedule 5 – Environmental Heritage.

#### Clause 5.10 – Heritage Conservation

- (1) *Objectives The objectives of this clause are as follows—*
- a) *to conserve the environmental heritage of Canterbury-Bankstown,*
  - b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
  - c) *to conserve archaeological sites,*
  - d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The proposal was reviewed by Council's Heritage Advisor as having no impact on the heritage significance of the item and its setting. The proposal is therefore consistent with the Heritage Conservation objectives of the Canterbury Bankstown Local Environmental Plan 2023.

### Schedule 5 – Environmental Heritage

The existing Victorian Villa “The Towers” that currently occupies the site is listed in Part 1 of Schedule 5 of the CBLEP as a Heritage Item. The Villa is identified as being of “local significance” and is recognised as being Item No I36.

Council’s Heritage Advisor has reviewed the development application and had no objections to the proposed development as no works or changes were to be made to the heritage listed item “The Towers”.

### **Draft environmental planning instruments [section 4.15(1)(a)(ii)]**

There are no applicable draft environmental planning instruments.

### **Development control plans [section 4.15(1)(a)(iii)]**

#### ***Canterbury Bankstown Development Control Plan 2023***

The controls within Council’s Development Control Plan (DCP) are primarily for the purposes of guiding new physical development and are therefore largely not relevant to the subject proposal of increasing the number of students. The following assessment has therefore included only the controls relevant to the proposal.

The relevant Parts of the DCP are listed below:

- Chapter 3 General Requirements - Subchapter 3.2 Parking
- Chapter 10 Other Development – Subchapter 10.2 Schools.

The relevant controls within the DCP, and the manner in which this development addresses these controls, is detailed below:

#### Chapter 3.2 – Parking

Clause 2.1 in Chapter 3.2 of the DCP sets the required car parking rate for an Educational Establishment at 1 car space per employee or classroom, whichever is the greater; and 1 car space per 8 students in year 12.

Based on existing staffing levels (which are not proposed to be altered), this rate generates a requirement of 39 parking spaces for staff. As is noted within this report, there exists 13 car on street parking spaces immediately adjacent to the site, two of which are reserved for school staff. As no changes to staffing levels are proposed, this is an existing non-compliance which has been accepted and approved by Council under previous consents. The Traffic Impact Assessment provided with this application demonstrates that there is sufficient street parking surrounding the facility to accommodate for the existing staffing arrangement, which the subject changes to the operations of the school are not proposing to alter. This has been supported by our Traffic Services officer.

With reference to the second part of the control, it specifies “1 car space per 8 students in year 12”. In a letter responding to submissions dated 28 April 2025 the applicant confirmed that the increase of students will not immediately result in an influx of 25

students and will not result in an increase of 25 students to any single year in particular. The applicant has detailed that the increase in capacity will be carried out as a gradual, managed increase over time. This will be managed by the imposition of a condition of consent which is included within the accompanying determination notice.

In the event that there is an increase in year 12 students of at least 4, the accompanying traffic and parking report demonstrates that the necessary 1 car parking space required (for up to 8 year 12 students) can be accommodated for by the existing on-street parking arrangements and that there would be no necessity to accommodate for a student parking space on site.

The accompanying Traffic and Parking Impact Assessment report prepared by TEF was assessed by Council's Traffic Services Officer who concluded that the increase in the number of students was found to have a negligible impact on the traffic generation in the area, with sufficient "No Parking" restrictions and appropriate drop-off/pick-up areas and bus zone to allow the local traffic network to support the increase in capacity.

The increase in pedestrian movements on the locality was also considered by Council's Traffic Services Officer and was also considered highly unlikely to create a significant adverse impact. The existing footpaths provide adequate support for student movements between the school and cars waiting on the street as stated within the Traffic and Parking Impact Assessment.

#### Subchapter 10.2 Schools

##### Section 3 - Location and Traffic Management

Clauses 3.1 and 3.2 seek to ensure educational establishments do not result in developments that would cause the environmental capacity for parking to be exceeded and the level of service with regard to traffic to be significantly low. Clause 3.3 specifies the information that a traffic impact study would be required to provide in order to address Clause 3.1 and 3.2.

A Traffic and Parking Impact Assessment report accompanies the application and was assessed by Council's Traffic Services Officer. The proposed development was found to not have any adverse impact on the traffic in the vicinity of the school and be consistent with the requirements of the DCP.

##### Section 6 – Acoustic Privacy and Management

The controls regarding acoustic privacy and noise management are primarily designed for new school constructions. However, an assessment was conducted against the objectives of this section which are listed below:

- O1 To ensure schools that do not adversely impact on the residential amenity of adjoining dwellings and the surrounding area.*
- O2 To install appropriate acoustic privacy measures which are compatible with the prevailing character of residential areas.*



*O3 To ensure the ongoing operation and management of schools maintain residential amenity.*

An acoustic report accompanies the application and was assessed by Council's Environmental Health Officer. The Officer concluded that the increase of 25 students at the school would create a negligible increase in the noise that is currently generated by the school, with the existing facility's noise generation levels being deemed suitable for a residential area. A school is expected to create a degree of noise at parts of the day, however, the acoustic report has detailed operational strategies that the school currently has in place to minimise adverse noise levels. Such strategies include, scheduled outdoor activity periods and student supervision rosters to ensure respectful noise levels are maintained during school hours. These strategies are included as part of the recommendations of the acoustic report and are therefore included within the proposed conditions of consent.

Council's Environmental Health Officer provided conditions of consent with no objections to the proposed development.

**Planning agreements [section 4.15(1)(a)(iia)]**

A planning agreement has not been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979* nor has the applicant offered to enter into a draft planning agreement.

**The regulations [section 4.15(1)(a)(iv)]**

The proposed development is consistent with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2021*.

**The likely impacts of the development [section 4.15(1)(b)]**

The likely impacts of the proposed development are summarised below:

*Environmental impacts on the built environment*

- The existing traffic conditions, the drop-off and pick-up zones, bus zones and no parking zones provide sufficient capacity for the expected additional traffic to move through the area during the peak busy times of the day in the morning and afternoon. The existing parking and traffic conditions, including the bus zone and no parking zones have been assessed by Council's Traffic Services Officer and are sufficient to support the increase in students at the school.

*Social impacts on the locality*

- The proposed development would have minimal impacts to the neighbouring community. An additional 25 students will not increase the noise generation significantly as is demonstrated in the accompanying acoustic report.

*Economic impacts on the locality*

- The proposed development would not bring about any negative economic impacts on the locality.

The potential impacts of the proposed development have been examined in the assessment of DA-86/2025 and they would be acceptable in the context of the site.

**Suitability of the site [section 4.15(1)(c)]**

The proposed development of increasing the maximum number of students enrolled at the school by 25 students is permitted with consent, the potential impacts of which have been shown to be negligible or manageable, and the applicable development standards and controls have been complied with, except with regard to the provision of an additional parking space on site for students, which has been considered suitable in accordance with the accompanying traffic and parking report. The site is therefore suitable for the proposed development.

**Submissions [section 4.15(1)(d)]**

The application was neighbour notified and advertised for a period of 21 days from 26 February 2025 to 18 March 2025 in accordance with Council's adopted Community Participation Plan.

A total of 16 submissions, of which 15 are unique, have been received with respect to the proposed development. In each case, the submissions raised objection to the development proceeding. The submissions raised the following concerns:

**Submission: *Traffic and Parking***

**Comment:** Concern was raised regarding the traffic and parking conditions in the area as a result of the proposed development. The matter was referred to Council's Traffic Services Officer who assessed the application and its accompanying traffic report and found that based upon the findings and conclusions of the report the proposal was able to be supported, subject to conditions of consent.

**Submission: *Noise***

**Comment:** Concern was raised regarding the noise generation as a result of the proposed increase in students at the existing school. The matter was referred to Council's Environmental Health Officer who found that based upon the findings and the conclusions of the acoustic report the proposal was able to be supported, subject to conditions of consent.

**Submission: *Heritage and Built Form***

**Comment:** Concern was raised regarding the impact of the proposed development on the existing heritage listed item on site and the urban character of the school. The matter was referred to Council's Heritage Advisor who assessed the application and its accompanying documentation. Given no physical works are proposed with the application, Council's Heritage Advisor concluded there would not be any heritage impact as a result of the proposed development, and that the development can be supported on that basis.



**Submission: Community Consultation**

**Comment:** Concern was raised regarding the consultation the community has received with regard to the proposed development application and previous development applications. The submissions indicate that neighbouring properties have not received sufficient notification of development proposals on the subject site. This application has been notified in accordance with the Canterbury Bankstown Community Participation Plan. The consultation of previous applications is not a matter which can be considered as part of the assessment of this application.

**Submission: Litter and public disturbance**

**Comment:** Concerns were raised regarding the amenity of the area with regard to litter and rubbish on the street. The matters of litter and contributing public disturbance should be raised initially with school management and Council's rangers to take appropriate action.

**Submission: Lighting**

**Comment:** Concerns were raised regarding the amenity of the area with regard to lighting being left on late at night. This application is for the increase in number of children and does not propose any building work, including new or additional lighting. Issues of nuisance lighting being left on until late evening or overnight should be raised initially with school management. Furthermore, DA-253/2009 includes a condition of consent that required the school to ensure all lighting complies with relevant Australian Standards to control obtrusive outdoor lighting. This is a matter that can be investigated by Council to ensure compliance with the lighting condition if it is causing a nuisance.

**Submission: Student and Parent Behaviour**

**Comment:** Concerns were raised regarding the amenity of the area with regard to student and parent behaviour, specifically vandalism of neighbouring properties and rude and violent behaviour towards the owners of neighbouring properties. This is not a planning matter which can form part of a development application assessment under s4.15 of the Environmental Planning & Assessment Act 1979. Public safety in this regard is a matter which should be raised with school management or the police for appropriate action.

**The public interest [section 4.15(1)(e)]**

The public interest is served through the consistent application of policies and standards within the planning framework. Approval of the proposed development is not considered to contravene the public interest as it does not result in adverse impacts detrimental to local and environmental amenity. Where impacts may occur conditions of consent have been applied to ensure amenity is retained.

## **CONCLUSION**

Development Application DA-86/2025 has been assessed in accordance with 4.15(1) of the *Environmental Planning and Assessment Act* 1979. This report provides a detailed assessment of the site and its surrounds, and the manner in which DA-86/2025 responds to and addresses the relevant planning legislation and the site's surrounds. The development successfully protects the environmental amenity of the area in addition to preserving the desired future character of the locality.

It is considered that the conditions of consent placed in the accompanying determination notice ensure that an acceptable form of development is carried out and that any impacts on adjoining and nearby properties can be appropriately mitigated, and where necessary are managed.

As such, it is concluded that the development has merit and is therefore worthy of being supported.

## **RECOMMENDATION**

It is recommended that Development Application DA-86/2025 be **APPROVED** subject to Conditions of Consent in Attachment 2.



## EXPLANATORY NOTE

Development consent was granted by Canterbury-Bankstown Council on 11 February 2010 for DA-253/2009 which approved the construction of additional classrooms and two fabric canopies over the existing assembly area. This consent was modified by Determination Notice No. DA-253/2009/A dated 10 March 2011.

In accordance with s4.17(1)(b) and s4.17(5) of the Environmental Planning & Assessment Act 1979, Determination Notice No. DA-253/2009 is to be further modified as necessary to be consistent with the development consent conditions contained within this determination notice for DA-86/2025.

The two consents are to be read and carried out in conjunction with each other to achieve the desired outcome of the approved development as referenced within the conditions contained within this determination notice and the determination notice of DA-253/2009 as modified through this determination notice.

## GENERAL CONDITIONS

Number	Condition
1.	<b>Operation in Accordance with Consent</b>
	The facility must be operated in accordance with any relevant conditions of consent as imposed by determination notice DA-253/2009, unless modified by this consent.
	Condition reason: To ensure the development is built and remains consistent with approved documentation.
2.	<b>Acoustic Report</b>
	The acoustic report submitted in support of this application prepared by E-LAB Consulting titled 'All Saints Grammar School, Noise Impact Assessment – Increase in Capacity', reference number p01502, dated 17 October 2024 forms part of the development consent.
	Condition reason: To ensure the development is built and remains consistent with approved documentation.
3.	<b>Additional School Bus</b>
	In accordance with the submitted traffic report prepared by TEF Consulting dated 19 December 2024 the school, in consultation with Councils Traffic Engineer is to review on an annual basis whether there is a need to add additional school bus capacity as the student numbers progressively increase and act accordingly to the current demand. If this review determines there is a need for additional school bus capacity, the school must organise and deliver this service at their cost.
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
4.	<b>Distribution of new students</b>
	The increase of 25 students is to be introduced to the school incrementally, with a distribution of 4 to 5 students per year group.
	Condition reason: To maintain compliance with relevant Council development controls and ensure that parking demands are met and street capacity is maintained at an acceptable level.

**Annexure A:*****AMENDED UNDER DA-86/2025 DATED JUNE 2025***

5. The maximum number of students at the school is limited to 360.

- END -

---

## Canterbury Bankstown Local Planning Panel - 02 June 2025

---

<b>ITEM 2</b>	<b>6-8 Kent Street, Belmore</b>
	<b>Modify the approved shop top housing development by carrying out internal alterations, providing affordable housing and adding a seventh storey</b>
<b>FILE</b>	<b>DA-1349/2024 – Bunmarra / Roselands</b>
<b>ZONING</b>	<b>B2 Local Centre / E1 Local Centre</b>
<b>DATE OF LODGEMENT</b>	<b>18 November 2024</b>
<b>APPLICANT</b>	<b>Mirwan Hanna</b>
<b>OWNERS</b>	<b>8 Kent Street Pty Ltd</b>
<b>ESTIMATED VALUE</b>	<b>\$1,604,508</b>
<b>AUTHOR</b>	<b>Planning</b>

### REPORT

This application is referred to Council's Local Planning Panel (the Panel) in accordance with Schedule 2 of the *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents*, issued by the Minister for Planning and Public Space under section 9.1 of the *Environmental Planning and Assessment Act 1979*. The application seeks consent for a "sensitive development", being a development to which State Environmental Planning Policy (Housing) 2021 Chapter 4 Design of residential apartment development applies and is four (4) or more storeys in height. The application must therefore be reported to the Panel for determination.

The development proposed under DA-1349/2024 involves modifications to an approved shop top housing development granted consent through DA-783/2020 which was approved by the Panel on 15 December 2021. DA-783/2020 authorised for the demolition of existing structures and construction of a six (6) storey shop top housing development with one commercial premise on the ground floor and 22 apartments above over two (2) levels of basement parking. The modifications to the approved development sought through DA-1349/2024 include:

- A new car parking layout on both basement levels,

- Inclusion of five (5) affordable housing units across five (5) levels of the development under SEPP (Housing) 2021,
- Addition of a seventh level,
- Reconfiguration of approved Level 5 (being the top approved floor),
- Minor reconfigurations on all levels to reflect changes to lift and fire egress core,
- Provision on an on-site stormwater detention system at ground floor,
- Reconfiguration of ground floor rear setback to allow partial allocation to commercial unit shown as a new paved area, and
- Increase in ground-floor and rooftop landscaping.

Development Application DA-1349/2024 has been assessed having regard to the matters for consideration contained in section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* requiring, amongst other things, an assessment against the provisions contained within *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *State Environmental Planning Policy (Sustainable Buildings) 2022*, *State Environmental Planning Policy (Housing) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, *Canterbury-Bankstown Local Environmental Plan 2023*, *Canterbury-Bankstown Development Control Plan 2023*, *Canterbury-Bankstown Community Participation Plan 2019* (amendment 2, dated 23 July 2024) and *Canterbury-Bankstown Local Infrastructure Contributions Plan 2022*.

The development generally complies with relevant planning legislation with variations proposed to the required minimum building separation distances and solar access minimums. Despite these non-compliances the development appropriately responds to the conditions and constraints of the site. It represents a suitable planning outcome for the site and the locality.

The application was neighbour notified and advertised for a period of 21 days ending on 18 December 2024 in accordance with Council's adopted Community Participation Plan. A total of 4 submissions have been received, raising objections relating mostly to solar access and privacy. Each of these issues are addressed in the body of this report.

## POLICY IMPACT

---

This matter has no direct policy implications.

## FINANCIAL IMPACT

---

The proposed matter being reported has no direct financial implications.

## RECOMMENDATION

---

It is recommended that Development Application DA-1349/2024 be **APPROVED** subject to Conditions of Consent in Attachment 2.

## ATTACHMENTS

---

1. Section 4.15 Assessment Report
2. Conditions of Consent



## DA-1349/2024 ASSESSMENT REPORT

### SITE AND LOCALITY DESCRIPTION

The site is known as 6-8 Kent Street, Belmore and is legally identified as Lot 2 Section 1 in DP 4291. The site is located on the eastern side of Kent Street which runs in a generally north-south alignment with a slight angle to the west. The site is trapezoidal in shape, with a street frontage to Kent Street of 20.115m, a northern side boundary measuring 50.29m, a southern side boundary measuring 50.29m and a rear boundary measuring 20.115m. The site has a total area of 962.7m<sup>2</sup>.

The existing development on the site consists of two commercial structures and a carport. The surrounding development is reflective of the transition of zoning from commercial in the north and east to residential in the south and west. To the north are two multi-unit commercial premises with a variety of uses. To the east is an existing shop top housing development approved in 2016. To the immediate south is an access handle for property 8a Kent Street, which is a commercial facility, but further to the south are a row of three (3) dwelling houses, two (2) of which are attached. To the west is Kent Street, across which are dwelling houses. The site's surrounds are shown below in Figure 1:



**Figure 1:** Aerial of subject site shaded in yellow **Source:** NearMaps, 28 January 2025

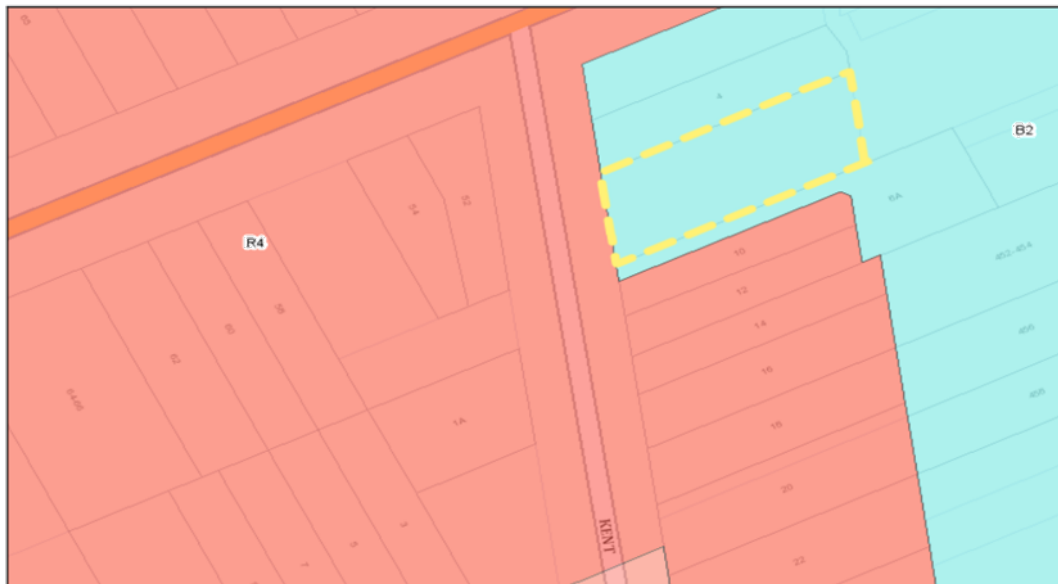
A street tree existed in front of the site in the nature reserve of Kent Street but has been removed as permitted under the consent of DA-783/2020. The site has vehicular access to Kent Street via one vehicle footway crossing (VFC) located at the southern side of the site. The VFC is adjacent to an Ausgrid power pole located forward of the property boundary.



As noted previously, the site sits in a transition zone between commercial and residential areas of the suburb, with the main commercial core of Belmore being located to the east of the site along Burwood Road. The site itself sits within the B2 Local Centre zone (at the time of lodgement) with surrounding sites containing properties zoned R4 High Density Residential. On 17 April 2025 the Canterbury-Bankstown Local Environmental Plan 2023 (LEP) was amended to reflect new employment zones, with the subject site being reclassified from B2 Local Centre to E1 Local Centre. No changes to controls or permissibility impacting this application result from this change.



**Figure 2:** View of the subject site from Kent Street **Source:** Google Maps



**Figure 3:** Zoning Map at the time of lodgement, site outlined in yellow  
**Source:** NSW Planning Portal

## **BACKGROUND**

DA-783/2020 was lodged with Council on 11 September 2020. The application was presented to the 2 August 2021 Panel meeting, recommending approval. The Panel agreed with the planner's recommendation, however, they deferred the matter to allow for improvements to natural light, ventilation and amelioration of privacy issues. Their specific requests for changes were:

- The lightwell outside bedrooms 1 and 2 of units 1.01 and 2.01 to be fully open to the sky. Windows should be positioned to avoid overlooking from one bedroom into another and to minimise noise impacts between the units. The Panel notes that the use lightwells for natural ventilation to habitable rooms is not supported in the ADG. See comments below.
- Bedroom 2 of units 3.01 and 3.02 and 3.03 should be deleted and either 1 bed units provided or reduce the number of units to provide proper windows to bedrooms with an outlook to the street or to a landscaped courtyard.
- Delete bathroom 2 windows in units 1.06, 2.06 and 3.07 – visual and aural privacy is compromised with adjacent private open space/balconies of units 3.05, 2.04 and 1.04.
- As per above, windows in units 2.04, 3.05, and 4.01 in the southern lightwell should be positioned to avoid overlooking from bedrooms to the private open space of the units above and below to minimise noise impacts between the units.
- Provide additional common open space on the roof with appropriate setbacks and landscaping to complement the ground floor common open space and to achieve the required 50% sunlight access.

The plans initially presented to the Panel recommended for approval at the 2 August 2021 Panel meeting included a maximum building height of 45.74m AHD. In order to accommodate lift access to the new rooftop communal open space as well an increased floor to floor dimension for the ground floor commercial unit, the building height was increased to 47.58m AHD (1.84m increase), or 19.8m above the corresponding natural ground level, representing a 10% departure from the height development standard of clause 4.3 of the LEP. This was accompanied by a written clause 4.6 variation request which was supported by the Panel. Plans were amended to reflect the Panel's requests noted above. The amended plans were referred to the Panel for determination.

An electronic determination of the application was made by the Panel on 15 December 2021, approving the plans as modified, including the height variation.

On 20 June 2022 DA-783/2020/A was lodged with Council as a s4.55(2) modification application, seeking to make changes to the ground floor configuration, lift core positioning and roof design. This modification application was approved by Council on 11 November 2022.

On 23 November 2022 Development Application DA-783/2020/B was lodged with Council as a s4.55(1) modification application seeking to correct plan references within the conditions of consent. This modification application was approved by Council on 14 December 2022.

### **LEGAL MECHANISM FOR PROPOSAL**

The applicant seeks to take advantage of the legislation changes which occurred after the granting of the original development consent which offer a maximum 30% height bonus for the inclusion of affordable housing, subject to certain criteria under SEPP (Housing) 2021 Chapter 2.

The application seeks consent for the addition of one (1) level to the approved six (6) storey development, bringing the total to seven (7) storeys with a corresponding increase of five (5) dwellings. Five (5) dwellings are proposed to be used for the purposes of affordable housing, though these units are proposed to be spread throughout the building and are not identical to the additional five (5) units proposed. The application may be approved with conditions of consent imposed in accordance with s4.17(1)(a) for conditions relating to s4.15 of the Act.

Further, the Act permits the consent authority to modify conditions of a previously granted development consent subject to s4.17(1)(b) and s4.17(5), provided the conditions are in accordance with the Regulations 2021 (s67).

The application is accompanied by a written request in accordance with s67 of the Regulations 2021 to make changes to the determination notice of DA-783/2020 in order to facilitate the development proposed under DA-1349/2024.

The resulting determination of this development application would therefore include a new consent for DA-1349/2024 as well as modifications to conditions of consent imposed on DA-783/2020. The original determination notice as modified as well as a new consent relating to the subject modifications can be read and operated concurrently to permit the construction of the proposal as modified. Recommendations for both these notices accompany this report.

### **PROPOSED DEVELOPMENT**

DA-1349/2024 proposes the following changes to the approved development:

- Adjustment in position of lift core and fire egress stairs on all levels,
- Reduction of one (1) residential parking space on Basement Level 2,
- Inclusion of one (1) motorbike parking space and six (6) bicycle parking spaces on Basement Level 2,
- Relocation of fire egress stairs on Basement Levels 1 and 2 and ground floor,
- Inclusion of one (1) motorbike parking space and four (4) bicycle parking spaces on Basement Level 1,
- Relocation of car wash bay on Basement Level 1,
- Relocation of toilet facility servicing the ground floor commercial unit,
- Inclusion of an OSD tank on the ground floor,
- Inclusion of planter beds at the street frontage of the development on the ground floor,
- Reconfiguration of the rear communal open space to provide an area allocated and accessible to the commercial unit,
- Decrease in depth of balcony off of Unit 1.05, Bed 2 to provide a wider planter bed buffer,



- Inclusion of maintenance access door to planter bed on Level 1,
- Reconfiguration of Unit 4.03 from a 3-bedroom plus study unit over two floors to a 1-bedroom plus study unit on one floor,
- Reconfiguration of Unit 4.02 from a 2-bedroom plus study unit over two floors to a 2-bedroom unit on one floor,
- Reconfiguration of Unit 4.05 from a 3-bedroom unit over two floors to a 2-bedroom unit on one floor,
- Relocation of rooftop communal open space from Level 5 to Level 6,
- Introduction of five (5) units on Levels 5 and 6,
- Changes to roof form to reflect new layouts of units on Level 6,
- Associated changes on all elevations to reflect increase in building height.

## **STATUTORY CONSIDERATIONS**

### **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

When determining this application, the relevant matters for consideration listed in section 4.15(1) of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021,
- State Environmental Planning Policy (Sustainable Buildings) 2022,
- State Environmental Planning Policy (Housing) 2021,
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- Canterbury-Bankstown Local Environmental Plan 2023,
- Canterbury-Bankstown Development Control Plan 2023
- Canterbury-Bankstown Community Participation Plan 2019 (amendment 2, dated 23 July 2024), and
- Canterbury-Bankstown Local Infrastructure Contributions Plan 2022.

## **SECTION 4.15 ASSESSMENT**

The following sections of this report provide for an assessment of the development having regard to the matters for consideration contained in section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*.

### **Environmental planning instruments [section 4.15(1)(a)(i)]**

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 2 in this SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Chapter 2 applies to the whole of Canterbury-Bankstown Council, including the development site.

The application does not seek consent for the removal of any vegetation as no vegetation currently exists on site and accordingly the proposal is consistent with the aims of Chapter 2 of the SEPP.

***State Environmental Planning Policy (Sustainable Buildings) 2022***

SEPP (Sustainable Buildings) 2022 aims to encourage the design and delivery of sustainable buildings, ensure consistent assessment of sustainability in buildings, minimise the consumption of energy, reduce greenhouse gas emissions, minimise the consumption of mains-supplied potable water and to ensure good thermal performance of buildings. The SEPP sets standards for BASIX buildings, which are defined as developments which include at least 1 dwelling. The application is for a BASIX building.

Schedule 1 of the SEPP sets out standards which apply to the erection of a new BASIX building. The proposal is for the purpose of the erection of a new BASIX building and requires an assessment against the provisions within Schedule 1. A BASIX Certificate (certificate no. 1130504M\_05) accompanies the application, which identifies a series of commitments to be satisfied for the entirety of the development, not only the units subject to the modifications under this application. The commitments include a centralised hot water system to be located adjoining the rooftop communal open space as well as individual air conditioning and heating units to be located on the balconies of individual units. Having demonstrated the relevant commitments made in the BASIX Certificate on the submitted plans, the application demonstrates compliance with the requirements of SEPP (Sustainable Buildings) 2022.

***State Environmental Planning Policy (Housing) 2021***

SEPP (Housing) 2021 aims to support the development of diverse and sustainable housing that meets the needs of all community members, particularly those who are vulnerable or on lower incomes. It focuses on ensuring housing is well-planned, environmentally responsible, and provides a good standard of living, while also integrating with local infrastructure and maintaining affordability. Additionally, it promotes well-designed housing that enhances its surroundings and supports short-term rentals in a balanced way that benefits local economies while managing social and environmental impacts.

Chapter 2, Section 15 requires that before imposing conditions on affordable housing, the consent authority must consider whether the housing fosters mixed, socially diverse communities that represent all income groups, with housing made available to very low, low, and moderate-income households at appropriate rental rates. Additionally, the consent authority is to consider whether the affordable housing will be properly managed, maintained, and constructed to local standards, ensuring its continued use for its intended purpose while making effective use of designated land.

To this aim, the application has been assessed against relevant criteria of Chapter 2 and is accompanied by a letter issued by Exclusive Residential Real Estate Pty. Ltd., a registered affordable housing provider (Registration Number R7487180831) which confirms that the provider will manage five (5) units of the development for the required 15-year period from the date of the issue of an occupation certificate.

This application is subject to assessment of the matters for consideration in Chapter 2, Division 1 – In-fill affordable housing. The details of this assessment are outlined in the table below:

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 CHAPTER 2 AFFORDABLE HOUSING DIVISION 1 – IN-FILL AFFORDABLE HOUSING			
Section	Requirement	Proposed	Comply
<b>18 Affordable housing requirements for additional building height</b>	The maximum building height for a building used for shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30% subject to the percentage of the development used for affordable housing.	The affordable housing component of the project's gross floor area equates to 15.6%. This allows for a 30% bonus to the maximum permitted building height of the LEP which is 18m, resulting in a new permissible height of 23.4m.  The development proposes a building height of 23.04m which complies with the maximum height permitted.	<b>Y</b>
<b>19 Non- discretionary development standards— the Act, s 4.15</b>	Minimum site area of 450m <sup>2</sup> .	Site area of 962.7m <sup>2</sup> complies.	<b>Y</b>
	Minimum landscaped area of 30% of the site area.	A total of 402.7m <sup>2</sup> of the site is landscaped, equating to 42% of the site area, which includes paved outdoor areas in accordance with the definition of <i>landscaped area</i> in the SEPP.	<b>Y</b>
	Parking at the following rate: Affordable Housing: • 0.4 spaces per 1-bedroom • 0.5 spaces per 2-bedroom • 1 space per 3-bedroom.  Total of 1 1-bedroom, 3 2-bedrooms and 1 3-bedroom require three (3) parking spaces.  Market Rate Housing: • 0.5 spaces per 1-bedroom • 1 space per 2-bedroom • 1.5 spaces per 3-bedroom.  Total of 1x 1-bedroom, 19x 2-bedroom and 2 3-bedroom require 23 car parking spaces.  26 residential car parking spaces are required.	29 residential car parking spaces are provided on two basement levels.	<b>Y</b>



STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 CHAPTER 2 AFFORDABLE HOUSING DIVISION 1 – IN-FILL AFFORDABLE HOUSING			
Section	Requirement	Proposed	Comply
<b>20 Design requirements</b>	Consent authority must consider whether the development is compatible with the character of the area or the desired character of an area in transition.	The proposal is compatible with the existing and desired future character of the area which is in transition to higher density outcomes.	<b>Y</b>
<b>21 Must be used for affordable housing for at least 15 years</b>	Consent must not be granted unless the consent authority is satisfied the affordable homes will be managed by a registered affordable housing provider for at least 15 years commencing on the day the occupation certificate is issued.	A registered affordable housing provider has accepted responsibility for units 1.01, 1.03, 2.01, 2.04 and 5.03.	<b>Y</b>

The development complies with the non-discretionary development standards of Chapter 2 of SEPP (Housing) and is consistent with the matters for consideration raised within s15.

Chapter 4 aims to enhance the design of residential apartment developments in New South Wales by promoting sustainability, improving aesthetics, ensuring safety, accommodating diverse housing needs, supporting affordability, and reducing environmental impact. It recognises that high-quality design provides significant economic, environmental, cultural, and social benefits, making residential apartments valuable long-term assets to their communities.

Additionally, s29 in the Environmental Planning and Assessment Regulation 2021 requires the submission of a statement from a qualified designer at lodgement of the development application. A statement accompanies this application which declares that a registered architect (registration number 3792) has reviewed the plans and verified that 'the design quality principles prescribed by Schedule 9 of State Environmental Planning Policy (Housing) 2021 and the objectives set out in Parts 3 and 4 of the Apartment Design Guide prepared by the NSW Department of Planning and Environment have been achieved' by the development.

An assessment of the proposal against the design principles for residential apartment development in accordance with Schedule 9 of SEPP (Housing) 2021 follows:

#### **Principle 1: Context and Neighbourhood Character**

Good design responds and contributes to its context. Context is considered to be the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and

neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment: The context of the immediate vicinity is dominated by two types of transitions. Firstly, the area sits at the transition from the commercial core of Belmore along Burwood Road to the east of the site, to high density residential areas to the south and west. Secondly, the site sits in an area undergoing a transition from lower density to higher density development outcomes. While surrounding sites to the south and west contain one and two storey dwellings, these are older housing stock and are being replaced with higher density developments such as the original approval of this development as well as the shop-top housing development immediately to the east of the site.

The proposed modifications to the approved development remain consistent with the context of the locality and the neighbourhood character which is typified by the area's transition from low to high density development. The development as modified will retain a ground floor commercial unit to enhance the business / employment nature of the zoning while providing additional housing on site, including affordable housing which is consistent with both the zoning of the site and the residential zoning of adjoining lands.

#### **Principle 2: Built Form and Scale**

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

Comment: The application seeks to increase the height and scale of an approved shop top housing development. The increase in height is permitted using bonus building height under SEPP (Housing) 2021 subject to the inclusion of affordable housing. The original development as approved by the Panel was non-compliant with the LEP clause 4.3 regarding the height of building. The proposed modification to the approved development, while taller than the original determination permitted is compliant with the maximum height of building when combined with the bonus permitted under SEPP (Housing) 2021. This compliance demonstrates that the increase in height is consistent with the context and neighbourhood character as anticipated by both the LEP and SEPP (Housing) 2021.

#### **Principle 3: Density**

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.



Comment: The proposed increase in density of the approved development remains consistent with the original determination through the demonstration of suitable amenity outcomes for future occupants of the site. The development retains eastern and western elevations for solar access, generous balcony sizes and two functional areas of communal open space, one of which includes a substantial area of deep soil planting. The site's location within the Belmore town centre provides future occupants with convenient access to public transportation and services, demonstrating that the proposed increase in density of the site is suitable and can be accommodated by the locality.

#### **Principle 4: Sustainability**

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

Comment: The proposal complies with required building separation distances to the east and west allowing for adequate airflow around the tower which allows 60% of the units proposed as part of this application to achieve passive natural ventilation. The development also incorporates significant landscaping elements on the ground floor, level 1 and the rooftop to lessen heat absorption and the enhance the liveability of residents.

While only 60% of the units proposed as part of this application achieve solar access compliant with the ADG minimums, the development has demonstrated a suitable solar access outcome for the constraints of the site which has limited solar access to the front elevation due to the orientation of the street and is unable to rely on long-term solar access to the north due to the likelihood of redevelopment of the adjoining properties. The front elevation has been provided with significant levels of articulation to orient windows to the north and west in order to capture as much sunlight as possible.

#### **Principle 5: Landscape**

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.

Comment: The application seeks to improve the approved landscaping outcome of the original development, with an increase in planting areas on the rooftop surrounding the communal open space as well as the inclusion of new landscape beds at the front of the development which will soften the street frontage and provide better interaction with the natural environment for both residents and passersby. The inclusion of landscaping in the front setback assists in softening the transition from the business / employment zone to the nearby residential zone.

#### **Principle 6: Amenity**

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

Comment: Despite the site's reliance on the east and west elevations for solar access the application demonstrates a suitable planning outcome through achievement of natural ventilation requirements and the maximisation of solar access through the utilisation of skylights, articulation and unit layouts. Communal open space areas well in excess of the minimum required as well as generous balcony sizes provide future residents with ample opportunities to enjoy the outdoors. All units achieve the minimum size and room dimensions, provide adequate separation of noise sensitive rooms from potential noise sources and would be suitable for a variety of resident ages and abilities.

#### **Principle 7: Safety**

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment: Consistent with the original approved development, the subject modifications retain passive surveillance of the street using balconies, while also restricting sightlines to the east and west to maximise privacy.

#### **Principle 8: Housing Diversity and Social Interaction**

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

Comment: The five (5) units proposed as part of this application consist of a variety of sizes and layouts to suit a diverse community. Additionally, the application seeks to incorporate five (5) affordable housing units to benefit the wider community.

**Principle 9: Aesthetics**

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment: The application remains consistent with the approved development, while providing minor improvements such as landscape beds in the front setback and increased plantings on the rooftop. The additional level proposed is well-integrated into the approved design so as not to appear a modification to the original development.

A summary table of ADG design criteria follows:

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 CHAPTER 4 DESIGN OF RESIDENTIAL APARTMENT DEVELOPMENT					
Section	Requirement			Proposed	Comply
3D Communal and Public Open Space (1)	Communal open space (COS) has a minimum area equal to 25% of the site area.			Two spaces (ground and rooftop) with a combined area of 402m <sup>2</sup> equates to 42% of the site area. This excludes the ground floor area dedicated to the commercial unit.	Y
3D Communal and Public Open Space (2)	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).			Solar access is achieved to the principal rooftop element from the hours of 12am to 3pm.	Y
3E Deep Soil Zones	Site Area	Min. Dim.	Deep Soil Area	64.5m <sup>2</sup> of deep soil area with a minimum 3m dimension equates to 7% of the site area.	Y
	Greater than 1,500m <sup>2</sup> with existing tree cover	3m	7%		
3F Visual Privacy	Building Height	Habitable Rooms/ Balconies	Non-Habitable Rooms	East and west setbacks achieve compliance.  Variations to the south setback have been approved under the original determination notice and are proposed through this application. A 4m setback from the balcony of Unit 5.03 on Level 5 as well as a nil setback to the balconies of Units 5.03 and 5.05 on Level 6 are proposed. A 3m setback from a	N
	12m (4 storeys)	6m	3m		
	25m (5-8 storeys)	9m	4.5m		



STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 CHAPTER 4 DESIGN OF RESIDENTIAL APARTMENT DEVELOPMENT				
Section	Requirement		Proposed	Comply
			habitable room on Level 6 is also proposed. These variations are considered worthy of support as discussed below.	
<b>4A Solar and Daylight Access</b>	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.		60% of units proposed through this application comply, being units 5.03, 5.04 and 5.04 through the rear (eastern elevation) as well as the use of skylights.  Units 5.01 and 5.02 fail to comply but do receive 1-hour solar access through the west elevation.  As is discussed below, this variation is considered worthy of support.	<b>N</b>
<b>4A Solar and Daylight Access</b>	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.		100% of units proposed as part of this DA achieve some level of solar access.	<b>Y</b>
<b>4B Natural Ventilation</b>	60% of apartments are provided with natural cross-ventilation.		60% of units proposed through this development achieve compliance, being Units 5.01, 5.02 and 5.04. Units 5.03 and 5.05 are also likely to achieve cross-ventilation owing to their two-floor layout.	<b>Y</b>
<b>4C Ceiling Heights</b>	Minimum 2.7 metre ceiling height for habitable rooms and 2.4 for non-habitable rooms. If located in mixed use areas 3.3 metres for ground and first floor to promote future flexibility of use.		3.1m floor to floor heights are proposed which allow adequate dimensions for floor slabs and services to achieve a 2.7m internal ceiling height on Levels 5 and 6.	<b>Y</b>
<b>4D Apartment Size and Layout (1)</b>	<b>Apartment Type</b>	<b>Minimum Internal Area</b>	All units comply with their required minimums.	<b>Y</b>
	1 bedroom	50m <sup>2</sup>		
	2 bedroom	70m <sup>2</sup>		
	3 bedroom	90m <sup>2</sup>		
<b>4D Apartment Size and Layout (2)</b>	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		All habitable rooms are provided windows which face external walls of the building and are of sufficient size.	<b>Y</b>

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 CHAPTER 4 DESIGN OF RESIDENTIAL APARTMENT DEVELOPMENT					
Section	Requirement			Proposed	Comply
4D Apartment Size and Layout (1)	Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).  Bedrooms have a minimum dimension of 3m (excluding wardrobe space).			All bedrooms comply with their required minimum sizes and dimensions.	Y
4D Apartment Size and Layout (3)	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"><li>3.6m for studio and 1-bedroom apartments</li><li>4m for 2x and 3x bedroom apartments.</li></ul>			All living rooms comply with their required minimum sizes and dimensions.	Y
4E Private open space and balconies	Type	Min. Area	Min. Depth.	All balconies comply with their required minimum sizes and dimensions.	Y
	1-bed	8m <sup>2</sup>	2m		
	2-bed	10m <sup>2</sup>	2m		
	3-bed	12m <sup>2</sup>	2.4m		
4G Storage	Dwelling Type		Storage size volume	All dwellings are provided with compliance storage areas in units which are supplemented by basement storage facilities.	Y
	1 bedroom		6m <sup>3</sup>		
	2 bedroom		8m <sup>3</sup>		
	3+ bedroom		10m <sup>3</sup>		
4J Noise and pollution	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layouts of buildings.			Unit layouts provide good separation between noise-sensitive rooms and potential noise sources such as the corridor and lift area.	Y
4P Planting on Structures	Planting on structures contributes to the quality and amenity of communal open spaces.			On-structure plantings are proposed on Level 1 and Level 6 which sufficient planter box depths to accommodate a range of planting species and sizes.	Y
4Q Universal Design	A variety of apartments with adaptable designs are provided.			A variety of apartment sizes are proposed through this application, including 2- and 3-bedroom units, one of which is provided a study.	Y
4U Energy Efficiency	Development incorporates passive environmental design and adequate natural light is provided to habitable rooms.			Adequate levels of natural ventilation as well as access to daylight for all new units is proposed through this application.	Y

**3F Visual Privacy:** Non-compliant building separation distances are proposed on Levels 5 and 6 of the proposal at the southern elevation. The southern elevation was approved under the original determination with non-compliant setbacks owing to the constraints of the site, being reliant on eastern and western elevations for solar access, but with the site being deep enough to accommodate mid-block units. This reduced setback has been replicated on Level 6 as part of this application. Despite the numerical non-compliance, the proposal represents a suitable planning outcome as all living area windows are provided with a greater than 6m setback to the boundary, being recessed into the building which will restrict sightlines to directly in front of the living area, over the top of the adjoining buildings to the south. The position of living areas mid-block ensures that sightlines are cast over the rooftops of the dwellings to the south rather than their rear private open spaces.

On Level 6, nil setbacks are provided to balconies which service bedrooms, being low-use rooms. These balconies are proposed to be fitted with 1.5m tall privacy screening along the southern elevation which will restrict sightlines internally into the site or to the rear (eastern) elevation which is provided with the required 9m building separation distance while still affording future occupants of the site adequate levels of amenity and sunlight for these top-level units.

The mitigation of privacy impacts on surrounding properties by way of setbacks, positioning and privacy screening demonstrates that the variation to required building separation distances is worthy of support in this instance.

**4A Solar and Daylight Access:** The site's east-west orientation and likelihood of redevelopment to the north restricts the development's ability to achieve compliant levels of solar access. While the rear (east) elevation allows for generous solar access from 9am to 12pm at the mid-winter solstice, the front (west) elevation, due to the alignment of the street is restricted to access from around 2:30pm in the afternoon. While the west-facing units will achieve solar access well into the evening hours, the ADG restricts solar access measurement to end at 3pm. As a result, the west-facing units of the proposal fail to achieve the required 2 hours solar access minimums at the specified hours. Unit 5.02 benefits from an east-facing bedroom window which will achieve solar access in the morning hours, supplementing the west-facing living room which is restricted access until around 2:30. In total, only three units (5.03, 5.04 and 5.05) achieve compliant levels of solar access to living room windows, representing 60% of the units proposed through this application. Despite this non-compliance, the variation is considered worthy of support owing to the constraints of the site and the applicant's efforts to articulate both east and west elevations to maximise solar access.

Notwithstanding the two non-compliances detailed above, the application has demonstrated a planning outcome consistent with the NSW ADG through the provision of delivering better quality design for buildings that respond appropriately to the character of the area and the improvement of liveability through internal and external apartment amenity. The proposed variations are worthy of support in this instance.



### ***State Environmental Planning Policy (Resilience and Hazards) 2021***

Chapter 4, Section 4.6 requires a consent authority to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, the consent authority must be satisfied that the land is suitable in a contaminated state for the proposed use or if the land requires remediation to be undertaken to make it suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose and that the land will be suitable for the proposed use at the required time.

The original determination relied on the applicant's submitted Detailed Site Investigation. Council's Environmental Health Officer reviewed the documents and was satisfied that the site could be made suitable for its intended use subject to the imposition of suitable conditions of consent. This consideration remains unchanged from the initial report sent to Panel as no new information that would undermine previously made determinations has been submitted for assessment.

### **Canterbury Bankstown Local Environmental Plan 2023**

#### Section 1.2 – Aims of Plan

The modifications to the approved development are consistent with the aims of the Plan, specifically with regard to being compatible with the desired future character of the area, providing a range of residential accommodation and business opportunities and creating vibrant town centres. Further, the development achieves a good urban design and concentrates trips near public transport, being less than a 500m walk to the Belmore Metro Station.

#### Section 2.2 – Zoning of land to which Plan applies

At the time of lodgement, the site was zoned B2 Local Centre under the Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP), however, the LEP was amended on 17 April 2025 to include changes to business and industrial zones within the LGA. The site is now zoned E1 Local Centre. No changes to the permissible uses or other controls for this site were made with the change. A shop top housing development remains a permissible form of development with consent on the land.

#### Section 2.3 – Zone objectives and Land Use Table

Section 2.3(2) of the CBLEP states that the consent authority “... *must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone*”. The Land Use Table identified the objectives of the B2 Local Centre as being:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.



- To provide for certain residential uses that are compatible with the mix of uses in local centres.
- To promote a high standard of urban design and local amenity.

The objectives of the E1 zone are similar but include differences and are listed below:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To promote a high standard of urban design and local amenity.
- 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.

The development, as modified remains consistent with the objectives of the B2 zone as well as the objectives of the E1 zone, specifically with regard to the retention and improvement of the active street frontage with a commercial unit, now being provided with planter beds in the front setback and the introduction of affordable housing to enhance the vibrancy and diversity of the Belmore town centre.

#### Section 4.3 – Height of buildings

The maximum permitted building height shown on the Height of Buildings Map for this site is 18 metres. Utilising the bonus height provisions of Chapter 2 of SEPP (Housing) 2021 a further 30% increase in height is permitted, bringing the total permissible height to 23.4 metres. As modified, the development is proposed to reach of height of 51.1m AHD over a corresponding natural ground level of 28.06m AHD. The proposed maximum height of the development to the lift overrun is therefore 23.04 metres which complies with the new height development standard 23.4m.

#### Section 4.4 – Floor space ratio

The site is not mapped with a maximum floor space ratio on the Floor Space Ratio Map. As such, no floor space ratio restriction applies.

### Section 6.21 – Restrictions on development in Zones E1 and E3

This section applies to land zoned E1 (formerly B2 zoned land) and restricts the consent authority from granting development consent on land to which this section applies if the ground level would be used for residential accommodation. No residential accommodation is proposed on the ground floor through this application.

### **Draft environmental planning instruments [section 4.15(1)(a)(ii)]**

There are no applicable draft environmental planning instruments.

### **Development control plans [section 4.15(1)(a)(iii)]**

#### **Canterbury-Bankstown Development Control Plan 2023**

The development application has been assessed against the provisions contained within the Canterbury Bankstown Development Control Plan 2023 (CBDCP).

The relevant Parts of the DCP are listed below:

- Chapter 2.1 - Site Analysis
- Chapter 2.2 - Flood Risk Management
- Chapter 3.1 - Development Engineering Standards
- Chapter 3.2 - Parking
- Chapter 3.3 - Waste Management
- Chapter 3.7 - Landscape
- Residential Accommodation (Canterbury).

The relevant controls within the CBDCP, and the manner in which this development addresses these controls, are detailed in the following table:

<b>CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023</b>			
<b>Chapter/ Clause</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comply</b>
<b>Chapter 2.1 – Site Analysis</b>	A detailed site analysis plan is a requirement for development applications proposing shop-top housing.	The application is accompanied by a suitable site analysis plan which shows the site and its proximity to transport, the commercial centre and other notable features.	<b>Y</b>
<b>Chapter 2.2 – Flood Risk Management</b>	To reduce the risk to human life and damage cause by flooding and the control development activity within floodplains.	The application has been reviewed by Council's Development Engineer who considered the proposal suitable subject to already included conditions of consent under the original determination notice.	<b>Y</b>
<b>Chapter 2.3 – Development Engineering Standards</b>	To ensure development provides satisfactory levels of engineering infrastructure and to	The application has been reviewed by Council's Development Engineer, with specific regard to the provision of an OSD tank on ground floor, who considered the proposal suitable	<b>Y</b>

<b>CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023</b>			
<b>Chapter/ Clause</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comply</b>
	minimise the impact of development on surrounds.	subject to already included conditions of consent under the original determination notice which should be amended to reflect new stormwater plans.	
<b>Chapter 3.2 – Parking</b>	<p>To ensure development archives the parking requirements and to ensure the layout and design of car parks functions efficiently and safely.</p> <p>The parking rates of SEPP (Housing) 2021 prevail of the parking rates of the DCP.</p> <p>No visitor car parking is required for shop-top housing in the Belmore centre.</p> <p>1 visitor bicycle parking space per 10 dwellings is required.</p>	<p>The application has been reviewed by Council's Development Engineer, with specific regard to the amended basement layout, who considered the proposal suitable subject to already included conditions of consent under the original determination notice.</p> <p>A total of 2 visitor bicycle parking spaces are required which are provided on the top level of the basement.</p>	<b>Y</b>
<b>Chapter 3.3 – Waste Management</b>	To maximise resource recovery and encourage source separation of waste, reuse and recycling by ensuring development provides adequate and appropriate bin storage and collection areas.	The application has been reviewed by Council's Resource Recovery Officer who has provided conditions of consent.	<b>Y</b>
<b>Chapter 3.7 - Landscape</b>	To promote attractive settings for development and the public domain and to ensure landscape design contributes to the streetscape and amenity.	<p>The application retains a suitably sized area of deep soil landscaping at the rear while also introducing new or expanded elements of landscaping at the front setback and on the roof.</p> <p>The accompanying landscape plan demonstrates a good planning outcome through the provision of three canopy trees in the rear setback and landscaping suitable for screening and windbreaks on the</p>	<b>Y</b>

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
Chapter/ Clause	Requirement	Proposed	Comply
Chapter 5.2 – Residential (Canterbury) Section 6 – Shop-top Housing	6.2.4 (C2): Site the development to avoid casting shadows onto neighbouring dwellings primary living area and private open space.	rooftop open space. As shown on amended information accompanying the application, the increase in height will have a negligible impact on the rear elevation of the property to the south. The original DA provided significant levels of shadowing to both the rear elevation and the private open space, however, despite the proposed increase in height, the dwelling to the south maintains sunlight to its private open space from 11am – 12pm at mid-winter solstice which is consistent with the original approval.	Y
	6.2.12 (C2 & C3): Proposed development must ensure a neighbouring dwelling retains a minimum 3-hour solar access between 8am and 4pm at the mid-winter solstice for a primary living area and 50% of the private open space.  If a neighbouring dwelling currently receives less than 3 hours of sunlight then the proposed development must not reduce that level of access.	The proposed modifications make no change to the previously approved solar access impact on the dwellings to the south.  The rear elevation of the dwellings to the south will retain some solar access between the hours of 10 to 11am while the private open spaces will achieve some solar access between the hours of 11am to 1pm, with no additional shadowing as a result of the proposed increase in height. This is achieved through positioning the top level at the centre of the site, with a minimum 9m rear setback which allows shadows to be cast over the existing rooftop of the dwellings to the south for the morning hours.	Y

**Planning agreements [section 4.15(1)(a)(iia)]**

A planning agreement has not been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979* nor has the applicant offered to enter into a draft planning agreement.

**The regulations [section 4.15(1)(a)(iv)]**

The proposed development is consistent with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2021*.



**The likely impacts of the development [section 4.15(1)(b)]**

The proposed increase in height will not bring about additional environmental, social or economic impacts, to what was approved under the original consent. The proposed increase in height is well contained within the permissible building height and the resulting increase in density can be accommodated within the locality which provides easy access to a variety of services and transportation options.

**Suitability of the site [section 4.15(1)(c)]**

The development of the site for the purposes of an additional storey of an approved shop top housing development is permitted with consent, and the applicable development standards have been complied with, or where there are departures these have been adequately justified. Moreover, the proposed built form responds appropriately to the conditions and context of the site which is situated within a town centre on employment-zoned land and is required to be receptive to future developments to the north and south. The site is therefore suitable for the proposed development.

**Submissions [section 4.15(1)(d)]**

The application was neighbour notified and advertised for a period of 21 days from 27 November 2024 to 18 December 2024 in accordance with Council's adopted Community Participation Plan.

A total of four (4) submissions have been received with respect to the proposed development. In each case, the submissions raised objection to the development proceeding. The submissions raised the following concerns:

***Submission: Blocking of views and daylight***

**Comment:** The development complies with the maximum permitted height in accordance with the Canterbury-Bankstown Local Environmental Plan 2023 with a bonus height afforded under State Environmental Planning policy (Housing) 2021 due to the inclusion of affordable housing units within the development. There are no protected, iconic or significant views affected by the proposal.

***Submission: Shadowing***

**Comment:** The application is accompanied by shadow diagrams which show the change in shadowing from the original approval to the proposed increase in height. While some additional shadowing would result from the proposed increase in height, this is mostly contained to the Kent Street road reserve, especially in the morning hours. The positioning of the top floor within the middle of the development site constrains additional shadowing resulting from the increase in height to the roof areas of nearby dwellings to the south, while retaining solar access to the rear elevation and private open space in a manner consistent with the original determination, which did reduce available solar access to these areas.

Dwellings to the south are expected to retain some direct solar access to the rear elevation of the homes in the morning hours, with direct sunlight provided to areas of the rear private open spaces in the late morning and early afternoon as measured at the mid-winter solstice which is the day with the least amount of daylight hours and where the angle of the sun is the lowest resulting in the greatest shadowing extent possible from the development.

**Submission:** *Loss of privacy*

**Comment:** The development includes living and windows and balconies which sit a considerable height above surrounding properties. These spaces will lead to new sightlines between properties which may result in some overlooking and some loss of privacy. Noting the site's location within a town centre with an 18m Canterbury-Bankstown Local Environmental Plan 2023 height limit as well as the area's transition from lower to higher densities, these impacts are considered an acceptable outcome as fully removing the potential for overlooking would restrict any development on the site to being unachievable. The development incorporates a number of measures to mitigate potential losses of privacy such as focusing windows and balconies to the front and rear elevations to direct sightlines away from properties to the south as well as recessing many south-facing balconies into the site to create additional separation distances. Lastly, some balconies are provided with privacy screening to a height of 1.5m which will obstruct direct sightlines from these spaces to adjoining properties, particularly to the south.

**Submission:** *Height*

**Comment:** The development complies with the maximum permitted height in accordance with the Canterbury-Bankstown Local Environmental Plan 2023 with a bonus height afforded under State Environmental Planning policy (Housing) 2021 due to the inclusion of affordable housing units within the development. In particular, the Canterbury-Bankstown Local Environmental Plan 2023 permits a building on this site to reach a maximum 18m in height where State Environmental Planning policy (Housing) 2021 allows a further 30% increase in height. As a result, the maximum height of a building on this site is 23.4m. The application proposed a building with a height of 23.04m which falls within the height development standard.

While the surrounding properties contain single and two-storey dwellings, the area is in transition from lower to higher density developments. The proposed height of this development is not inconsistent with the expected future character of the area which is anticipated to see further developments in the near future. Additionally, the height of this development is not anticipated to restrict the redevelopment of any surrounding properties.

**Submission: Impacts from foundation digging and construction**

**Comment:** As part of the conditions of consent for the parent development application (DA-783/2020) conditions of consent relating to earthworks and excavations were imposed. Included within these conditions was a requirement that dilapidation reports be created for and provided to the owners of directly adjoining properties. Additional conditions were imposed to ensure that any excavation and foundation works are carried out in accordance with relevant standards and best practice under the National Construction Code.

**Submission: Impacts on property values**

**Comment:** Impacts on property values is not a matter which Council can consider when assessing development applications as it falls outside the scope of assessment under s4.15 of the Environmental Planning & Assessment Act, 1979. There has been no information submitted to Council which details this development would have any impact (positive or negative) on the property values of surrounding sites.

**Submission: Ability of increase in height through application**

**Comment:** This application is a development application which seeks to amend an approved development. Amending an approved development is more commonly carried out through a s4.55 modification application, however, a new development application to amend an approved development is a permissible way to achieve a similar outcome and falls within the planning legislative framework.

**Submission: Consequences of exceeding permitted height**

**Comment:** Conditions of consent have been imposed which restrict the development's height to the maximum levels shown on approved plans. The builder and certifier are required to ensure that the development as built is reflective of the requirements and constraints of these plans. Any departure from the stamped approved plans is a matter for the certifying authority to address.

**Submission: Access to plans**

**Comment:** Architectural and shadowing plans were provided to the community in accordance with Council's Community Participation Plan, with the documents being available on the NSW Planning Portal during the time of consultation.

**The public interest [section 4.15(1)(e)]**

The public interest is best served by the consistent application of the requirements of the relevant planning legislation and by the consent authority ensuring that any adverse impacts on the surrounding area and environment are avoided or mitigated. As demonstrated in this report, the development largely satisfies the provisions contained within the applicable planning legislation, provides for a development that is in keeping with the emerging character of the area, and responds appropriately to



the immediately adjoining developments. As such, approval of the development would be in the public interest.

### **CONCLUSION**

This report provides a detailed assessment of the site and its surrounds, and the manner in which DA-1349/2024 responds and addresses the relevant planning legislation. The development successfully protects the environmental amenity of the area in addition to preserving the desired future character of the locality.

While the proposal includes variations to building separation distances and solar access minimums, these are a direct result of the constraints of the site, being located within a business zone with opportunities for adjoining properties to the north and south to be redeveloped. This restricts the ability of the development to turn its back to the north elevation which is likely to be impacted by a similar type of development within the near to medium future. Taking into consideration the constraints of the site, as well as the mitigation of potential impacts resulting from the non-compliances, the development is considered worthy of support as it allows for the provision of affordable housing in a town centre with adequate access to services and transportation, provides a bulk and scale in keeping with the permissible building height and expected future character of the area and allows for the redevelopment of what is currently and underdeveloped parcel of land.

As such, the development has merit and is therefore worthy of being supported.

### **RECOMMENDATION**

It is recommended that Development Application DA-1349/2024 be **APPROVED** subject to Conditions of Consent in Attachment 2.



## EXPLANATORY NOTE

Development consent was granted by Canterbury-Bankstown Local Planning Panel on 15 December 2021 to DA-783/2020 which authorised for the demolition of existing structures and the construction of a six storey shop top housing development comprising of one commercial tenancy on ground floor and twenty-two (22) apartments above and two levels of basement parking. This consent was modified by Determination Notice No. DA-783/2020/A dated 11 November 2022 and by Determination Notice No. DA-783/2020/B dated 14 December 2022.

In accordance with s4.17(1)(b) and s4.17(5) of the Environmental Planning & Assessment Act 1979, Determination Notice No. DA-783/2020 is to be further modified as necessary to be consistent with the development consent conditions contained within this determination notice for DA-1349/2024.

Before the issue of any construction certificate for this consent the certifying authority must ensure that no conditions or requirements imposed by conditions contained within the determination notice of DA-783/2020 (as modified by DA-783/2020/A and DA-783/2020/B) will restrict or prohibit the carrying out of conditions of consent contained within this determination notice of DA-1349/2024 or vice versa. The two consents are to be read and carried out in conjunction with each other to achieve the desired outcome of the approved development as shown on stamped plans referenced within Condition 1 of this determination notice.

## GENERAL CONDITIONS

Number	Condition																																																																																
1.	<p><b>Approved Plans and supporting documentation</b></p> <p>Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table><tr><th colspan="5">Approved plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>201</td><td>DA-C</td><td>Basement B2 Plan</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>202</td><td>DA-C</td><td>Basement B1 Plan</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>203</td><td>DA-C</td><td>Ground Floor Plan</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>204</td><td>DA-C</td><td>Level 1 Plan</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>205</td><td>DA-C</td><td>Level 2 Plan</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>206</td><td>DA-C</td><td>Level 3 Plan</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>207</td><td>DA-C</td><td>Level 4 Plan</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>208</td><td>DA-C</td><td>Level 5 Plan</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>209</td><td>DA-C</td><td>Level 6 Plan</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>210</td><td>DA-C</td><td>Roof Plan</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>301</td><td>DA-C</td><td>East + West Elevation</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>302</td><td>DA-C</td><td>South Elevation</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>303</td><td>DA-C</td><td>North Elevation</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr><tr><td>401</td><td>DA-C</td><td>Section AA</td><td>Ross Howiseon Architects</td><td>31.03.2025</td></tr></table>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	201	DA-C	Basement B2 Plan	Ross Howiseon Architects	31.03.2025	202	DA-C	Basement B1 Plan	Ross Howiseon Architects	31.03.2025	203	DA-C	Ground Floor Plan	Ross Howiseon Architects	31.03.2025	204	DA-C	Level 1 Plan	Ross Howiseon Architects	31.03.2025	205	DA-C	Level 2 Plan	Ross Howiseon Architects	31.03.2025	206	DA-C	Level 3 Plan	Ross Howiseon Architects	31.03.2025	207	DA-C	Level 4 Plan	Ross Howiseon Architects	31.03.2025	208	DA-C	Level 5 Plan	Ross Howiseon Architects	31.03.2025	209	DA-C	Level 6 Plan	Ross Howiseon Architects	31.03.2025	210	DA-C	Roof Plan	Ross Howiseon Architects	31.03.2025	301	DA-C	East + West Elevation	Ross Howiseon Architects	31.03.2025	302	DA-C	South Elevation	Ross Howiseon Architects	31.03.2025	303	DA-C	North Elevation	Ross Howiseon Architects	31.03.2025	401	DA-C	Section AA	Ross Howiseon Architects	31.03.2025
Approved plans																																																																																	
Plan number	Revision number	Plan title	Drawn by	Date of plan																																																																													
201	DA-C	Basement B2 Plan	Ross Howiseon Architects	31.03.2025																																																																													
202	DA-C	Basement B1 Plan	Ross Howiseon Architects	31.03.2025																																																																													
203	DA-C	Ground Floor Plan	Ross Howiseon Architects	31.03.2025																																																																													
204	DA-C	Level 1 Plan	Ross Howiseon Architects	31.03.2025																																																																													
205	DA-C	Level 2 Plan	Ross Howiseon Architects	31.03.2025																																																																													
206	DA-C	Level 3 Plan	Ross Howiseon Architects	31.03.2025																																																																													
207	DA-C	Level 4 Plan	Ross Howiseon Architects	31.03.2025																																																																													
208	DA-C	Level 5 Plan	Ross Howiseon Architects	31.03.2025																																																																													
209	DA-C	Level 6 Plan	Ross Howiseon Architects	31.03.2025																																																																													
210	DA-C	Roof Plan	Ross Howiseon Architects	31.03.2025																																																																													
301	DA-C	East + West Elevation	Ross Howiseon Architects	31.03.2025																																																																													
302	DA-C	South Elevation	Ross Howiseon Architects	31.03.2025																																																																													
303	DA-C	North Elevation	Ross Howiseon Architects	31.03.2025																																																																													
401	DA-C	Section AA	Ross Howiseon Architects	31.03.2025																																																																													

	402	DA-C	Section BB	Ross Howison Architects	31.03.2025
	IS0284DA1	1	Ground	Isthmus	7/4/25
	IS0284DA2	1	Level 01	Isthmus	7/4/25
	IS0284DA3	1	Level 06	Isthmus	7/4/25
	IS0284DA4	1	Details & Schedules	Isthmus	7/4/25
	<p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>In the event of an inconsistency between the approved plans of determination notice no. DA-783/2020, the approved plans of this consent prevail.</p> <p style="text-align: right;">1.101.S</p>				
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.				
2.	<p><b>Design Amendments</b></p> <p>Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans (stamped by Council) and supporting documentation:</p> <p>a) The landscape plan and ground floor plan are to be amended to include a raised planter bed to surround the terrace provided for the ground floor commercial unit. This planter bed is to be a minimum 600mm in height to a maximum 1m in height and a minimum 1m in width, in order to allow for the planting of vegetation of a sufficient size to provide a visual buffer between the commercial terrace and the residential communal open space.</p> <p>b) The door between the ground floor retail unit and the lobby (access to communal open space) is to be deleted from plans to ensure there is no access to the residential ground floor element from the commercial element.</p> <p style="text-align: right;">1.102.S</p>				
	Condition reason: To ensure the orderly development of land.				
3.	<p><b>Modification of DA-783/2020</b></p> <p>Pursuant to section 4.17(1)(b) of the <i>Environmental Planning &amp; Assessment Act</i> 1979, development consent DA-783/2020 (as modified by DA-783/2020/A and DA-783/2020/B) is modified as provided in Annexure A. For this modification to take effect, the requirements of s67 of the Environmental Planning &amp; Assessment Regulation 2021 need to be followed (i.e. a written notice to the consent authority for modification of Development Consent DA-783/2020 (as modified by DA-783/2020/A and DA-783/2020/B)) as per the modifications shown in this consent. In the event that the requirements of s67 are not met and the modification does not take effect, this consent does not operate.</p>				
	Condition reason: To ensure consistency between consents.				
4.	<p><b>Crane Approval</b></p> <p>Separate approval must be sought (where required) under the relevant Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height above the proposed development and consequently, may require separate approval under the Regulations. It is advisable that approval to operate equipment (i.e. cranes) be obtained before the issue of any construction certificate.</p>				
	Condition reason: To ensure the orderly development of land.				

5.	<b>No Use Granted</b>
	No use is granted for the commercial premise located on the ground floor.
	Condition reason: To ensure the orderly development of land.

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

6.	<b>Development Contributions, Section 7.11</b>											
	<p>Development Contributions of <b>\$85,954.43</b> must be paid for this development before the issue of any construction certificate. The contributions are levied under Canterbury Bankstown Local Infrastructure Contributions Plan 2022 and Section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i>. The contributions will be used to provide, extend or augment public amenities or public services required due to additional demand for these facilities created by the new development. The development contribution will be allocated to the following purposes under the contributions plan:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Category</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Open Space and Recreation facilities</td><td>\$54,455.06</td></tr> <tr> <td>Access and Public Domain Facilities</td><td>\$15,334.29</td></tr> <tr> <td>Community and Cultural Facilities</td><td>\$14,905.33</td></tr> <tr> <td>Plan Management &amp; Administration</td><td>\$1,269.75</td></tr> <tr> <td style="text-align: right;">Total</td><td>\$85,954.43</td></tr> </tbody> </table> <p>Indexing of the contribution amount to be paid: The development contribution payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have occurred since the "Consent to operate from date" which appears on the front page of this Determination Notice.</p> <p>No construction certificate is to be issued and no construction is to commence until payment of development contributions. The contribution must be paid to Council before the issue of any construction certificate. Construction of the development may NOT commence until the development contributions are paid.</p> <p>A copy of the development contributions plan is available for inspection on Council's website and at Council's Administration offices in Bankstown and Campsie.</p> <p>NOTE: <u>Development contribution amounts are non-refundable if you do not proceed with your development.</u></p> <p style="text-align: right;">2.101</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>	Category	Amount	Open Space and Recreation facilities	\$54,455.06	Access and Public Domain Facilities	\$15,334.29	Community and Cultural Facilities	\$14,905.33	Plan Management & Administration	\$1,269.75	Total
Category	Amount											
Open Space and Recreation facilities	\$54,455.06											
Access and Public Domain Facilities	\$15,334.29											
Community and Cultural Facilities	\$14,905.33											
Plan Management & Administration	\$1,269.75											
Total	\$85,954.43											
7.	<b>Housing and Productivity Contribution</b> <p>Before the issue of the first construction certificate issued as part of this consent, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p>											



	<b>Housing and productivity contribution</b>	<b>Amount</b>
	Housing and productivity contribution (base component)	\$42,842.61
	<p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p> <p>Condition Reason: To require contributions towards the provision of regional infrastructure.</p>	
8.	<p><b>Payment of Fees</b></p> <p>Before Issuing a construction certificate, all the following must be paid to the relevant authority/entity and written evidence of these payments must be provided to the certifier.</p> <ul style="list-style-type: none"> <li>a. Levies</li> <li>b. Bonds</li> <li>c. Contributions</li> <li>d. Inspection fees</li> </ul> <p style="text-align: right;">2.103.S</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>	
9.	<p><b>Long Service Levy</b></p> <p>Before the issue of the relevant construction certificate, payment of the long service levy is required, under the <i>Building and Construction industry Long Service Payments Act 1986</i>, section 34. Evidence of the payment is to be provided to the Certifier. Payment can be calculated using the Levy Portal <a href="https://longservice.force.com/bci/s/levy-calculator">Calculator at https://longservice.force.com/bci/s/levy-calculator</a>. Payment must be made via the <a href="https://www.longservice.nsw.gov.au">Long Service Levy Portal</a> at <a href="https://www.longservice.nsw.gov.au">https://www.longservice.nsw.gov.au</a>.</p> <p style="text-align: right;">2.104.S</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>	
10.	<p><b>Services on Street</b></p> <p>The approved VFC's location conflicts with the existing power pole and Telstra pit forward of the property boundary. Before the issue of a construction certificate, the certifying authority must be in possession of official correspondence from the relevant authorities with ownership over these assets which consents to their relocation.</p> <p>Condition reason: To ensure compliance with the relevant Australian</p>	

	Standard and National Construction Code.
11.	<p><b>Boom Gates</b></p> <p>Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry, installed at least 4 metres recessed into the site, when measured from the property boundary with the street. The intercom is to be wired to all units.</p> <p>The intercom must comply with Australian Standard AS 1428.2: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.</p> <p>Condition reason: To ensure compliance with stamped plans.</p>
12.	<p><b>BASIX Requirements</b></p> <p>The development must be carried out in accordance with the commitments shown on the submitted BASIX Certificate. The BASIX commitments must be reflected in the construction certificate plans and specifications. Any proposed changes to the BASIX commitments after the construction certificate has been issued will require an updated BASIX Certificate.</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
13.	<p><b>Adaptable Housing Standards</b></p> <p>Before the issue of the relevant construction certificate, the consent holder must ensure a report from a suitably qualified consultant is prepared and demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or supporting documentation comply with the provisions of AS 4299 – 'Adaptable Housing Standards'.</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
14.	<p><b>Ventilation</b></p> <p>The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and 2 – 'The Use of Ventilation and Air-Conditioning in Buildings – Mechanical Ventilation in Buildings'.</p> <p>Details of any mechanical ventilation and/or air-conditioning system complying with AS1668.1 and 2 – 'The Use of Ventilation and Air-Conditioning in Buildings – Mechanical Ventilation in Buildings', the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, to the satisfaction of the certifier before the issue of a construction certificate.</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
15.	<p><b>Mechanical Exhaust</b></p> <p>Before the issue of a construction certificate, any mechanical exhaust systems and/or shafts for the ground floor commercial unit must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – 'The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings', and AS1668.1 – 'The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings'.</p> <p>Condition reason: To ensure compliance with the relevant Australian</p>

	Standard and National Construction Code.
16.	<b>Carpark Exhaust</b> Before the issue of a construction certificate, the certifier is to ensure that all carpark exhaust does not directly vent into private or communal open space. Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
17.	<b>Landscape Management Plan</b> A site wide landscape management plan is to be submitted to and approved by the certifier before the issue of a construction certificate. The plan is to address but is not limited to the ground floor communal open space and rooftop communal open space. The plan is to demonstrate who is responsible for and how the landscape features will be installed and detail the responsibility of ongoing maintenance of the landscaping. Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
18.	<b>Design Verification Statement</b> A construction certificate shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which development consent was granted, having regard to the design quality principles set out in Schedule 9 of SEPP (Housing) 2021. Condition reason: To ensure compliance with the Regulations 2021.
19.	<b>Air-conditioning Equipment</b> No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall: a) Not be located on awnings or attached to the face of the building, b) Not be located on roofs in such a way that it is visible from any street, footpath or park, c) Be visually screened if located 1.8 metres above ground level in other locations, and d) Wiring shall be fully concealed. All construction certificate documentation is to demonstrate compliance with these requirements. Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
20.	<b>Rooftop Equipment</b> All roof-top plant and associated equipment must be located within the approved building envelope and must not be visible from the public domain. Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
21.	<b>Construction Certificate</b> A construction certificate must be obtained before work commences. A construction certificate issued for this consent must ensure consistency with conditions 5 – 47 of Determination Notice No. DA-783/2020 (as modified by DA-783/2020/A and DA-783/2020/B). Condition reason: To ensure consistency between consents.



## BEFORE BUILDING WORK COMMENCES

22.	<p><b>Certifier details</b></p> <p>A construction certificate is required for the erection of a building in accordance with this Determination Notice.</p> <p>This Determination Notice does not authorise building work until a principal certifier has been appointed as the principal certifier for the work by (or with the approval of) the consent holder.</p> <p>The following requirements apply before the commencement of building work in accordance with this Determination Notice:</p> <ol style="list-style-type: none"> <li>a. the principal certifier has, no later than two (2) days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of their appointment as the principal certifier,</li> <li>b. the principal certifier has, no later than two (2) days before the building work commences, notified the consent holder of any inspections that are required to be carried out in respect of the building work,</li> <li>c. the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case,</li> <li>d. the consent holder, if not carrying out the work as an owner-builder, has: <ol style="list-style-type: none"> <li>i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and</li> <li>ii. notified the principal certifier of the appointment, and</li> <li>iii. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,</li> </ol> </li> <li>e. the consent holder has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building.</li> </ol> <p style="text-align: right;">3.202</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
23.	<p><b>Compliance with the Determination Notice for DA-783/2020</b></p> <p>Conditions of consent numbers 48 – 60 of DA-783/2020 (as modified by DA-783/2020/A and DA-783/2020/B) must be adhered to or completed before building works commence.</p> <p>Condition reason: To ensure consistency between consents.</p>

## DURING BUILDING WORK

24.	<p><b>Compliance with the Determination Notice for DA-783/2020</b></p> <p>Conditions of consent numbers 61 – 86 of DA-783/2020 (as modified by DA-783/2020/A and DA-783/2020/B) must be adhered to during all construction works.</p> <p>Condition reason: To ensure consistency between consents.</p>
-----	--

## BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

<b>25.</b>	<p><b>Occupation certificate</b></p> <p>The occupation or use of the approved development must not commence before the issue of an occupation certificate.</p> <p>An occupation certificate for the approved development must not be granted before the issuing of an occupation certificate for any portion of the development approved under DA-783/2020 (as modified by DA-783/2020/A and DA-783/2020/B) though they may be issued concurrently.</p> <p style="text-align: right;">5.201</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
<b>26.</b>	<p><b>Affordable Housing Registration</b></p> <p>Before to the issue of an occupation certificate, evidence is to be submitted to Council demonstrating that a restriction has been registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the following requirements are met:</p> <p>a) For 15 years from the date of the issue of the occupation certificate, for the following five (5) units:</p> <ul style="list-style-type: none"> <li>(i) 1.01</li> <li>(ii) 1.03</li> <li>(iii) 2.01</li> <li>(iv) 2.04</li> <li>(v) 5.03</li> </ul> <p>That these units must be used for the purpose of affordable housing, and each of these units must be managed by a registered community housing provider.</p> <p>b) The occupation and management of these units must be in accordance with any other relevant requirement of State Environmental Planning Policy (Housing) 2021.</p> <p>Condition reason: To ensure compliance with stamped plans and relevant legislation.</p>

## OCCUPATION AND ONGOING USE

<b>27.</b>	<p><b>Occupation and Use of the Development</b></p> <p>Occupation and use of the development must be carried out in accordance 107 – 129 of DA-783/2020 (as modified by DA-783/2020/A and DA-783/2020/B).</p> <p style="text-align: right;">7.104</p> <p>Condition reason: To ensure consistency between consents.</p>
------------	--

## Annexure A:

### Schedule of Changes:

Condition	Change
2)	Amended to reflect new architectural and landscape plans.
6)	Deleted as it was a boundary fence condition imposed in error.
9)	Amended to reflect current best-practice regarding waste management.
12)	Amended to better reflect relevant fees.
13)	Amended to refer to new contact information for Long Service Levy.
14)	Amended to reflect new architectural plans.
16)	Amended to reflect current best-practice regarding pedestrian sight triangles.
17)	Amended to reflect current best-practice for parking facilities.
20)	Amended to reflect current best-practice for parking facilities.
24)	Amended to reflect new stormwater plans.
25)	Amended to reflect new stormwater plans.
28)	Amended to reflect best-practice regarding Traffic Management.
30)	Amended to reflect best-practice regarding works on Council land.
31)	Amended to reflect best-practice regarding accessibility.
35)	Amended to provide better certainty to adjoining property owners.
92)	Amended to reflect new architectural plans.
93)	Amended to reflect new architectural plans.
110)	Amended to reflect updated supporting documentation.



## Conditions of consent of Determination Notice No. DA-783/2020 to be amended as follows:

- 2) Development shall take place in accordance with Development Application No.DA-783/2020, submitted by 8 Kent Street Pty Ltd, accompanied by the drawings as listed in the table below, and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing No.	Drawing Title	Rev.	Dated	Prepared by
200	Site Plan	DA	20.08.2020	Ross Howieson Architects
201	Basement B2	DA-F	04 – 11 – 2021	Ross Howieson Architects
202	Basement B1	DA-F	04 – 11 – 2021	Ross Howieson Architects
203	Ground Floor Plan	DA-F	04 – 11 – 2021	Ross Howieson Architects
204	Level 1 Plan	DA-F	04 – 11 – 2021	Ross Howieson Architects
205	Level 2 Plan	DA-F	04 – 11 – 2021	Ross Howieson Architects
206	Level 3 Plan	DA-F	04 – 11 – 2021	Ross Howieson Architects
207	Level 4 Plan	DA-F	04 – 11 – 2021	Ross Howieson Architects
208	Level 5 Plan	DA-F	04 – 11 – 2021	Ross Howieson Architects
209	Roof Plan	DA-F	04 – 11 – 2021	Ross Howieson Architects
210	Roof Plan with Survey	DA-F	04 – 11 – 2021	Ross Howieson Architects
301	East + West Elevation	DA-F	04 – 11 – 2021	Ross Howieson Architects
302	South Elevation	DA-F	04 – 11 – 2021	Ross Howieson Architects
303	North Elevation	DA-F	04 – 11 – 2021	Ross Howieson Architects
401	Section AA	DA-F	04 – 11 – 2021	Ross Howieson Architects
402	Section BB	DA-F	04 – 11 – 2021	Ross Howieson Architects
403	Section CC + Section DD	DA-F	04 – 11 – 2021	Ross Howieson Architects
404	Section EE	DA-F	04 – 11 – 2021	Ross Howieson Architects
902	Windows schedule	DA-C	12.06.2021	Ross Howieson Architects
IS0284DA1	Landscape Plan – Ground Floor	F	03.09.21	Isthmus Pty Ltd
IS0284DA2	Landscape Plan – First Floor	F	03.09.21	Isthmus Pty Ltd

Drawing No.	Drawing Title	Rev.	Dated	Prepared by
IS0284DA3	Landscape Plan – Fifth Floor	F	03.09.21	Isthmus Pty Ltd

The development plans shall be amended as follows:

- c) *The landscape plan and ground floor plan are to be amended to include a raised planter bed to surround the terrace provided for the ground floor commercial unit. This planter bed is to be a minimum 600mm in height to a maximum 1m in height and a minimum 1m in width, in order to allow for the planting of vegetation of a sufficient size to provide a visual buffer between the commercial terrace and the residential communal open space.*
- d) *The door between the ground floor retail unit and the lobby (access to communal open space) is to be deleted from plans to ensure there is no access to the residential ground floor element from the commercial element.*

#### **Amended under DA-1349/2024 dated June 2025.**

- 
- ~~6) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.~~

#### **Deleted under DA-1349/2024 dated June 2025.**

- 
- 9) *Before the issue of a construction certificate, a Waste Management Plan (WMP) must be prepared and provided to the certifier. The plan must include the following matters:*

*The plan must be prepared*

- a. *in accordance with:*
  - i. *the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and*
  - ii. *a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and*
- b. *include the following information—*
  - i. *the contact details of the person removing waste,*
  - ii. *an estimate of the type and quantity of waste,*
  - iii. *whether waste is expected to be reused, recycled or sent to landfill,*
  - iv. *the address of the disposal location for waste.*

*A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.*

**Amended under DA-1349/2024 dated June 2025.**

- 
- 12) *Before Issuing a construction certificate, all the following must be paid to the relevant authority/entity and written evidence of these payments must be provided to the certifier.*
- a. *Levies*
  - b. *Bonds*
  - c. *Contributions*
  - d. *Inspection fees*

**Amended under DA-1349/2024 dated June 2025.**

- 
- 13) *Before the issue of the relevant construction certificate, payment of the long service levy is required, under the Building and Construction industry Long Service Payments Act 1986, section 34. Evidence of the payment is to be provided to the Certifier. Payment can be calculated using the Levy Portal Calculator at <https://longservice.force.com/bci/s/levy-calculator>. Payment must be made via the [Long Service Levy Portal](https://www.longservice.nsw.gov.au) at <https://www.longservice.nsw.gov.au>.*

**Amended under DA-1349/2024 dated June 2025.**

- 
- 14) *The consent holder shall apply for a Work Permit and obtain approval from Council, for any of the following applicable engineering works in front of the site, at their own expense:*
- a) *A single heavy-duty VFC of maximum width of 6.0 metres at the property boundary.*
  - b) *Foot path reconstruction fronting the subject property.*
  - c) *New stormwater pit with 1.8m lintel and associated 375 RCP pipe extension.*
  - d) *Removal of all redundant driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs,*
  - e) *Repair of any damage to the public road including the footway occurring during building works, and*
  - f) *Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.*
  - g) *The proposed VFC details and the power pole relocation, Telstra pit relocation and the construction of a new wing to existing neighbour's VFC crossing are all to be noted in the application drawings.*



**Note:** Council is required to prepare a site survey and design in order to determine the necessary information. The person having benefit of this Determination Notice should make application and payment for the Work Permit at least twenty-one (21) days prior to the information being required and prior to the issue of the Construction Certificate. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets.

**Amended under DA-1349/2024 dated June 2025.**

- 
- 16) *Sight triangles are to be marked on relevant plans, being provided at the intersection of the driveway and the property boundary in accordance with AS 2890.1: 'Figure 3.3 – Minimum Sight Lines for Pedestrian Safety'. A splay extending 2 metres from the driveway edge along the front boundary and 2.5 metres from the boundary along the driveway shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and is to be kept clear of any obstacles. Any structures, plantings or fencing within these triangles is to be a maximum height of 600mm to ensure sight lines are kept clear of any obstacles. This shall be illustrated on plans submitted with the construction certificate.*

**Amended under DA-1349/2024 dated June 2025.**

- 
- 17) *The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the certifier before a construction certificate being issued.*

*Furthermore, for internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the certifier before the issue of the construction certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890 parking series. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.*

*Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the property boundary with the street.*

**Amended under DA-1349/2024 dated June 2025.**

---

- 20) *Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of AS 2890 – 'Parking Facilities - Off-Street Carparking' and Council's development control plan.*

**Amended under DA-1349/2024 dated June 2025.**

- 24) Stormwater drainage from the development shall be designed so as to comply with Council's Canterbury Development Control Plan 2012 Part B5 and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 in accordance with the above requirements and shall generally be in accordance with the approved concept stormwater plan as shown in the table below. The final plan shall be certified by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 that it complies with Council's Canterbury Development Control Plan 2012 Part B5, the BASIX Certificate and the relevant Australian Standards.

Drawing number	Revision	Date	Prepared By
2110 – S2/8	P	21.08.2024	John Romanous & Associates
2110 – S3/8	P	21.08.2024	John Romanous & Associates
2110 – S4/8	P	21.08.2024	John Romanous & Associates
2110 – S5/8	P	21.08.2024	John Romanous & Associates

*For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an on-site stormwater detention system, in accordance with Council's Development Control Plan 2023. The developer shall engage a suitably qualified engineer to prepare a final stormwater drainage and on-site detention system plan to be generally in accordance with the concept plan in the table below and in accordance with the requirements contained in Council's Development Control Plan 2023. The Engineer shall certify that the design and plans comply with Council's Development Control Plan 2023 and the relevant Australian Standards.*

Drawing number	Revision	Date	Prepared By
2110 – S2/8	P	21.08.2024	John Romanous & Associates
2110 – S3/8	P	21.08.2024	John Romanous & Associates
2110 – S4/8	P	21.08.2024	John Romanous & Associates
2110 – S5/8	P	21.08.2024	John Romanous & Associates

**Amended under DA-1349/2024 dated June 2025.**

- 25) *The pump out drainage system for the driveway/access ramp and car parking area/open space area shall be provided in accordance with Council's Canterbury Development Control Plan 2012 Part B5. The Engineer must design the Pump out drainage system to be in accordance with the Australian Standards AS 3500. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the certifier for approval before the issue of any construction certificate. The engineer must certify that the hydraulic design complies with the above relevant standards.*

**Amended under DA-1349/2024 dated June 2025.**

- 28) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

**A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN**

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the constructions site;
- c) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- e) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- f) Proposed route for transportation of bulk and excavation materials to and from the development site.

The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "State Road" via "Regional Roads", with every effort to avoid school zones on public roads. Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided **no heavy construction vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days.**

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to



release of any Construction Certificate. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site.

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

Note: Approval by Council of a SPTMP may take up to six (6) months. Accordingly, it is recommended the application to Council be submitted well in advance of the need for a construction certificate.

**Amended under DA-1349/2024 dated June 2025.**

- 
- 30) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the *Roads Act 1993* and/or Section 68 of the *Local Government Act 1993*, Council requires the person having benefit of this Determination Notice to obtain a Works Permit and or a Roadway / Footpath Building Occupation Permit prior to issue of any construction certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:

**A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS**

**WORKS REQUIRING A 'WORKS PERMIT'**

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road,
- h) Require a work zone on the public road for the unloading and or loading of vehicles,
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road,
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road,
- l) The work is greater than \$25,000, and
- m) Demolition is proposed.

The person having benefit of this Determination Notice shall construct all works approved within the public road and footway under the supervision and to the satisfaction of Council and shall arrange for necessary inspections by Council whilst the work is in progress.

The person having benefit of this Determination Notice shall ensure that the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars and shall provide proof of the policy to Council, prior to commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.

**Amended under DA-1349/2024 dated June 2025.**

---

- 31) *The building must be designed and constructed to provide access and facilities for people with a physical disability in accordance with the Building Code of Australia.*

*If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council through a modification application before a construction certificate being issued.*

**Amended under DA-1349/2024 dated June 2025.**

---

- 35) *Before the issue of a construction certificate, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the certifier for the following properties:*

- *4 Kent Street,*
- *8a Kent Street,*
- *440-442 Burwood Road*

*Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the certifier, that all reasonable steps were taken to obtain access to the adjoining properties.*

*No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be made available to Council upon request.*

**Amended under DA-1349/2024 dated June 2025.**

---

- 92) 39 off-street car spaces being provided in accordance with the submitted plans. This shall comprise a minimum allocation to each of the following:
- a) 29 residential spaces
  - b) Eight (8) business / commercial spaces
  - c) One (1) residential visitor spaces
  - d) One (1) car wash bay

**Note:** Four (4) of the above car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

**Note:** the car wash bay is to be signposted as such, noting no long-term parking is permitted.

**Note:** the visitor space is to be signposted as such to ensure it is utilised for visitor parking for the residential portion of the development.

**Note:** two (2) motorbike parking spaces are to be provided.

**Note:** 11 bicycle parking spaces are to be provided spread between the two levels of basement parking.

**Amended under DA-1349/2024 dated June 2025.**

---

- 93) *Eleven (11) securable, undercover bicycle parking spaces are to be provided within the basement of the development. The bicycle parking is to be in accordance with AS2890.3.*

**Amended under DA-1349/2024 dated June 2025.**

#### **USE OF THE SITE**

- 110) The plan of management submitted in support of this application prepared by *Planzone Pty Ltd, dated, 1 November 2024, reference POM.200527.AH.AH* forms part of the development consent. In the event of any inconsistency, the conditions of this consent will prevail over the plan of management.

**Amended under DA-1349/2024 dated June 2025.**

---

**- END -**