



AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

2 March 2026 - 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.



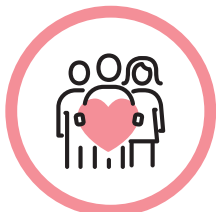
Design Excellence

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

DARANI / BANKSTOWN WARD AND BUNYA / REVESBY WARD

1 81A-89 Rosedale Avenue, Greenacre and 48A Gibson Avenue, Padstow

Amendments to the CBLEP by rezoning the subject sites from SP2 Electricity Transmission or Distribution Network to E4 General Industrial and introducing an FSR of 1:1 3

BURA / BASS HILL WARD

2 77, 79, 81 Auburn Road and 19 Neutral Avenue, Birrong

Demolition of existing structures and construction of a 5 storey mixed use development with affordable housing, comprising 7 commercial tenancies and 50 residential units, with basement car parking, landscaping and site works. This development application is 'nominated integrated development' and requires approval under the Water Management Act 2000

Note: This application, being for community infrastructure (affordable housing) having a Capital Investment Value greater than \$5m, will be determined by the Local Planning Panel on behalf of Council 29

BUNYA / REVESBY WARD

3 67 Auld Avenue, 41 and 77 Keys Parade, 1 Luderick Avenue, 40 Prescott Parade and 265 Horsley Road, Milperra (previously known as 40 and 56 Prescott Parade, 67, 67A, 90 and 100 Auld Avenue and 265 Horsley Road, Milperra)

Construction of a publicly accessible shared cycleway and pedestrian access path along the Georges River, including elevated sections, and a bridge over mangroves and the northern creek, and ancillary works

The proposed development is designated development, and nominated integrated development requiring a Controlled Activity Approval under the Water Management Act 2000 169

ITEM 1	81A-89 Rosedale Avenue, Greenacre and 48A Gibson Avenue, Padstow Amendments to the CBLEP by rezoning the subject sites from SP2 Electricity Transmission or Distribution Network to E4 General Industrial and introducing an FSR of 1:1
APPLICANT	Urbis Ltd
OWNERS	Aurora Property Partnership
AUTHOR	Planning

PURPOSE AND BACKGROUND

The purpose of this report is to seek the Local Planning Panel's (the Panel) advice on proposed changes to the *Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)*. Council is in receipt of an application to prepare a planning proposal for the sites at 81A – 89 Rosedale Avenue, Greenacre and 48A Gibson Avenue, Padstow.

The planning proposal seeks the following amendments to CBLEP 2023 for the two sites:

- Rezone from the current SP2 Infrastructure (Electricity Transmission or Distribution Network) Zone to E4 General Industrial Zone.
- Introduce a Floor Space Ratio (FSR) of 1:1.
- No Height of Building will apply.

The planning proposal will facilitate the redevelopment of the subject sites which will have positive social and economic benefits as it provides the capacity for additional jobs through increased employment floor space in Greenacre and Padstow. The subject site in Greenacre falls within the Chullora industrial precinct, while the subject site in Padstow falls within the Padstow Industrial Precinct, both noted as strategic employment precincts in the Canterbury-Bankstown Employment Lands Strategy.

A detailed assessment of the application indicates that there is strategic and site-specific merit to proceed to the next step in the plan making process and seek Gateway approval from the Department of Planning, Housing and Infrastructure (DPHI). Following Gateway approval, Council will publicly exhibit the planning proposal. The detailed assessment indicates that the proposal will not require site specific DCP controls. No planning agreement is required for this proposal.

ISSUE

In accordance with the Local Planning Panels Direction, issued by the Minister for Planning and Public Spaces in 2018, the Canterbury Bankstown Local Planning Panel is requested to provide advice for Council's consideration on whether a planning proposal for the sites 81A – 89 Rosedale Avenue, Greenacre and 48A Gibson Avenue, Padstow should proceed to Department of Planning, Housing and Infrastructure for a Gateway determination.

POLICY IMPACT

Council's adopted Local Strategic Planning Statement (LSPS) – "Connective City 2036" guides the future growth and development of the City of Canterbury Bankstown to 2036. The subject sites are identified as places for commerce and jobs, mapped as key industrial land to be managed and retained to support industrial and urban services. The proposal to rezone the sites from SP2 Infrastructure (Electricity Transmission or Distribution Network) to E4 General Industrial responds to the key directions by realising the role of these sites as employment lands, facilitating the delivery of an estimated 325 – 375 jobs associated with the construction and 32 – 40 jobs associated with the operation of new industrial developments.

The proposal aligns with the planning priorities within the South District Plan to retain and manage industrial and urban services land, delivering on jobs growth and economic activity. The planning proposal aligns with the planning priorities of the South District Plan through a rezoning of underutilised SP2 Infrastructure (Electricity Transmission or Distribution Network) zoned sites to E4 General Industrial, supporting employment uses in industry and urban services.

The planning proposal is consistent with Council's Employment Lands Strategy (ELS) that recommends retaining and managing existing industrial lands to support economic growth and job creation. The proposed rezoning of the subject sites to E4 General Industrial, within the identified strategic industrial precincts of Padstow and Greenacre is in alignment with the objective and directions of the ELS.

The proposal is consistent with the draft Sydney Plan and draft Statewide Policy for Industrial Lands that were exhibited from December 2025 to February 2026.

FINANCIAL IMPACT

The proposal is a relatively small-scale rezoning application and will have no financial impact on Council. Any future development on the site would be required to pay Section 7.12 Development Contributions in accordance with Council's Local Infrastructure Contributions Plan 2022.

COMMUNITY IMPACT

The planning proposal will have the following community impact outcomes:

- Enable the delivery of a new industrial development on the subject sites aligning with the strategic vision set out in Council's LSPS.
- Deliver several positive social and economic related benefits to the surrounding community and broader city in relation to jobs creation with an estimated 325 – 375

jobs associated with the construction and an estimated 32 – 40 jobs associated with the operation of potential industrial businesses.

- Change to the existing built form of the current development on the site and will change the character of the surrounding area, however, the change will align with other industrial lots adjacent to the site and improve the current building condition.
- Deliver improvements to the local infrastructure through monetary contributions through Section 7.12 Development Contributions.

RECOMMENDATION

1. The application to amend the *Canterbury Bankstown Local Environmental Plan 2023* proceed to the Department of Planning, Housing and Infrastructure for a Gateway determination, subject to the matter being reported to Council for a resolution to proceed.
2. Subject to the issue of a Gateway determination, Council exhibits the planning proposal, and the matter be reported to Council following the exhibition.
3. Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

[Click here for Attachments](#)

- A. Planning Proposal
- B. Canterbury Bankstown DCP 2023 Compliance Assessment
- C. Concept Architectural Plans
- D. Preliminary Site Investigation - Greenacre
- E. Preliminary Site Investigation - Padstow
- F. Noise Impact Assessment - Greenacre
- G. Noise Impact Assessment - Padstow
- H. Flood and Stormwater Management Report - Greenacre
- I. Flood and Stormwater Management Report - Padstow
- J. Preliminary Arboricultural Impact Assessment - Padstow
- K. Traffic Impact Assessment – Greenacre
- L. Traffic Impact Assessment – Padstow
- M. Indicative Waste Management Plan - Greenacre
- N. Indicative Waste Management Plan - Padstow

DETAILED INFORMATION

1. SITE AND LOCALITY DESCRIPTION

1.1 81A-89 Rosedale Avenue, Greenacre

The Greenacre site comprises the following lots as shown in the table below:

Property Address	Property Description	Current Zone	Site Area
81A-89 Rosedale Avenue, Greenacre	Lot 1 DP 449056 Lot 251 DP 14658 Lot 252 DP 14658 Lot 253 DP 14658 Lot 254 DP 14658 Lot 255 DP 14658	SP2 Infrastructure (Electricity Transmission or Distribution Network)	4,486m ²
Total Development Site Area			4,486m ²

The site is a mid-block allotment with a 61m western frontage to Rosedale Avenue. It is an existing substation and contains electricity infrastructure and ancillary buildings.

The site is subject to an easement along the rear boundary for access to adjoining sites. In relation to local context, the site is located 1.5km to the northeast of Bankstown strategic centre. Located within the Chullora industrial precinct, the site is surrounded by 1-2 storey light industrial developments. An aerial view of the site is provided in Figure 2.



Figure 1: Aerial view of subject site Source: Urbis, 2025

1.2 48A Gibson Avenue, Padstow

The Padstow site comprises the following properties as shown in the table below.

Property Address	Property Description	Current Zone	Site Area
48A Gibson Avenue, Padstow	Lot 1 DP 449056	SP2 Infrastructure (Electricity Transmission or Distribution Network)	1,994.37m ²
Total Development Site Area			1,994.37m²

The site is a corner allotment with a 64m northern frontage to Gow Street and a 30m western frontage to Gibson Avenue. It is an existing substation. Some existing trees are found on the site.

The site is not subject to any easements. In relation to local context, the site is located 2.2km from the Bankstown strategic centre. The site is surrounded by light industrial uses to the north, east and south with low-rise dwellings to the east. An aerial view of the site is provided in 2.



Figure 2: Aerial view of subject site Source: Urbis, 2025

2. HISTORY OF PLANNING PROPOSAL

A brief outline of the history of this proposal is provided below:

- March 2025 - Scoping proposals for both proposals were submitted and referred to internal Council teams and State Agencies for review and comments.
- April 2025 - Council held a meeting with the applicant to discuss the preliminary scoping of planning proposals relating to 48A Gibson Street, Padstow and 81A–89 Rosedale Avenue
- June 2025 - Council undertook a Preliminary Merit Assessment and provided a report to the applicant outlining the Council's in principle support for the planning proposal on strategic and site-specific grounds.
- October 2025 - Planning Proposal was lodged with Council.

3. PROPOSAL

Council received an application to amend the *Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)* to facilitate the redevelopment of land previously used for electricity infrastructure, now identified as surplus to operational needs by the operator Ausgrid, to other uses which align with the surrounding industrial context of the site.

The planning proposal was lodged with Council in October 2025 and intends to amend the CBLEP 2023 as summarised in the below table:

Proposed LEP Amendment	Explanation of proposed provisions
Land Zoning	Rezone the properties at 81A – 89 Rosedale Avenue, Greenacre and 48A Gibson Avenue, Padstow from SP2 Infrastructure (Electricity Transmission or Distribution Network) to E4 General Industrial.
Floor Space Ratio	Introduce an FSR of 1:1.
Height of Buildings	No change proposed.

A site-specific draft Development Control Plan (DCP) is not considered necessary for this proposal and therefore has not been submitted by the applicant. The proposed scale of development permitted by the proposed zoning for each subject site is of a small scale and will be similar to surrounding existing industrial development. The impacts of such development can be managed by the current CBDP 2023.

An assessment of potential impacts and considerations for detailed design are discussed in more detail in Section 5.2 of this report.

A Letter of Offer has not been submitted by the applicant. The proposed scale and impact of the development permitted by the proposed zoning does not require a planning agreement as it is considered the future redevelopment of the site will not give rise to unreasonable impacts on surrounding Council infrastructure or services. Monetary contributions through Section 7.12 Development Contributions are considered sufficient in this case.

The information submitted by the applicant as part of the planning proposal addresses Council’s key issues identified at the scoping proposal phase, however additional information may be required from the applicant in response to LPP determination or any Gateway conditions and should be submitted, prior to public exhibition of the planning proposal.

3.1 Concept plans and draft LEP maps

3.1.1 81A-89 Rosedale Avenue, Greenacre

Figure provides the concept development scheme proposed for the site at 81A – 89 Rosedale Avenue, Greenacre. The concept scheme is indicative only and shows how the applicant envisages the site may redevelop if rezoned.

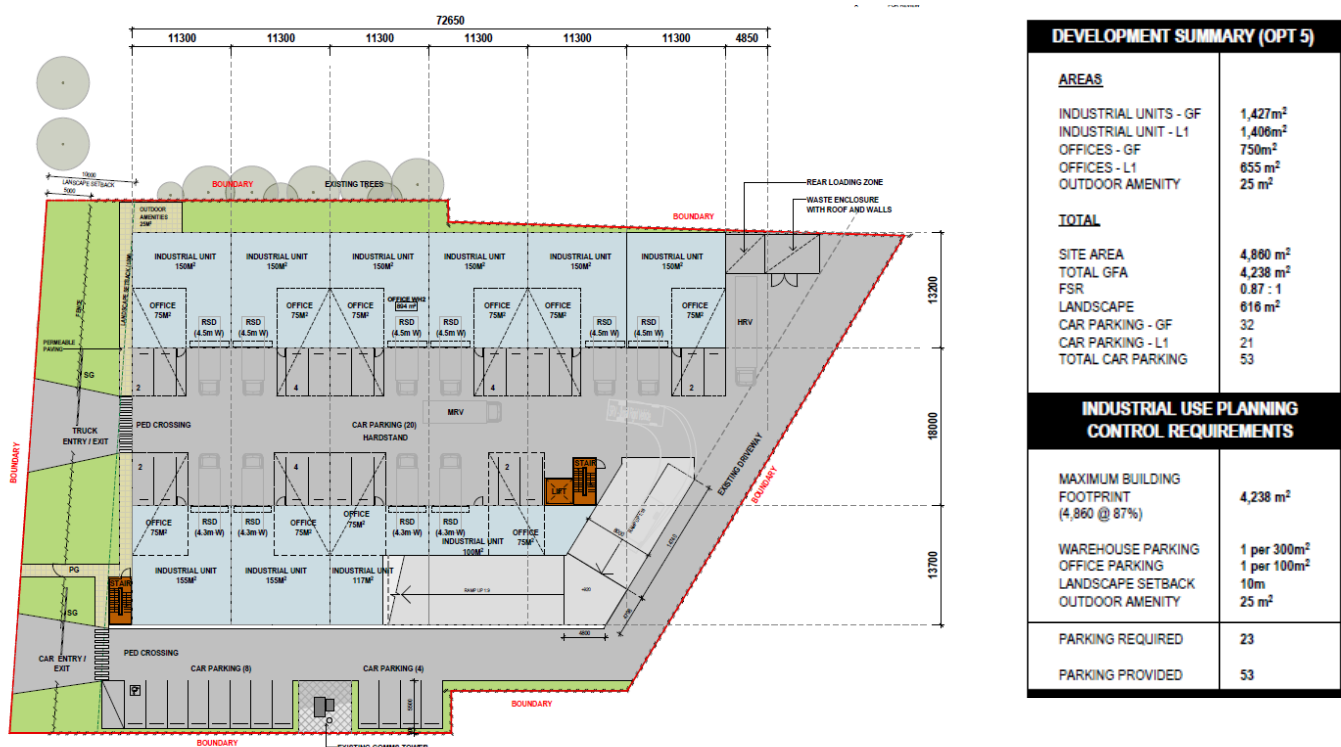


Figure 3: Applicant submitted concept scheme architectural drawings - 81A - 89 Rosedale Avenue, Greenacre **Source:** SBA, 2025

The concept development proposal could generate additional employment including 225 to 250 construction jobs and 20 to 25 operational jobs.

The current and proposed draft LEP maps are provided in Figures 4 - 7.

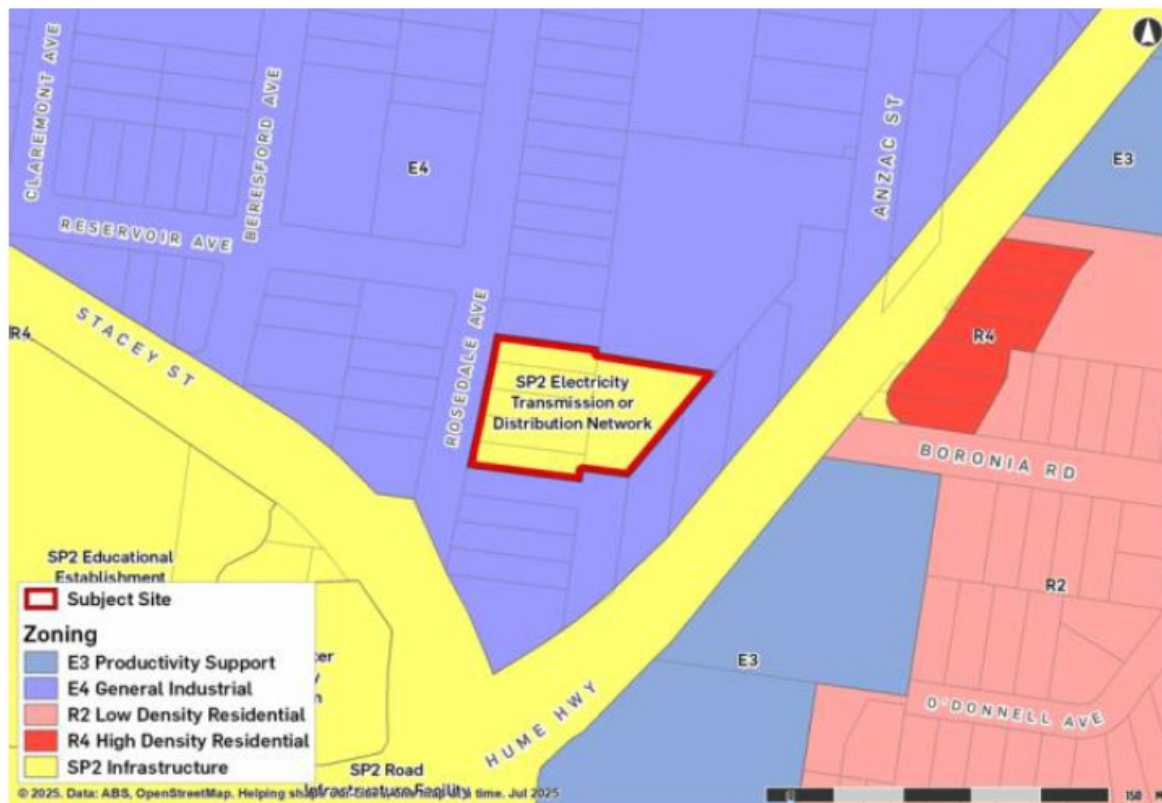


Figure 4: Existing Land Use Zoning – 81A – 89 Rosedale Avenue, Greenacre **Source:** Urbis, 2025

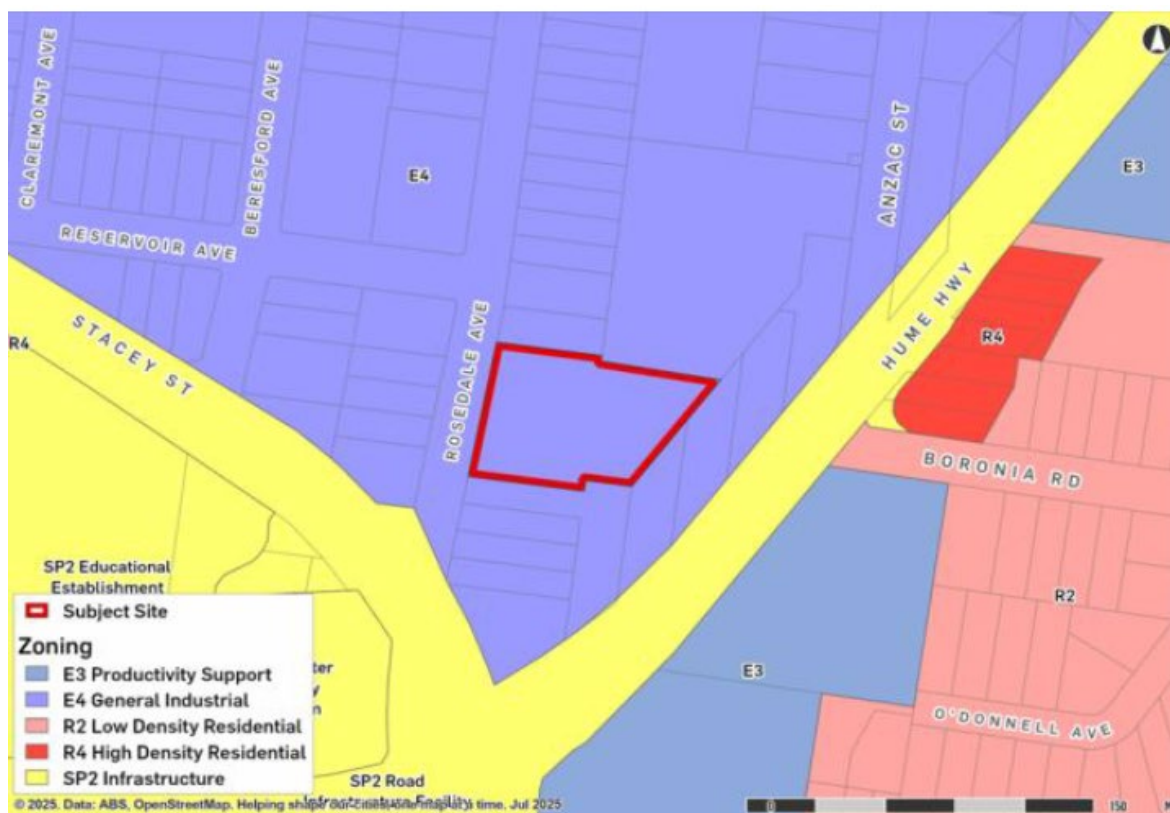


Figure 5: Proposed Land Use Zoning Map – 81A - 89 Rosedale Avenue, Greenacre
Source: Urbis, 2025



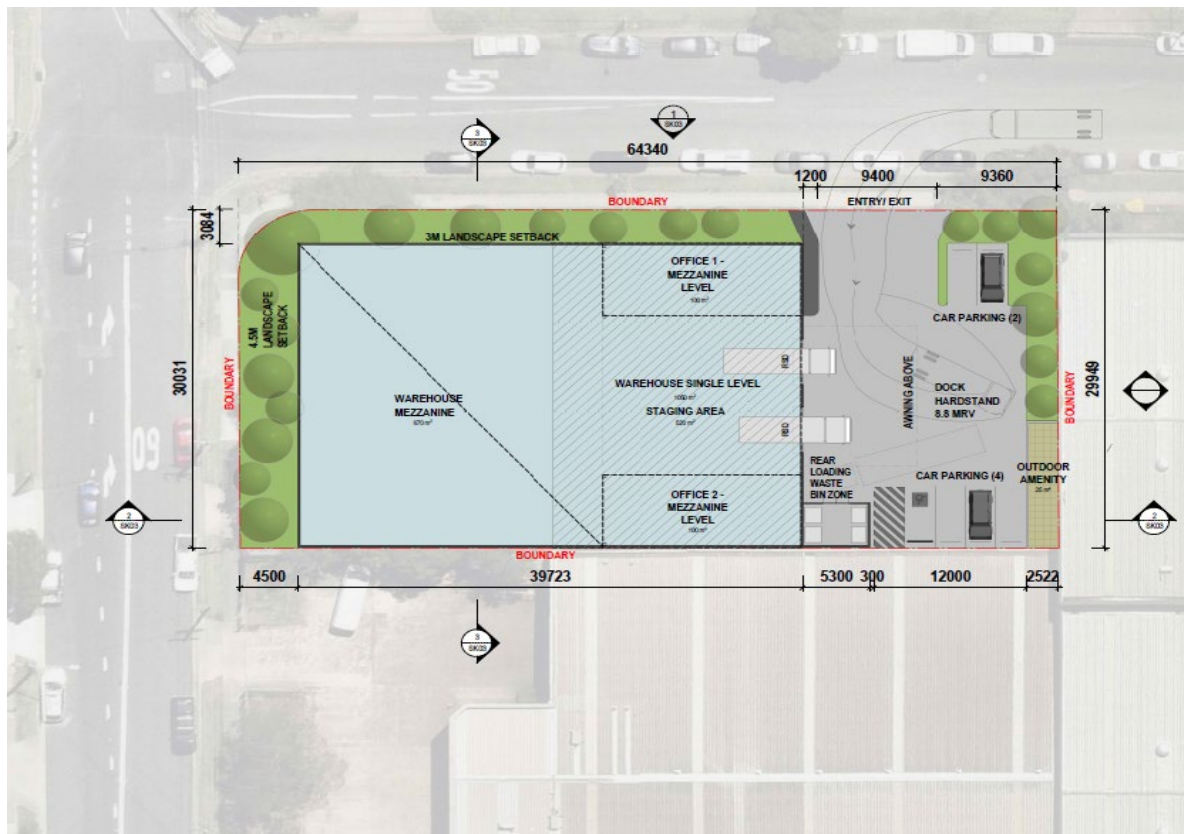
Figure 6: Proposed Floor Space Ratio map - 81A - 89 Rosedale Avenue, Greenacre
Source: Urbis, 2025



Figure 7: Proposed Floor Space Ratio map - 81A - 89 Rosedale Avenue, Greenacre
Source: Urbis, 2025

3.1.2 48A Gibson Avenue, Padstow

Figure 8 provides the concept scheme proposed for 48A Gibson Avenue, Padstow. The concept scheme is indicative only and shows how the applicant envisages the site may redevelop if rezoned.



DEVELOPMENT SUMMARY	
AREAS	
WAREHOUSE & MEZZANINE	1,720 m ²
OFFICE	200 m ²
TOTAL - GFA	1,920 m ²
OUTDOOR AMENITY	25 m ²
SITE AREA	1,922 m ²
TOTAL GFA	1,920 m ²
FSR	1 : 1
LANDSCAPE	326 m ²
CAR PARKING	6
INDUSTRIAL USE PLANNING CONTROL REQUIREMENTS	
MAXIMUM BUILDING FOOTPRINT (1,922 @ 70%)	1,345 m ²
WAREHOUSE PARKING	1 per 300m ²
OFFICE PARKING	1 per 100m ²
LANDSCAPE SETBACK	4.5m & 3m
OUTDOOR AMENITY	25 m ²

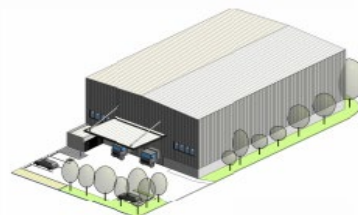
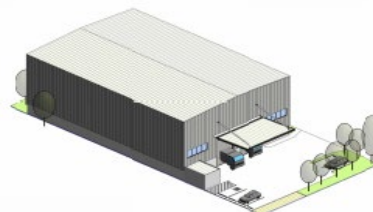


Figure 8: Applicant submitted concept scheme architectural drawings - 48A Gibson Avenue, Padstow

Source: SBA, 2025

The proposal could generate additional employment including 100 to 125 construction jobs and 12 to 15 operational jobs.

The current and proposed draft LEP maps are provided in Figures 9 - 12.



Figure 9: Existing Land Use Zoning - 48A Gibson Avenue, Padstow **Source:** Urbis, 2025



Figure 10: Proposed Land Use Zoning map - 48A Gibson Avenue, Padstow **Source:** Urbis, 2025



Figure 11: Existing Floor Space Ratio Map - 48A Gibson Avenue, Padstow Source: Urbis, 2025



Figure 12: Proposed Floor Space Ratio Map - 48A Gibson Avenue, Padstow Source: Urbis, 2025

4. STRATEGIC POLICY AND ASSESSMENT SUMMARY

Based on the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and the DPHI's guidelines, the following key policies are relevant to Council's assessment of the application:

- Greater Sydney Region Plan.
- South District Plan.
- State Environmental Planning Policies.
- Section 9.1 Ministerial Directions.
- Council's *Local Strategic Planning Statement "Connective City 2036"*.
- Council's *Employment Lands Strategy* (June 2020).
- DPHI's *Local Environmental Planning (LEP) Making Guideline* (August 2023).
- The Sydney Plan (draft).
- Statewide Policy for Industrial Lands (draft).

As discussed in Section 5 below and detailed in the Applicant's planning proposal provided in Attachment A, Council's assessment of the proposed amendments to the CBLEP 2023 indicates the application demonstrates strategic and site-specific merit as it will:

- Enable underutilised sites to have higher order uses and reducing urban sprawl through consolidation of Council's existing urban footprint.
- Provide approximately 6,100m² of additional employment floor space.
- Contribute to additional industrial floor space in key identified established and strategic industrial precincts of Chullora and Padstow.
- Provide 100 to 125 and 225 to 250 construction jobs for the Padstow site and Greenacre sites respectively, contributing to the target of 14,845 construction jobs by 2036 as identified in the LSPS (p. 50) and Employment Lands Strategy (p. 99).
- Provide an estimated 12 to 15 and 20 to 25 operational jobs for the Padstow site and Greenacre site respectively, contributing to the target of 17,925 manufacturing jobs by 2036 as identified in the LSPS (p. 50) and Employment Lands Strategy (p. 99).

The strategic and site-specific merit of the proposal is met as follows in Section 5. The planning proposal prepared by the proponent and reviewed by Council Officers at Attachment A provides a detailed assessment against all relevant strategic and site-specific criteria.

5. ASSESSMENT

5.1 Consistency with Strategic Planning Framework

5.1.1 Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan was released by the former Greater Sydney Commission in March 2018. It provides a 40-year vision for the Greater Sydney area and is designed to inform district and local plans and the assessment of planning proposals.

The Greater Sydney Region Plan identifies a key objective, that industrial and urban services land is planned, retained and managed to support the city's productivity and integrated economy. The proposal will facilitate additional industrial land, allowing for new land for

industrial uses within an established industrial precinct with existing connections to freight lines, motorways such as the M5, and major inter-city national highways such as the Hume Highway.

The planning proposal is consistent with several planning objectives in the Greater Sydney Region Plan. These include:

- Objective 5: Benefits of growth realised by collaboration of governments, community, and business.
- Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation.
- Objective 16: Freight and logistics network is competitive and efficient.
- Objective 23: Industrial and urban services land is planned, retained and managed.

5.1.2 South District Plan

The former Greater Sydney Commission released the South District Plan on 18 March 2018 to give effect to the Greater Sydney Region Plan. The South District Plan (District Plan) is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The plan identifies the importance of protecting industrial and urban services land in the Canterbury Bankstown LGA.

The proposal achieves consistency with the following South District Planning Priority:

- Planning Priority S10 - Retaining and managing industrial and urban services land.

The District Plan identifies that industrial land in the South District is evolving from traditional industrial and manufacturing lands, and freight and logistics hubs, into complex employment lands. Chullora contains the South District's largest industrial precinct. This is supported by the proximity of the precinct to the Chullora Intermodal which offers competitive advantages in terms of supporting large scale freight and logistic activities.

The proposal aligns with the objectives of the South District Plan through a rezoning of underutilised SP2 Infrastructure (Electricity Transmission or Distribution Network) zoned land to E4 General Industrial zoning, supporting employment uses in industry and urban services.

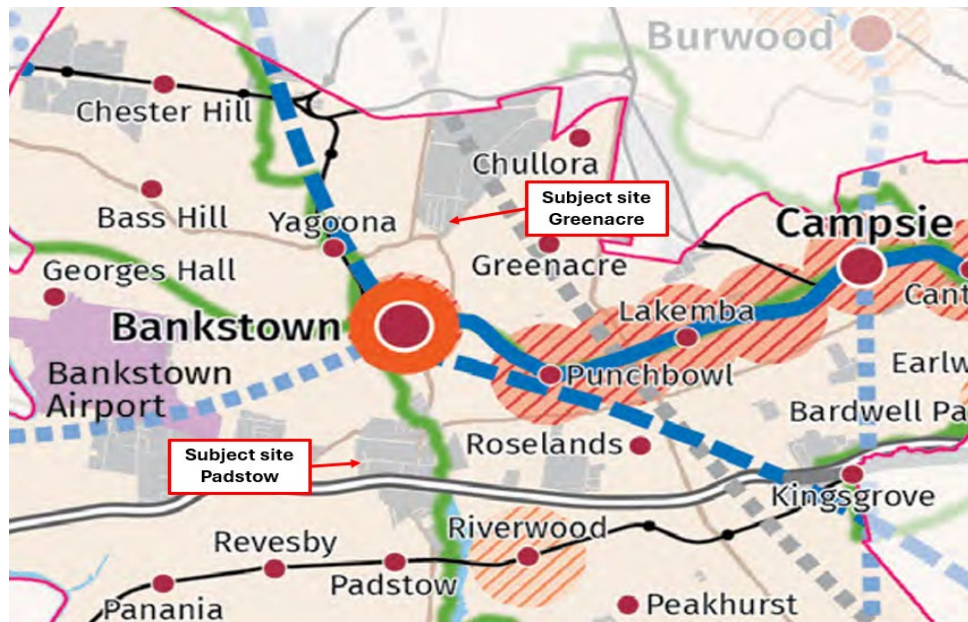


Figure 13: Structure Plan for the South District. Location of subject sites

Source: South District Plan, page 11

5.1.3 State Environmental Planning Policies

The planning proposal is consistent with all State Environmental Planning Policies. Further detail is provided in Attachment A, p. 24.

5.1.4 Section 9.1 Ministerial Directions

The planning proposal is consistent with the applicable Ministerial Directions under Section 9.1 of the EP&A Act, as detailed in the below table. Further detail is provided in Attachment A, pp. 24-26.

Ministerial Direction	Consistency and comment
3.2 Heritage Conservation	Consistent. The subject sites are not listed as state or local heritage items. The subject site in Greenacre is in proximity to the Bankstown Reservoir a state and local heritage item, however the distance of separation of the site from this item ensure minimal impact to the conservation of this item.
4.4 Remediation of Contaminated Land	Consistent. Preliminary Site Investigations have been undertaken for both sites and concluded rezoning to E4 General Industrial Zone is supported. Further investigations and the preparation of remediation action plans will be undertaken at Development Application stage, as required.
7.1 Employment Zones	Consistent. The proposal will increase the floorspace for industrial employment uses in key industrial precincts, encouraging employment growth.

5.1.5 Local Strategic Planning Statement - “Connective City 2036”

Connective City 2036 (LSPS) outlines the land use vision for the City of Canterbury-Bankstown LGA. It recognises the importance of employment lands in the economy that are well-connected to Sydney’s major road routes and freight network to support the delivery of jobs and urban services to meet community needs. Key actions of the LSPS are to protect and enhance employment lands to provide a greater range of jobs, and to boost these places as quality locations to do business.

The Padstow site is identified on the “Places for Commerce and Jobs” map in the LSPS (p. 48) as being within land mapped for “Industrial land to be retained and managed” (Figure 14 below). The Greenacre site is identified on the same map as being within land mapped for “Industrial and urban services for intensive jobs and commerce”. The following directions are relevant for the site.

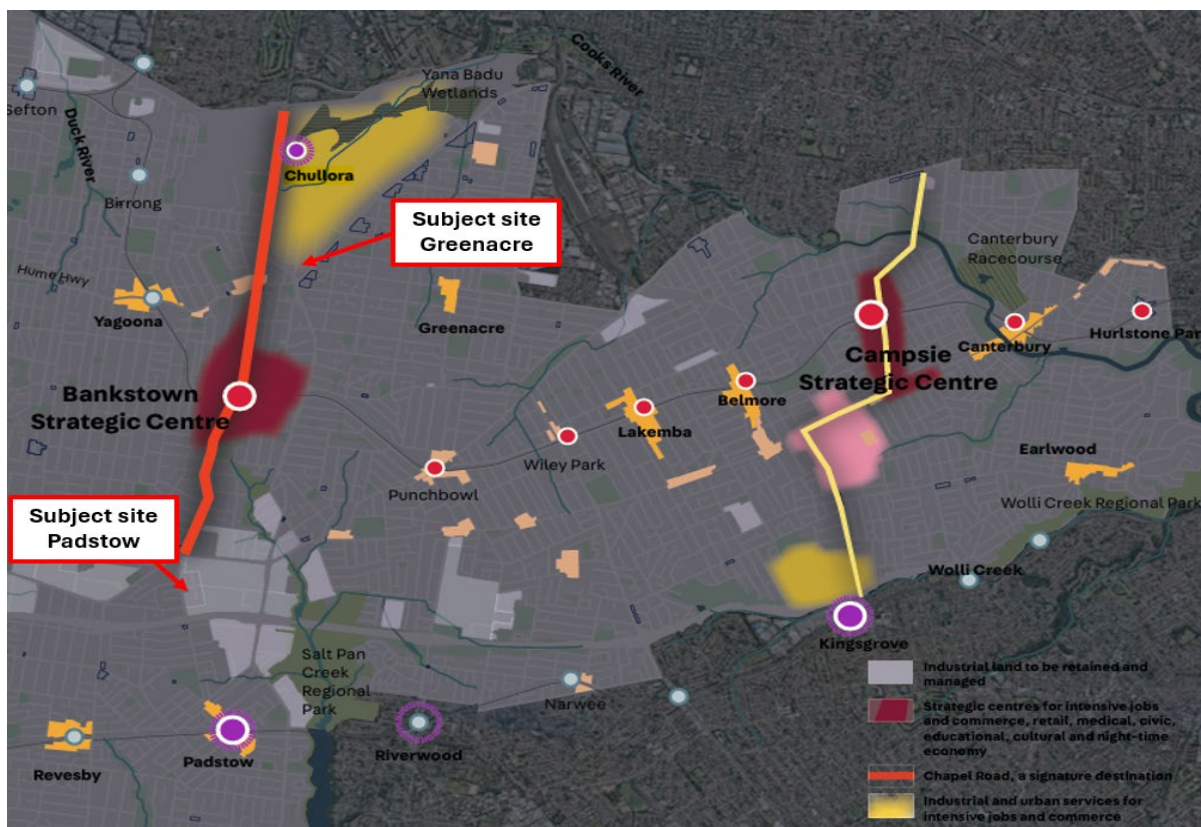


Figure 14: The LSPS “Connective City 2036” plan showing the location of the site in red

Source: Connective City 2023, page 48

The planning proposal is consistent with Council’s LSPS and will make an important contribution towards achieving Council’s target of 41,000 additional jobs in the Canterbury-Bankstown LGA in the next 20 years. The proposal is consistent with the following LSPS objectives:

Evolution 3 - Places for Commerce and Jobs

- E3.1 Increase job numbers, choice and diversity.
- E3.2 Attract investment in health, education, research and technology.

- E3.6 Protect and enhance employment lands.

The proposal aligns with the LSPS by safeguarding industrial land within an existing industrial precinct through the proposed rezoning to E4 General Industrial.

5.1.6 Canterbury Bankstown Council Employment Lands Strategy

The Canterbury-Bankstown Employment Lands Strategy (ELS) is a document that guides future use, development and management of lands for employment purposes and informed the preparation of the LSPS. The overarching strategy identified in the ELS is to retain and manage existing industrial lands, whilst supporting significant employment growth.

The Greenacre site is positioned to the south of Brunker Road at the southern part of the Greenacre/Chullora industrial precinct. This area is characterised by smaller industrial properties featuring 1-2 storey warehouses and is within the area known as a motor vehicle repair precinct. The ELS identifies that the motor vehicle precinct provides important services to the local population and is to be protected from rezoning to non-industrial zones.

The Padstow site is positioned in the northern section of the Padstow industrial precinct. This part is characterised by smaller lots with land uses such as warehousing, wholesale, automotive and manufacturing land uses. The ELS identifies the importance of safeguarding this land from pressures such as residential and mixed-use zones.

The proposed rezoning of the two sites to E4 General Industrial Zone aligns with the objectives of the ELS by enabling development that will contribute and support economic growth and job creation within the Canterbury-Bankstown LGA.

5.1.7 The Sydney Plan (draft)

Department of Planning, Housing and Infrastructure released the draft Sydney Plan in December 2025 for exhibition. The draft Sydney Plan is a region plan for the Sydney metropolitan region and will guide growth and change for housing, infrastructure and jobs in Sydney over the next 20 years. The intent of the draft Sydney Plan is to replace the Greater Sydney Region Plan and the associated District Plans.

The planning proposal is consistent with several planning priorities and responses the draft Sydney Plan. These include:

- Priority - Prosperous.
- Response 4 - Grow well-located jobs.
- Response 8 - Secure an ongoing pipeline of productive industrial lands (Figure 15).

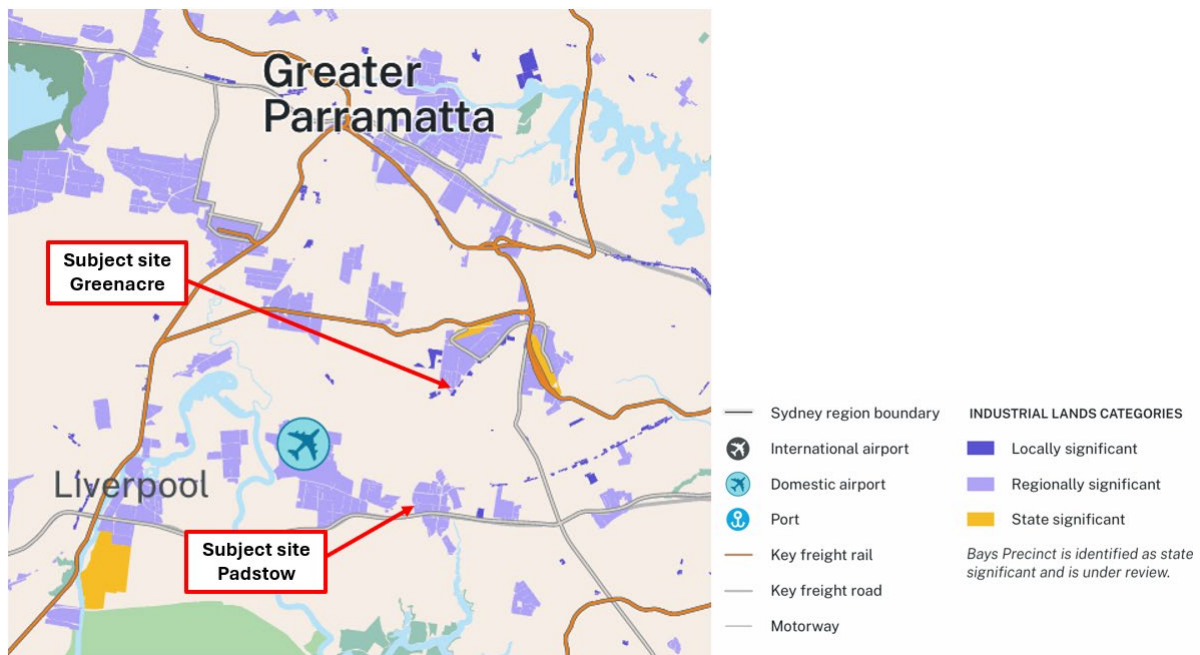


Figure 15: The draft Sydney Plan, Figure 40: Industrial Lands and subject sites **Source:** DPHI, 2025

5.1.8 Statewide Policy for Industrial Lands (draft)

Department of Planning, Housing and Infrastructure released the draft Statewide Policy for Industrial Lands in December 2025. The draft policy proposes a framework for categorisation and approach to planning for industrial lands across NSW. The draft policy is supported by draft Sydney industrial lands categorisation map which identifies the Chullora industrial precinct and the Padstow industrial precinct as “regionally significant”. As shown in Figure 16, the subject site in Greenacre and in Figure 17, the subject site in Padstow are situated within these “regionally significant” precincts.

The proposal to rezone the subject sites from SP2 Infrastructure (Electricity Transmission or Distribution Network) to E4 General Industrial is consistent with the draft Statewide Policy for Industrial Lands. The proposal will support additional industrial land in regionally significant industrial precincts supporting the broader region through employment and economic contribution.



Figure 16: The draft Sydney Industrial lands categorisations map and subject site in Greenacre
Source: DPHI, 2025

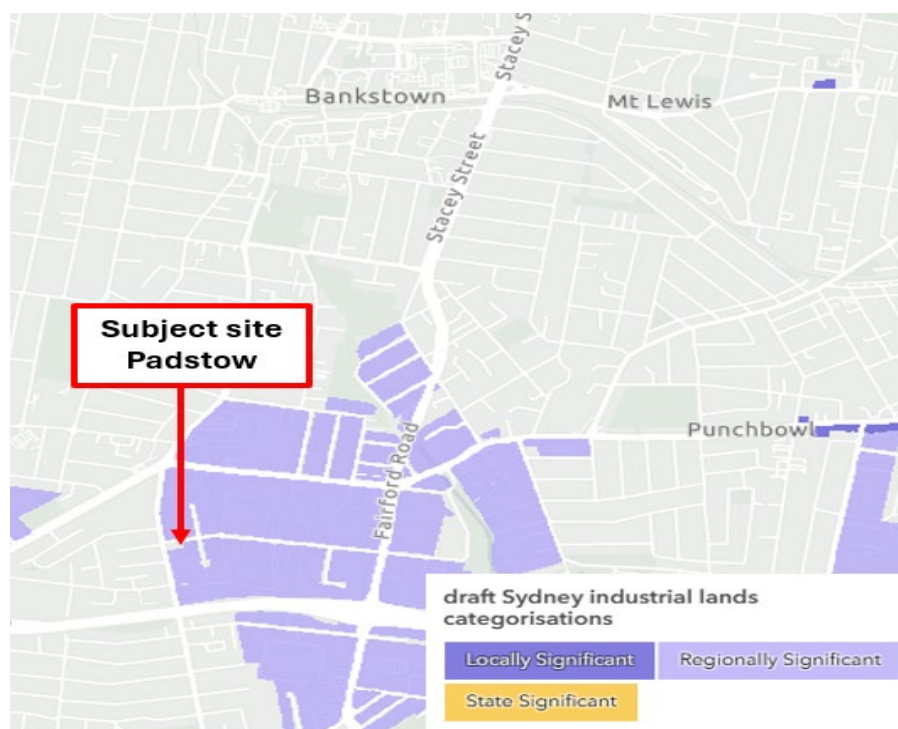


Figure 17: The draft Sydney Industrial lands categorisations map and subject site in Padstow
Source: DPHI, 2025

5.2 Assessment of likely impacts

5.2.1 Traffic Generation, Vehicle Access and Parking

Council has reviewed the planning proposal, concept scheme and submitted Traffic Impact Assessment (TIA) for the subject sites in Greenacre (Attachment K) and Padstow Attachment L). The assessment indicates the concept schemes submitted as part of the planning proposal (Attachment C and shown in Section 3.1) are preferred in comparison to other schemes considered in the TIA and planning proposal report.

The following matter should be considered and addressed for the Padstow site during the detailed design development application stage in the future:

- Scheme B is preferred as the driveway is on the eastern end of the site as far as possible from the intersection of Gow Street and Gibson Road.
- Despite Transport for NSW advice to use Gibson and Bryant to access Fairford Road, Council will insist on the left in, right out arrangement for the development with all movements via Gow Street only to access Fairford Road. This is to minimise impacts of heavy vehicles movements adjacent to residential properties.

The following matters should be considered and addressed for both sites at development application stage:

- All parking and loading to be accommodated within the site boundary.
- All vehicles to leave in a forward direction.
- Driveway design is to be in accordance with AS2890.1:2004 Table 3.2 for light vehicles and AS2890.2:2018 3.4.3 for heavy vehicles.

This matter is further detailed in Attachments A, K and L.

5.3 Urban Design Considerations

5.3.1 81A – 89 Rosedale Avenue, Greenacre

Overall, the site area is considered large enough to support a variety of uses under the E4 General Industrial zoning. Any future development application would need to resolve the following:

- Canopy trees to be provided in accordance with Canterbury-Bankstown DCP requirements.
- Correct parking rates matching the proposed use ranging from industrial, warehouse, logistics uses permitted in E4 General Industrial.
- Traffic Impact Assessment updated to reflect proposed use.

5.3.2 48A Gibson Avenue, Padstow

Any future development application would need to resolve the following:

- Development of a scale that permits adherence with Canterbury-Bankstown DCP requirements including but not limited to setbacks, character, tree retention and carparking.

- Correct parking rates matching the proposed use ranging from industrial, warehouse, logistics uses permitted in E4 General Industrial.
- Traffic Impact Assessment updated to reflect proposed use.

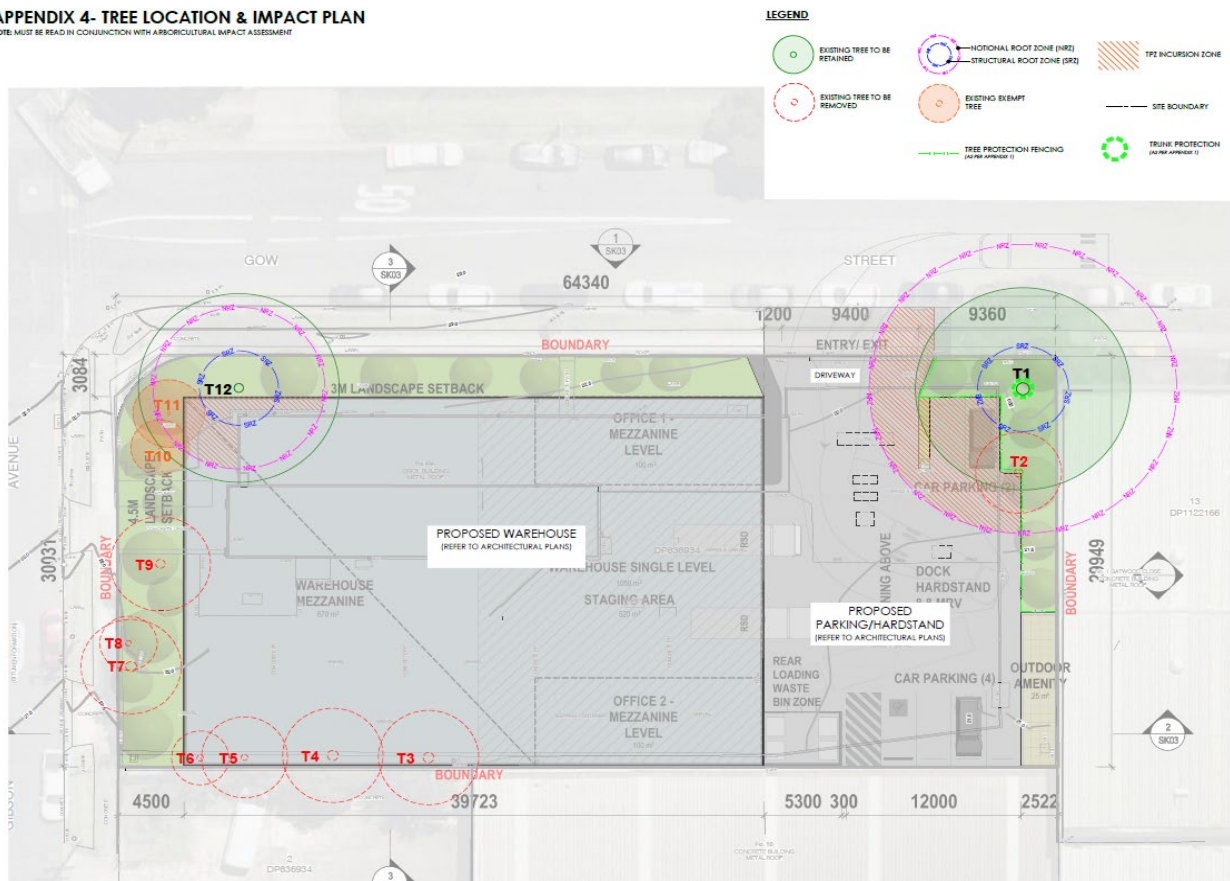
5.4 Tree removal

In the preliminary merit assessment and advice to the applicant, Council requested an Arboricultural impact assessment relating to the trees at 48A Gibson Avenue, Padstow. There are no trees worthy of retention for the Greenacre site.

The submitted arboricultural report prepared by Creative Planning Solutions (Appendix J) for the Padstow site identifies twelve site trees and recommends removal of eleven. This includes removal of four trees identified as of high and medium retention value. Figure 18 shows the proposed tree location and impact plan for concept scheme.

APPENDIX 4- TREE LOCATION & IMPACT PLAN

NOTE: MUST BE READ IN CONJUNCTION WITH ARBORICULTURAL IMPACT ASSESSMENT



Any future development application for this site must demonstrate compliance with landscape requirements of the Canterbury-Bankstown DCP 2023 and may require further consideration of retaining more existing trees within the site setbacks to provide visual screening and improved amenity to the residential properties opposite the site.

5.5 Noise impacts

The planning proposal included a Noise Impact Assessment (NIA) report for both subject sites. The NIA for the Greenacre site assumed a multi-tenancy warehouse operating between 7am and 6pm Monday to Friday. The NIA for the Padstow site assumed a single warehouse operating between 7am and 6pm Monday to Friday. Both assessments found that the predicted noise levels to surrounding receivers are expected to comply with relevant trigger levels during the daytime.

Noise impacts will be considered as part of any detailed development application for the subject sites.

5.6 Residential interface

The subject site at 48A Gibson Avenue, Padstow interfaces with a low-density residential area located opposite the site, on the western side of Gibson Avenue (Figure 19). Council considers that the proposal is of a small scale and is situated within an existing industrial precinct. The potential impacts associated with this residential interface can be managed with existing DCP controls.



Figure 19: Land use context, Padstow subject site **Source:** Urbis 2025

5.7 Heritage

The subject sites do not contain any listed heritage items under CBLEP 2023 or the State Heritage Register. The Greenacre site is located within proximity to the State heritage item Bankstown Reservoir (SHR #01316) which is located at 300 Hume Highway, approximately 100m southwest of the site.

The proposal includes justification that *“the item is separated from the site by Stacey Street, which is a four-lane road, as well as adjoining development to the south”*. Council is satisfied that the proposal does not adversely impact the heritage significance of the State and local heritage item. The location of the subject site and Bankstown Reservoir is shown in Figure 20.

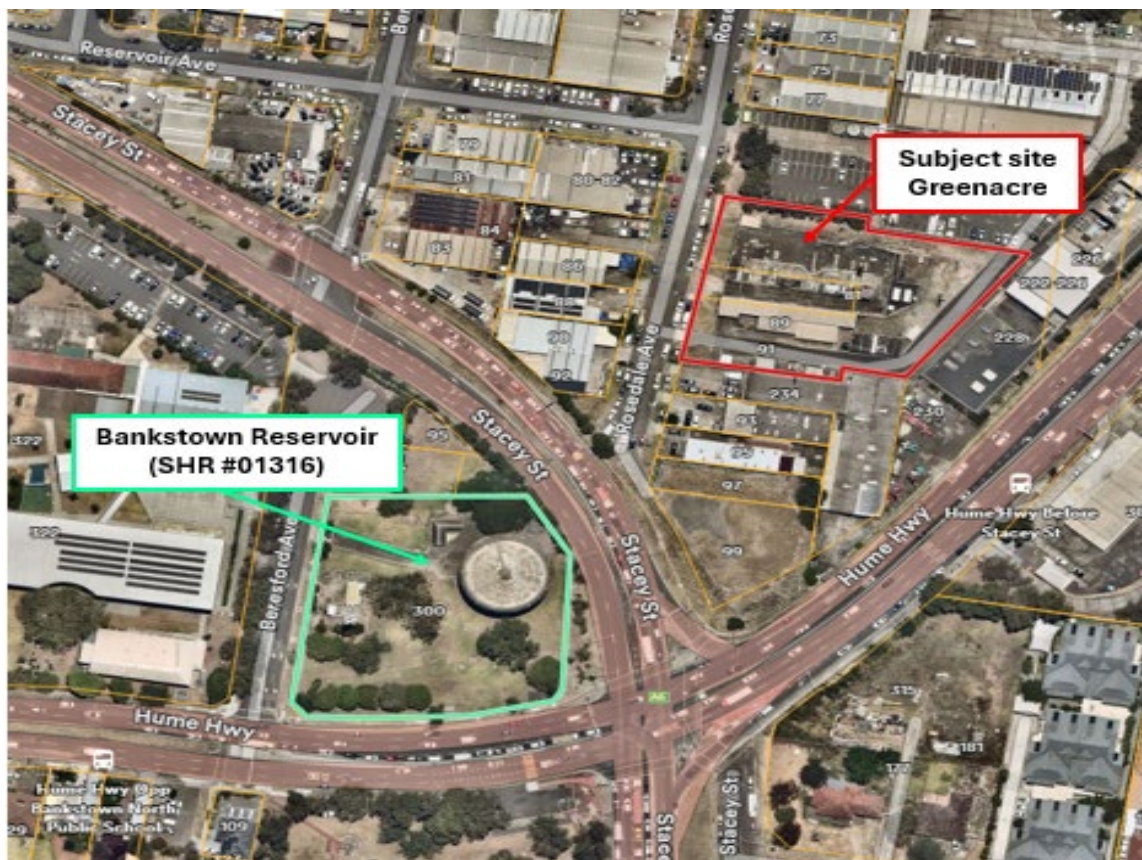


Figure 20: Subject site proximity to Bankstown Reservoir

5.8 Site Contamination

The planning proposal includes a Preliminary Site Investigation (PSI) report for both subject sites.

The PSI for the Greenacre site found that based on historical aerial photographs, the site was rural until the 1940s, with low density residential development in the 1950s and redeveloped into commercial and industrial in the 1960s. The site was redeveloped into a substation in the 1960s. The PSI considers the site suitable for the proposed rezoning and can be made suitable for future industrial use subject to a detailed site investigation (DSI) prior to any

redevelopment. The DSI is not considered warranted for purpose of the subject planning proposal.

The PSI for the Padstow site found that *“the site historically operated as a paddock/ bushland up to the 1960s when the site was developed into a substation which operated until the substation was decommissioned circa 2013, following which environmental investigations and targeted remediation works were conducted within the site between 2013 to 2019, the site has remained largely unoccupied to date”*. The PSI considers the site to be suitable for future industrial use. The PSI recommends that if the site is proposed for redevelopment, a supplementary site investigation would be required, and hazardous building materials are to be removed in accordance with the SafeWork NSW Code of Practice: Demolition Work.

Council considers the proposed approach satisfactory noting additional investigation and remediation will be a consideration as part of any future development application for the sites.

5.9 Flooding

Subject sites are not affected by 1% Annual Exceedance Probability (AEP) or Probably Maximum Flood (MPF) events.

6. STATE AGENCY REVIEW

The scoping reports and supporting documents were referred to relevant state agencies for review including the Department of Climate Change, Energy, the Environment and Water and the NSW Environmental Protection Agency. State agency comments are summarised in the table below:

Agency	Advice
Department of Climate Change, Energy, the Environment and Water	Both sites: Prepare a Landscape Design Report prepared by a suitably qualified Landscape Architect or Landscape Designer.
Transport for NSW	Both sites: A Traffic Impact Assessment is to be prepared in accordance with the Guide to Transport Impact Assessment.
NSW Environmental Protection Agency	Both sites: No comment.

Council discussed the requirement for a Landscape Design Report with the applicant and confirmed landscaping within the concept schemes would be sufficient at this stage given the limited amount of landscaping likely to be provided on the proposed industrial zoned land.

Council will refer the planning proposal and supporting documents to relevant state agencies if the planning proposal proceeds to public exhibition.

7. OTHER CONSIDERATIONS

Council has assessed this planning proposal against the justification matters outlined in DPHI's LEP Making Guideline. The purpose of this planning proposal is to demonstrate whether there is justification for a proposal to proceed to Gateway based on consistency with the relevant state environmental planning policies and Ministerial Directions.

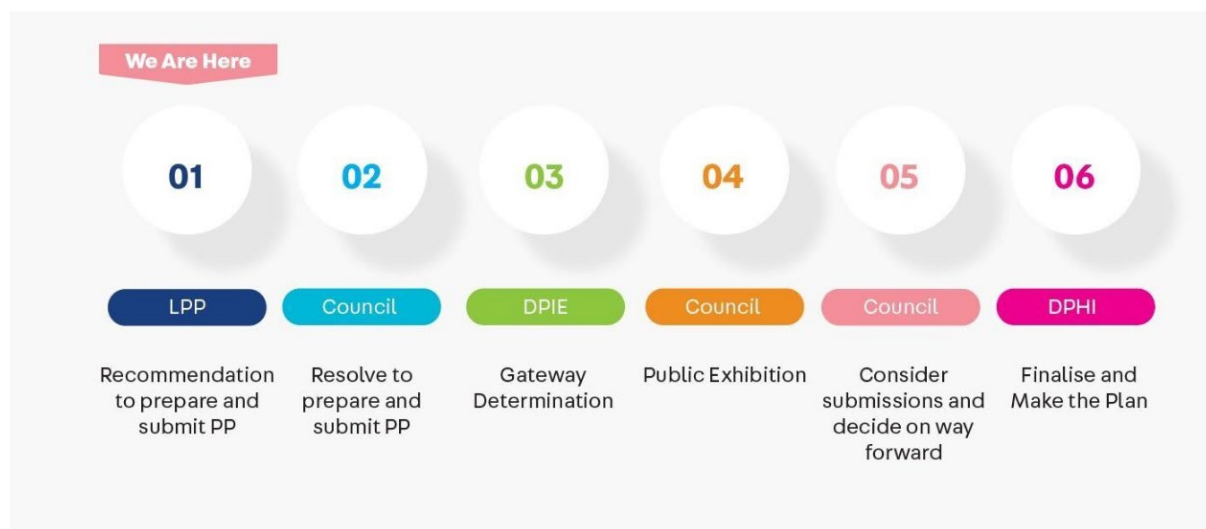
Key matters for consideration are the management of likely impacts resulting from the proposal which will be addressed by the applicant at the development application stage by addressing the requirements of the CBLEP 2023, CBDPC 2023 and any other relevant State Environmental Planning Policies:

- Traffic and parking impacts.
- Contamination and remediation.
- Detailed design.

Any comments received during the exhibition of the planning proposal, and future development application, will also be considered by the consent authority before a final decision is made.

This report concludes that the proposal presents both strategic and site-specific merit and proceed to a Gateway determination, should Council decide to progress this planning proposal.

8. NEXT STEPS



- END -

Canterbury Bankstown Local Planning Panel - 03 March 2026

**ITEM 2 77, 79, 81 Auburn Road and 19 Neutral Avenue,
Birrong**

Demolition of existing structures and construction of a 5 storey mixed use development with affordable housing, comprising 7 commercial tenancies and 50 residential units, with basement car parking, landscaping and site works. This development application is 'nominated integrated development' and requires approval under the Water Management Act 2000

Note: This application, being for community infrastructure (affordable housing) having a Capital Investment Value greater than \$5m, will be determined by the Local Planning Panel on behalf of Council

FILE **DA-522/2025 – Bura / Bass Hill Ward**

ZONING **E1 Local Centre**

DATE OF LODGEMENT 19 May 2025

APPLICANT **GAT and Associates Pty Ltd**

OWNERS **SDT Constructions Pty Ltd**

ESTIMATED VALUE **\$27,860,445**

AUTHOR Planning

REPORT

Development Application DA-522/2025 is referred to the Canterbury-Bankstown Local Planning Panel for determination. The proposed development is “regionally significant development”, pursuant to Clause 2.19(1) of Chapter 2 and Clause 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, as the development is affordable housing and has an estimated development cost of more than \$5 million.

The proposal seeks consent for the demolition of the existing structures and construction of a 5 storey mixed use development with affordable housing, comprising 7 commercial tenancies on the ground floor and 50 residential units with a two-level basement carpark for 88 vehicles, associated site works and landscaping.

Individually, the sites are legally known as lots X, 2, B, C, Y in DP 401043, 387131, 323054, numbers 77, 79 and 81 Auburn Road and 19 Neutral Ave, Birrong (“the site”). The site is situated on the southeastern corner of the intersection of Auburn Road and Neutral Avenue comprising 5 irregular shaped allotments with a total site area of 2,323m². The site is in the E1 Local Centre zone pursuant to Clause 2.3 of the Canterbury-Bankstown Local Environmental Plan 2023. Mixed use development and shop top housing are permitted with consent in the E1 Local Centre zone.

DA-522/2025 has been assessed against the principal planning controls relevant to the proposal, which include the following:

- *Water Management Act 2000,*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021,*
- *State Environmental Planning Policy (Housing) 2021,*
- *State Environmental Planning Policy (Sustainable Buildings) 2022,*
- *State Environmental Planning Policy (Resilience and Hazards) 2021,*
- *State Environmental Planning Policy (Planning Systems) 2021,*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021,*
- *Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023),*
- *Canterbury-Bankstown Development Control Plan 2023 (CBDCP 2023),*
- *Canterbury-Bankstown Local Infrastructure Contributions Plan 2022, and*
- *Housing and Productivity Contributions 2023.*

The proposed development generally complies with the provisions contained within the relevant environmental planning instruments, policies and development control plans, aside from a number of departures including the following:

- The minimum landscaping required for the site under State Environmental Planning Policy (Housing) 2021;
- Various Apartment Design Guide (ADG) requirements including the location of the proposed kiosk substation (section 3C), building separation (section 3F), ceiling height for the corner commercial tenancy (section 4C), and balcony width (section 4E);
- Failure to meet the intended site specific setback requirements prescribed in Chapter 7.2 of the Canterbury-Bankstown Development Control Plan 2023, relating to the “Birrong Small Village Centre”.

Considering the site constraints, involving a high voltage power line and road curve in Neutral Avenue, and a right of carriageway which burdens the eastern portion of the site, the departures are justifiable given the circumstances of the case and are discussed in detail

within Attachment 1 of this report. Notwithstanding the non-compliances, the proposed development is considered to be an appropriate and acceptable design response given the site constraints, and the variations are supported.

The application relies on a Clause 4.6 variation for the breach to the minimum landscape requirement under the State Environmental Planning Policy (Housing) 2021.

The proposal necessitated the requirement for referral to external agencies for concurrence. Pursuant to State Environmental Planning Policy (Transport and Infrastructure) 2021, the application was referred to Ausgrid with no objection raised, subject to conditions. As the development application is 'nominated integrated development' requiring approval under the Water Management Act 2000, due to the possibility of encountering groundwater during excavation works, it was also referred to WaterNSW for concurrence. General Terms of Approval were issued by WaterNSW on 15 October 2025.

The application was placed on public exhibition on two separate occasions. Initially, the application was advertised for 21 days from 18 June 2025 to 8 July 2025, with two submissions received. The second occurred for 28 days to include the requirement for integrated development and was advertised from 31 October 2025 to 27 November 2025, with two submissions received. In total, there are three objectors to the development that have provided submissions which raised concerns relating to traffic issues and road congestion, safety issues, poor public transport services, waste management, environmental and amenity impacts, and bulk and scale. These issues are considered in further detail under the submissions section of this report.

The development was referred to the Canterbury-Bankstown Design Review Panel (DRP) on 15 August 2024 and written advice was issued on 19 August 2024 including recommendations.

A briefing was held with the Sydney South Planning Panel (SSPP) on 4 August 2025 where key issues were discussed and included the following:

- *The applicant has sought to address issues raised by the Design Review Panel (DRP), particularly regarding deep soil planting with the provision of an internal deep soil courtyard and landscaped street frontage setback.*
- *The application is below the maximum height and FSR achievable under SEPP (Housing) "bonus" for affordable housing.*
- *Clause 4.6 variation is sought to Landscaping Area standard under SEPP (Housing).*
- *Deep soil planting (6% provided where 7% is required) noting the location of the ROW driveway has an impact on the provision of deep soil planting.*
- *General compliance with ADG is achieved and council is considering:*
 - *Setbacks proposed at the R4 zone interface aim to respond to the adjacent low density residential zone. However, window hoods encroach in the setback area adjacent to the ROW. The hoods are orientated to the north to improve solar access to the units and privacy to the adjoining residential.*
 - *The electrical substation is forward of the setback.*
- *The geotechnical report submitted with the DA was prepared in 2019. Council requires an updated report to determine the extent of any impact on ground water and whether formal and/or informal referral to Water NSW is required.*
- *Further consideration of design options to manage and facilitate a direct link to commercial waste areas for some retail tenancies.*

- *Notification period was completed on 15 July 2025. Two submissions were received by way of objection.*
- *No concerns raised by Ausgrid who have provided the necessary approvals. Adequate clearance has been provided to high voltage electricity lines.*

At the time of the meeting, the SSPP were generally satisfied with the development proposal, subject to Council's assessment and consideration of the application, and the resolution of the key issues to Council's satisfaction, which are discussed in further detail in the assessment report.

Since the SSPP briefing, amended plans and documentation were submitted seeking to resolve the key issues. A joint site inspection was subsequently held with the SSPP Panel members on 8 September 2025.

Following evaluation of the matters for consideration under Section 4.15(1) of the *Environmental Planning & Assessment Act, 1979* ("the EP&A Act") as contained at Attachment 1, which includes an assessment against the provisions contained within the relevant State and local environmental planning policies, the proposal is worthy of support, despite the departures which are justified. The development is not considered to result in any unacceptable adverse environmental impacts and is not contrary to the public interest. It has been demonstrated that the development is suitable for the site and its surrounds, and through its unique design, would maintain and protect the amenity of the adjoining properties. The implementation of recommended conditions of consent would also ensure the amenity of the area is protected.

POLICY IMPACT

The proposed development will not have any direct policy implications.

FINANCIAL IMPACT

The proposed development will not have any direct financial implications.

RECOMMENDATION

It is recommended that Development Application DA-522/2025 be **APPROVED** subject to Conditions of Consent in Attachment 2.

ATTACHMENTS

1. Section 4.15 Assessment Report
2. Conditions of Consent

DA-522/2025 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

The site comprises five allotments legally described as Lots X, 2, B, C, Y in DP 401043, 387131, 323054 and are individually known as 77, 79, 81 Auburn Road and 19 Neutral Ave, Birrong. Combined, the site forms an irregular shaped corner allotment comprising a total site area of 2,323m², with a primary frontage length to Auburn Road of 40.23m, a rear southern boundary length of 54.56m, an east side boundary length of 36.74m, and a northern secondary frontage length to Neutral Avenue of 52.25m. There is a splay at the north-western corner of the site with a length of 5.175m.

The site is situated on the southeastern corner of the intersection of Auburn Road and Neutral Avenue and is located east of the intersection with Stephenson Street. Neutral Avenue is a cul-de-sac road, and a railway corridor runs 160m to the north and east of the site to the east of Neutral Avenue, with Birrong train station located within an accessible walking distance of 420 metres from the site. Opposite the site on the northern side of Neutral Avenue is a public Council car park with residential properties situated further to the north, east and west of the site. An IGA supermarket adjoins the site to the south.

The site is located in the E1 Local Centre zone and forms part of the Auburn Road local shops located within the Birrong Small Village Centre which functions as a local shopping and commuting precinct servicing the day-to-day needs of residents. To the south of the site are commercial uses that front Auburn Road and are also zoned E1 Local Centre up to the corner of Wentworth Street to the south.

The site currently contains a variety of commercial stores fronting Auburn Road including a café addressing the corner and a hardware supplies yard facing Neutral Avenue. There is one tree located on the south-eastern side of the site, identified as a Mulberry tree, which is to be removed. There are also two existing street trees along Auburn Road in front of the existing commercial shops. The topography of the land has a moderate fall towards the south-west of the site of approximately 1.53m. The allotment identified as Lot 2 in DP 387131 is partially burdened by a right of carriageway (registered under DP117648) with a width of 6.095m benefiting 83-85 Auburn Road, and runs along the rear, which is the eastern boundary of the site, providing vehicle loading access for the IGA supermarket premises situated adjacent the site to the south.

The site, with its dual street frontage, stands as a focal gateway from the north providing an ideal location for a mixed-use development. Immediately adjoining the site to the east is R4 High Density Residential zoned land, with zone R2 Low Density residential to the north and west of the site. Development surrounding the site is predominantly single storey as well as contemporary two storey residences including some dual occupancies. Although the land immediately adjoining the site to the east is zoned R4 High Density Residential, there are currently no high-density developments that exist, particularly in Neutral Avenue.

High voltage powerlines are situated adjacent the site to the north that run along the Neutral Avenue frontage which are under the ownership of Endeavour Energy. These powerlines constrain the site requiring a minimum setback clearance of 3.7m for the development from the Neutral Avenue boundary.

The aerial image below indicates the subject development site, the southern adjoining IGA supermarket, residential properties surrounding the site, and a public Council car park opposite in Neutral Avenue.



Figure 1: Aerial view of 77 - 81 Auburn Road & 19 Neutral Avenue, Birrong
Source: Nearmap, January 2025

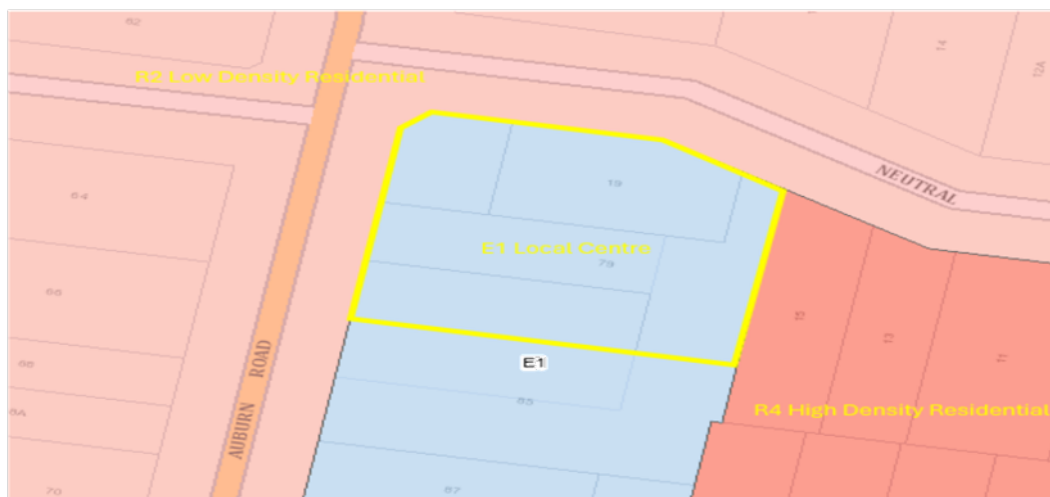


Figure 2: Zoning Map of 77 – 81 Auburn Road & 19 Neutral Avenue, Birrong;
 development site outlined in yellow, zoned E1 Local Centre
Source: NSW Planning Portal, 2025



Figure 3: view of site from Council car park located opposite the site in Neutral Avenue
Source: Statement of Environmental Effects prepared, GAT & Associates, May 2025



Figure 4: view of the site from west side of Auburn Road
Source: Statement of Environmental Effects prepared, GAT & Associates, May 2025



Figure 5: view of site from Neutral Avenue

Source: Statement of Environmental Effects prepared, GAT & Associates, May 2025



Figure 6: view of site from Neutral Avenue looking west with high voltage powerlines overhead **Source:** Statement of Environmental Effects, GAT & Associates, May 2025



Figure 7: view of site (existing shopfronts) from west side of Auburn Road
Source: Statement of Environmental Effects, GAT & Associates, May 2025



Figure 8: view of site from west side of Auburn Road – southern end
Source: Statement of Environmental Effects, GAT & Associates, May 2025

PROPOSED DEVELOPMENT

The proposal seeks consent for the demolition of the existing structures on the site and construction of a five (5) storey shop top housing development with affordable housing, comprising seven (7) commercial tenancies on the ground floor and fifty (50) residential units with basement parking across two levels for eighty-eight (88) vehicles, associated site works and landscaping.

The proposed development is “regionally significant development”, pursuant to Clause 2.19(1) of Chapter 2 and Clause 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, as the development is affordable housing and has an estimated development cost of more than \$5 million.

The development comprises commercial tenancies on the ground level and the residential component has 50 units including 12 x 1 bedroom apartments, 33 x 2 bedroom apartments, and 5 x 3 bedroom apartments. A total of 11 of the 50 apartments are nominated as affordable housing units. The building has been designed as a U shape with the building providing commercial shopfronts that address Auburn Road and Neutral Avenue. The eastern side of the building provides the vehicle entry into the basement level and a loading dock. The entry to the site will be maintained via the existing driveway entry point, which is where the right of way exists.

A breakdown of the proposal relating to each level of the development is provided in the table below:

Floor	Description	No. of Units	GFA
Basement Level 2	<ul style="list-style-type: none"> • 43 residential car parking spaces including 4 accessible spaces • 34 storage bays • Lifts, services and stair access to upper levels • Pump room 		
Basement Level 1	<ul style="list-style-type: none"> • 45 car parking spaces including 3 accessible spaces, comprising: 17 residential, 18 commercial and 10 visitor spaces • 16 storage bays • 10 visitor bicycle spaces • 4 commercial bicycle spaces • Lifts, services and stair access to upper levels • Roller shutter to separate the commercial and residential visitor spaces, with the residential car spaces • Electrical room and grease arrestor room 		64.8m ² (5 spaces)
Ground Floor – Level 1	<ul style="list-style-type: none"> • 7 commercial tenancies: Nos. 1 and 2 face Neutral Avenue, No. 3 addresses the corner, Nos. 4, 5, 6 and 7 face Auburn Road • Communal room • Residential waste room including bulky waste area • Commercial waste room with connection to loading bay • Plant room 	7	1,175.8m ²

Floor	Description		No. of Units	GFA
	<ul style="list-style-type: none"> Substation kiosk fronting Neutral Ave Separate commercial and residential lobbies DSZ pockets adjacent to driveway and along Neutral Ave Two-way basement entry with loading bay 			
Level 2	12 units: <ul style="list-style-type: none"> 2x 1-bedroom units 10x 2-bedroom units 	2 affordable housing units total 124.17m ² : <ul style="list-style-type: none"> 1x 1-bedroom unit (unit 2.05) 1x 2-bedroom unit (unit 2.10) 	14	1,156.9m ²
	Centralised communal open space Landscaped area 147.2m ² Deep soil zone 61.2m ²			
Level 3	8 units: <ul style="list-style-type: none"> 1x 1 bedroom unit 6x 2-bedroom units (units *) 1x 3-bedroom unit 	4 affordable housing units total 357.31m ² : <ul style="list-style-type: none"> 2x 2-bedroom units (units 3.07 & 3.10) 2x 3-bedroom units (units 3.03 & 3.12) 	12	1,093.1m ²
Level 4	11 units: <ul style="list-style-type: none"> 4x 1-bedroom units 6x 2-bedroom units 1x 3-bedroom unit 	3 affordable housing units total 201.59m ² : <ul style="list-style-type: none"> 1x 1-bedroom unit (units 4.04) 2x 2-bedroom units (units 4.02 and 4.13) 	14	1,092.7m ²
Level 5	8 units: <ul style="list-style-type: none"> 3x 1-bedroom units 5x 2-bedroom units 	2 affordable housing units total 177.62m ² : <ul style="list-style-type: none"> 1x 2-bedroom unit (units 5.01) 1x 3-bedroom unit (units 5.10) 	10	831.7m ²
	Communal open space terrace 313.4m ²			
	Non-affordable Housing GFA: 3,313.71m²	Affordable Housing GFA: 860.69m²	50 units 7 commercial	Total GFA 5,415m²
Roof top	<ul style="list-style-type: none"> Clerestory windows Solar PV panels AC units Skylights Mechanical ventilation Lift overruns 			

A summary of the key development data is provided in the **table** below, and the proposed development is illustrated in the images that follow.

Control	Proposal
Site area	2,323m ²
GFA	5,415m ²
FSR	2.3:1
Max Height	18m
Clause 4.6 Requests	Clause 19(2)(b) SEPP Housing – minimum landscaped area
No. of apartments	50 (12 x 1 bedroom units, 33 x 2 bedroom units, 5 x 3 bedroom units)
Landscaped area	Soft landscaping area 267.35m ² Deep soil zone 166.7m ²
Car Parking spaces	88 total parking spaces contained within basement level
Setbacks	3.72m setback to Neutral Ave Nil setback to Auburn Rd 9.25m setback to east side boundary Nil setback to south side boundary
Cross ventilation	60% of units (i.e. 30 units)
Solar access	74% of units (i.e. 37 units)
Communal Open Space	581.5m ²



Figure 9: Photo montage – corner of Auburn Road and Neutral Avenue, street view looking from north-west

Source: Olsson Architecture Drawing No. A-000, Revision Q, 30.11.2025



Figure 10: Photo montage – Auburn Road, street view looking from south-west
Source: Olsson Architecture Drawing No. A-001, Revision C, 09.10.2025

DESIGN REVIEW PANEL

The development was referred to the Canterbury-Bankstown DRP on 15 August 2024. Written advice by the DRP was subsequently issued on 19 August 2024 regarding the proposal in response to the provisions of section 6.15 for Design Excellence in the Canterbury-Bankstown Local Environmental Plan 2023. Recommendations that were made by the DRP have been addressed in the design of the development; these recommendations are as follows:

- *Integrate a resolved landscape architectural solution to improve the public domain and communal open spaces proposed in the scheme, ideally coordinated with additional deep soil within the site.*
- *Adopt refinements to the ground level configuration to improve the amenity and presentation of retail uses.*
- *Refine the residential apartment planning to reflect the discussion set out in this report.*
- *Develop the architectural expression and character of the proposal, based on close contextual studies and clearly articulate the resolved design intent.*

After further review by Council's Urban Design team during the assessment of the DA, additional amendments were recommended which have been implemented in the final design. The design issues have been satisfactorily resolved, and the proposal is considered to be an acceptable design approach that meets the intent of the design excellence provisions under section 6.15 of the Canterbury-Bankstown Local Environmental Plan 2023.

STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act"). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

In this regard, the following environmental planning instruments, development control plans and policies are relevant to the application:

- Water Management Act 2000,
- State Environmental Planning Policy (Biodiversity and Conservation) 2021,
- State Environmental Planning Policy (Housing) 2021,
- State Environmental Planning Policy (Sustainable Buildings) 2022,
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- State Environmental Planning Policy (Planning Systems) 2021,
- State Environmental Planning Policy (Transport and Infrastructure) 2021,
- Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023),
- Canterbury-Bankstown Development Control Plan 2023 (CBDCP 2023),
- Canterbury-Bankstown Local Infrastructure Contributions Plan 2022, and
- Housing and Productivity Contributions 2023.

SECTION 4.15 ASSESSMENT

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

Water Management Act 2000

Development Application DA-522/2025 is a “nominated integrated development” and requires approval under the *Water Management Act 2000*.

Water NSW have provided advice to Council that where there are basements and/ or large excavation works, a geotechnical report which identifies the presence of groundwater should accompany the application. In the instance where groundwater is likely to be intercepted, a referral to Water NSW is required and a water supply work approval would need to be issued in accordance with the “construction dewatering” requirements. If the construction project involves dewatering, the integrated development assessment process can be initiated by the applicant as part of the development application. It was further advised separately by WaterNSW that if the applicant proposes to change the basement design in the future, upon meeting all criteria set out in the *Minimum requirements for building site groundwater investigations and reporting - Information for developers and consultants October 2022*, they can elect to modify the consent in this regard.

In this case, as there is an indication of encountering groundwater during excavation works, and dewatering in any capacity requires an approval under s.90(2) of the *Water Management Act 2000*, a referral to Water NSW was triggered under the “integrated development” process. A revised geotechnical report was submitted to include a tanked basement design due to the expectation that some groundwater inflows into the excavation will occur during construction works for the proposed development.

Development Application DA-522/2025 was referred to Water NSW for concurrence as part of the assessment of the application and General Terms of Approval were issued on 15 October 2025 and form part of the consent conditions at **Attachment 2**.

State Environmental Planning Policy (Planning Systems) 2021

Clause 2.19(1) of Chapter 2 (State and Regional Development) of State Environmental Planning Policy (Planning Systems) 2021 states:

2.19 Declaration of regionally significant development: section 4.5(b)

(1) *Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act.*

Clause 5 of Schedule 6 (Regionally significant Development) of State Environmental Planning Policy (Planning Systems) 2021 states:

5 Private infrastructure and community facilities over \$5 million

Development that has an estimated development cost of more than \$5 million for any of the following purposes—

(a) *air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage*

systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,

- (b) ***affordable housing***, *child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

The development seeks consent for affordable housing as part of the application and has an estimated development cost of more than \$5 million. As such, the proposed development is “regionally significant development”, pursuant to Clause 2.19(1) of Chapter 2 and Clause 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021. The estimated development cost of the proposed project is \$27,860,445 (including GST). Accordingly, the Local Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The proposal has been assessed against the relevant aims and objectives of the policy which seeks to protect remaining native vegetation within urban areas.

There is one insignificant tree located on the south-eastern side of the site, identified as a Mulberry tree, which is required to be removed to accommodate the proposed development. There are two (2) street trees on the nature strip that exist in front of the site along Auburn Road. Although the applicant seeks to retain the two trees, Council's Tree Management Officer has recommended they be replanted as well as three additional street trees along the Neutral Avenue frontage. No objection has been raised to the proposed removal of the existing Mulberry tree on the site and conditions are recommended for replacement plantings both on-site as well as on the nature strip.

Recommended conditions for tree removal and replacement planting by Council's Tree Management Officer are included as contained at **Attachment 2**. The application is considered to be consistent with the aims and objectives of this chapter of the SEPP.

Chapter 6 Water catchments

The subject development site is situated in the Duck River sub-catchment, which falls within the Sydney Harbour Catchment. As such, Chapter 6 of the SEPP applies to the site as outlined by Section 6.1(c).

Chapter 6 requires Council to be satisfied that the proposal will satisfy the relevant requirements of the chapter that apply to the application, and these were considered as part of the assessment process.

A proposed stormwater management plan for the development has been submitted, which seeks to provide the appropriate treatment of water prior to entering the broader drainage system so that impacts are minimised. Council's Development Engineer has reviewed the proposed stormwater management as part of the assessment of the application and is satisfied with the stormwater drainage design. As such, the

requirements of Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 are considered to be satisfied. The proposal will not result in any adverse impact on the catchment as a result of the approval of the application, subject to compliance with the recommended conditions of consent.

State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP 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 a 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.

A Preliminary Site Investigation (PSI) dated 12 July 2019 and Remedial Action Plan (RAP) dated 1 May 2025 is prepared for the site by EI Australia. The RAP submitted with the application determines that the site can be made suitable for its proposed use through the implementation of the procedures and recommendations described in the report.

The PSI and RAP have both been reviewed by Council's Environmental Health department who have confirmed that they are satisfied with the methodology and recommendations of the reports, and therefore it can be concluded that the site is suitable to accommodate the development.

On the basis of the findings and recommendations of the reports, Council's assessment concludes that the site is consistent with the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, subject to conditions as recommended in the RAP, which form part of the consent as contained at **Attachment 2**.

State Environmental Planning Policy (Sustainable Buildings) 2022

This SEPP aims to reduce the environmental impact of new homes by requiring them to meet certain minimum standards for water, energy efficiency and thermal performance, including standards. BASIX requirements apply to all residential dwelling types in NSW and form part of the development application process.

A BASIX Certificate accompanied the development application in accordance with the requirements of this Policy. The Certificate makes a number of energy and resource commitments relating to water, energy and thermal comfort. The relevant commitments indicated in the BASIX Certificate have been shown on the plans in order to satisfy objectives of the State Environmental Planning Policy (Sustainable Buildings) 2022. The recommended consent includes a condition to ensure the requirements of the BASIX Certificate are met.

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

High voltage powerlines are situated adjacent the site in Neutral Avenue requiring a minimum setback clearance for the development to the Neutral Avenue boundary of 3.72m. The proposal is provided with a setback to Neutral Avenue which is consistent with the required clearance to ensure appropriate separation is achieved between the building and the high voltage power lines.

As the proposed development involves works within 5m of overhead powerlines and requires the installation of a new substation, a referral to the electricity supply authority was undertaken in accordance with Division 5 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

Ausgrid have assessed the plans lodged in support of the application and advise that they have no objection to consent being granted for the proposed development subject to conditions relating to certain matters including the supply of electricity to the site, infrastructure installation, and managing any impacts on existing electricity network assets. The full set of conditions contained within Ausgrid's letter of concurrence is included in the recommended conditions of consent at **Attachment 2**.

State Environmental Planning Policy (Housing) 2021**In-Fill Affordable Housing**

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) seeks to facilitate development of affordable and diverse housing in particular areas and includes the planning provisions for certain developments including residential flat buildings, which must be considered as part of the assessment of the application.

Dwellings delivered under the in-fill affordable housing provisions must be used for the purpose of affordable housing and be managed by a registered Community Housing Provider (CHP) for a minimum 15-year period. The application is supported with a letter by a provider confirming that the affordable housing component of the development will be managed in accordance with these provisions.

The in-fill affordable housing provisions make allowance for additional floor space ratio (FSR) and building height, beyond the maximum allowed by the Canterbury-Bankstown Local Environmental Plan 2023, provided the affordable housing component of the development is at least 10%.

The development application seeks consent to provide 11 affordable housing units within the development, as follows:

- Level 2: 1x 1-bedroom unit and 1x 2-bedroom units
- Level 3: 2x 2-bedroom units and 2x 3-bedroom units
- Level 4: 2x 2-bedroom units and 1x 1-bedroom unit
- Level 5: 1x 3-bedroom unit and 1x 2-bedroom unit.

The table below provides an assessment of the proposed development against the relevant standards and requirements of the Housing SEPP. A detailed discussion of the proposed “bonus” FSR and building height follows this table.

State Environmental Planning Policy (Housing) 2021			
Section	Requirement	Proposed	Comply
Chapter 2 Affordable Housing			
Division 1 In-fill Affordable Housing			
15C Development to which Division applies	Section 15C(1)(a) (a) The development concerned is permitted with consent under another EPI	Shop top housing development is permitted with consent in the “E1 Local Centre” zone pursuant to the CBLEP 2023.	Yes
	Section 15C(1)(b) (b) the affordable housing component is at least 10%	Total GFA proposed: 5,435m ² Total affordable housing GFA proposed: 860.69m ² Affordable Housing component is 15.8% of the total GFA proposed.	Yes
	Section 15(1)(c) (c) all or part of the development is carried out: (i) for development on land in the Six Cities Region – in an accessible area, or (ii) for development on other land – within 800m walking distance of land in a relevant zone or an equivalent land use zone.	The site is within the “Greater Sydney region” and is within an “accessible” area (i.e. within 800m walking distance of public entrance to a railway or within 400m walking distance to a regular bus service). The site is approximately 420m from Birrong train station. The site is in a ‘relevant zone’ which includes E1 Local Centre.	Yes
16 Affordable housing requirements for additional floor space ratio	(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2). (2) The minimum affordable housing component, which must be at least 10%, is calculated as follows: <u>AF component = additional FSR (%) / 2</u> (3) If the development includes residential flat buildings or shop top housing, the maximum building height for a	Site area: 2,323m ² Permissible FSR: 2:1 Permissible GFA: 4,646m ² Permissible Height: 14m Permissible FSR + 30% (0.6:1) = 2.6:1 Permissible GFA + 30% (1,393m ²) = 6,039.8m ² Permissible Height + 30% (4.2m) = 18.2m Proposed FSR: 2.3:1 Proposed GFA: 5,435m ² Proposed Height: 18m Additional GFA beyond what is permissible under CBLEP: 789m ² equates to 17% bonus FSR. Additional height beyond what is permissible under CBLEP: 4m equates to 28.57% bonus height. AH GFA proposed is 860.69m ² ; which includes 11	Yes

State Environmental Planning Policy (Housing) 2021			
Section	Requirement	Proposed	Comply
	building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection.	of the 50 units (15.8% of the proposed total GFA. Non AH GFA proposed is 4,574.31m ² ; which includes 39 of the 50 units (84% of the proposed total GFA). Refer to table below.	
17 Additional FSR for relevant authorities and registered community housing providers	Section 17(1) (1) This section applies to residential development to which this division applies that is carried out: (a) by or on behalf of a relevant authority or registered community housing provider, and (b) (b) on land with a maximum permissible floor space ratio of 2:1 or less.	The application is made by a private developer, not by or on behalf of relevant authority or registered community housing provider. Therefore, Section 16 of the Housing SEPP applies in this instance.	NA
18 Affordable housing requirements for additional building height	(1) This section applies to development that includes residential development to which this division applies if the development: (a) includes RFB's or shop top housing, and (b) (b) does not use the additional FSR permitted under section 16.	The application seeks to use the additional FSR permitted under section 16, therefore section 18 is N/A.	NA
19 Non-discretionary standards (if complied with, prevent the consent authority from requiring more onerous standards for matters)	Section 19(2)(a) site area: A minimum site area of 450m ²	2,323m ²	Yes
	Section 19(2)(b) landscaping: A minimum landscaped area that is the lesser of: (i) 35m ² per dwelling, or (ii) 30% of the site area The minimum landscaped area required under both scenarios is: 35m ² per dwelling = 1,750m ² 30% of the site area = 696.9m ² Note: point (ii) is the lesser of the two, making it the applicable development standard in this instance.	30% x 2,323m ² = 696.9m ² Proposed landscaped area: 166.7m ² (7.2% of the site area), resulting in a 530.2m ² or 76.1% variation to the development standard under clause 19(2)(b)(ii). Landscaping for the development is proposed in the following areas on the site: <ul style="list-style-type: none"> • Ground level: east setback DSZ and northern setback DSZ is 105.5m² • Level 2: central COS courtyard DSZ 61.2m². 	No – see below

State Environmental Planning Policy (Housing) 2021			
Section	Requirement	Proposed	Comply
		*A clause 4.6 variation is provided by the Applicant for this variation to the development standard, and is discussed in further detail below.	
	Section 19(2)(c) <u>deep soil zones</u> : A deep soil zone on at least 15% of the site area, where: (i) deep soil zone minimum dimension of 3m, and (ii) at least 65% of DSZ is located at the rear of the site, if practicable.	As per section 19(3), subsection (2)(c) does not apply to development to which Chapter 4 applies – Chapter 4 of the Housing SEPP relates to residential apartments, refer to ADG assessment.	N/A
	Section 19(2)(d) <u>solar access</u> : Living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter.	As per section 19(3), subsection (2)(d) does not apply to development to which Chapter 4 applies – Chapter 4 of the Housing SEPP relates to residential apartments, refer to ADG assessment.	N/A
	Section 19(2)(e) <u>parking for dwellings used for AH</u> : (i) 1 bed: min. 0.4 parking spaces per dwelling. (ii) 2 bed: min. 0.5 parking spaces per dwelling. (iii) 3 bed: min. 1 parking space per dwelling.	11 of the 50 units are nominated as AH. • 2 x 1 bed units ($0.4 \times 2 = 0.8$ spaces) • 6 x 2 bed units ($0.5 \times 6 = 3$ spaces) • 3 x 3 bed units ($1 \times 3 = 3$ spaces). = 6.8 (or 7) spaces are required for the AH component. AH spaces required (7) + non-AH spaces required (35) = <u>42 total combined residential spaces required</u> . Proposed total car parking spaces = 88 includes: • 60 residential spaces • 10 visitor spaces • 18 commercial spaces	Yes
	Section 19(2)(f) <u>parking spaces for dwellings not used for AH</u> : (i) 1 bed: min. 0.5 parking spaces per dwelling. (ii) 2 bed: min. 1 parking space per dwelling. (iii) 3 bed: min. 1.5 parking space per dwelling.	39 of the 50 units are not AH. • 10 x 1 bed units ($0.5 \times 10 = 5$ spaces) • 27 x 2 bed units ($1 \times 27 = 27$ spaces). • 2 x 3 bed units ($1.5 \times 2 = 3$ spaces)	Yes

State Environmental Planning Policy (Housing) 2021													
Section	Requirement	Proposed	Comply										
		<p>= 35 spaces required for the non-AH component. AH spaces required (7) + non AH spaces required (35) = <u>42 total combined residential spaces</u>.</p> <p>Proposed car parking spaces in total = 88 includes:</p> <ul style="list-style-type: none">• <u>60 residential spaces</u>• 10 visitor spaces• 18 commercial spaces											
	<p>Section 19(2)(g) <u>unit areas</u>: The minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development, Note: Additional bathrooms increase the minimum internal area by 5m² each.</p> <table><tr><th>Apartment type</th><th>Min. internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table>	Apartment type	Min. internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Units meet the min. ADG area requirements: 1 bedroom unit = min. 50m² 2 bedroom units = min. 70m² and min. 75m² for those with an additional bathroom 3 bedroom units = min. 95m², all of which include an additional bathroom</p>	Yes
Apartment type	Min. internal area												
Studio	35m ²												
1 bedroom	50m ²												
2 bedroom	70m ²												
3 bedroom	90m ²												
20 Design requirements	<p>(1) N/A – see (2) below. (2) Subsection (1) does not apply to which Chapter 4 applies (Chapter 4 relates to RFB's). (3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with:</p> <p>(a) desirable elements of the character of the local area, or (b) (b) for precincts undergoing transition, the desired future character of the precinct</p>	<p>The proposal for shop top housing is consistent with the desired future character of the street and neighbourhood precinct, and the development is not inconsistent with the zone objectives for the E1 Local Centre zone.</p>	Yes										
21 Must be affordable housing for 15 years	<p>(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day</p>	<p>A letter is provided by EchoRealty, which is a registered Community Housing Provider, dated 08/04/2025, provides commitment for management of the affordable housing</p>	Yes										

State Environmental Planning Policy (Housing) 2021			
Section	Requirement	Proposed	Comply
	<p>an occupation certificate is issued for the development:</p> <p>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p> <p>(b) The affordable housing component will be managed by a registered community housing provider.</p>	<p>component for not less than 15 years.</p> <p>A restriction on the title will be included and forms part of the conditions of consent.</p>	
22 Subdivision	Land on which development has been carried out under this division may be subdivided with development consent.	Noted. Strata subdivision is not proposed under this development application.	N/A
CHAPTER 4 Design of residential apartment development			
142 Aims of chapter	<p>Section 142(1)</p> <p>The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—</p> <p>(a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—</p> <p>(i) providing socially and environmentally sustainable housing, and</p> <p>(ii) being a long-term asset to the neighbourhood, and</p> <p>(iii) achieving the urban planning policies for local and regional areas,</p> <p>(b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,</p> <p>(c) to maximise the amenity, safety and security of the residents of residential apartment development and the community,</p> <p>(d) to better satisfy the increasing demand for residential apartment development, considering—</p>	As demonstrated in this assessment, the proposed development for the purpose of shop top housing with affordable housing meets the intent of the Aims of this chapter.	Yes

State Environmental Planning Policy (Housing) 2021			
Section	Requirement	Proposed	Comply
	(i) the changing social and demographic profile of the community, and (ii) the needs of a wide range of people, including persons with disability, children and seniors, (e) to contribute to the provision of a variety of dwelling types to meet population growth, (f) to support housing affordability, (g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, (h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.		
	Section 142(2) This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high-quality design.	The requirements of the ADG and Design Principles under Schedule 9 have been considered in the design of the proposed development and are discussed separately in this report. Refer to ADG assessment.	Yes
144 Application of chapter	Section 144(1) In this policy, development to which this chapter applies is referred to as residential apartment development .	The type of development proposed falls within the definition of residential apartment development under this section.	Yes
	Section 144(2) This chapter applies to the following— (a) development for the purposes of residential flat buildings (b) development for the purposes of shop top housing, (c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential	The proposed development is for the purpose of shop top housing.	Yes

State Environmental Planning Policy (Housing) 2021			
Section	Requirement	Proposed	Comply
	apartment development for this chapter.		
	<p>Section 144(3) This chapter applies to development only if—</p> <p>(a) the development consists of—</p> <p>(i) the erection of a new building, or</p> <p>(ii) the substantial redevelopment or substantial refurbishment of an existing building, or</p> <p>(iii) the conversion of an existing building, and</p> <p>(b) the building is at least 3 storeys, not including underground car parking storeys, and</p> <p>(c) the building contains at least 4 dwellings.</p>	<p>The proposal is for a new development.</p> <p>The building comprises a total of 5 levels (excluding underground parking) and this includes 4 levels of residential apartments.</p> <p>The development contains a total of 50 residential dwellings in the form of apartments.</p>	Yes
	<p>Section 144(4) If particular development comprises development for the purposes specified in subsection (2) and development for other purposes, this chapter applies only to the part of the development for the purposes specified in subsection (2).</p>	Chapter 4 applies to the residential component of the development.	Yes
	<p>Section 144(5) This chapter does not apply to development that involves only a class 1a or 1b building within the meaning of the Building Code of Australia.</p>	The development involves a Class 2, 7 and Class 7(a) building under the Building Code of Australia, and is required to be a Type A construction.	Yes
145 Referral to design review panel for development applications	<p>Section 145(1) This section applies to a development application for residential apartment development, other than State significant development.</p>	The application is not state significant development. The DA relates to a residential apartment development.	Yes
	<p>Section 145(2) Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</p>	Although not constituted under the EP&A Regulation 2021, Canterbury-Bankstown Council does have a Design Review Panel (DRP) which the development was referred to on 15 August 2024 (this is discussed in further detail separately in this report).	Yes

State Environmental Planning Policy (Housing) 2021			
Section	Requirement	Proposed	Comply
	Section 145(3) This section does not apply if— (a) a design review panel has not been constituted for the local government area in which the development will be carried out, or (b) a competitive design process has been held.	As mentioned above, although not constituted under the EP&A Regulation 2021, Canterbury-Bankstown Council does have a Design Review Panel which the development was referred to for review.	N/A
146 Referral to DRP for modification applications	This section applies to a modification application for residential apartment development, other than State significant development.	This application relates to a new DA.	N/A
147 Determinatio n of development applications and modification applications for residential apartment development	Section 147 (1) Consent must not be granted unless the following has been considered: (a) quality of design evaluated in accordance with Schedule 9 (Design Principles); (b) the ADG; (c) advice from DRP.	(a) Design Verification Statement is provided in support of the application. Council's Urban Design team have considered the design proposal – refer to Attachment J. (b) The development has been designed with consideration to the objectives of each design criteria in the ADG. (c) As mentioned above, although not constituted under the EP&A Regulation 2021, Canterbury-Bankstown Council does have a Design Review Panel which the development was referred to for review.	Yes
148 Non- discretionary development standards for residential apartment development- the Act, S 4.15	Section 148(1) The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Refer to ADG assessment.	Yes
	Section 148(2) (1) The following are non-discretionary development standards— (a) the car parking for the building must be equal to, or greater than, the	Car parking proposed across two basement levels and meets the minimum applicable parking requirement. Total of 88 spaces includes: • 60 residential spaces	Yes

State Environmental Planning Policy (Housing) 2021			
Section	Requirement	Proposed	Comply
	<p>recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</p> <p>(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</p> <p>(c) (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</p>	<ul style="list-style-type: none"> • 10 visitor spaces • 18 commercial spaces. <p>Internal area for each unit meets the minimum area required under the ADG: 1 bedroom has min. 50m², 2 bedrooms have min. 75m², 3 bedrooms have min. 95m².</p> <p>Ceiling heights for units of 2.7m meet the minimum required for habitable rooms, and 3.3m for the ground floor, aside from the corner commercial tenancy no. 3 which has been demonstrated that services can still be maintained within this ceiling height – refer to discussion below under ADG assessment.</p>	
149 Apartment Design Guide prevails over development control plans	<p>Section 149(1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—</p> <p>(a) visual privacy, (b) solar and daylight access, (c) common circulation and spaces, (d) apartment size and layout, (e) ceiling heights, (f) private open space and balconies, (g) natural ventilation, (h) storage.</p> <p>(2) This section applies regardless of when the development control plan was made.</p>	Refer to the ADG assessment.	Yes

As the above table demonstrates, the proposal meets the requirements of the Housing SEPP that are applicable to an in-fill development, aside from the development standard relating the minimum required landscaped area required under Section 19(2) of the Housing SEPP. It is noted that this is a non-discretionary development standard.

The applicant has chosen to support the proposed non-compliance with a clause 4.6 request. This clause 4.6 has been reviewed and is discussed below for the information of the Panel.

Clause 4.6 Variation

A clause 4.6 written request submitted by the applicant seeks a variation to Section 19(2)(b) of the Housing SEPP, which relates to landscaped area for in-fill affordable housing development. The clause 4.6 can be viewed at Attachment H. Section 19(2)(b) is a non-discretionary development standard under this section of the SEPP and identifies a minimum landscaped area that is the lesser of 35m² per dwelling or 30% of the site area. The site area requirement is the lesser requirement of the two, making it the applicable development standard.

As such, the minimum landscaped area required for the site under Section 19(2)(b) of the Housing SEPP is:

$$30\% \text{ of } 2,323\text{m}^2 = 696.9\text{m}^2$$

The landscape definition under the Housing SEPP is as follows:

***landscaped area** means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area.*

The subject development application proposes 166.7m² (7.2% of the site area) as landscaped area in accordance with the landscape definition above. Consequently, a variation of 530.2m² (76.1%) is sought. The areas that form part of this calculation include:

- Ground level (noted as Level 1 on the plans): deep soil zone adjacent the driveway on the eastern side of the site, and the deep soil zone in the northern setback area (105.5m²); and
- Level 2: the deep soil zone area in the central communal open space courtyard (61.2m²).

While the development fails to meet the landscape requirement under the Housing SEPP, it meets the minimum 7% deep soil landscape requirement under the ADG.

Notably, the E1 Local Centre land zoning encourages the inclusion of commercial use at ground level. The application seeks consent for the ground level of the building to solely consist of commercial floor area. A right of carriageway also exists along the eastern boundary of the site further reducing the opportunity for landscaping at ground level. These constraints result in the incapability to provide landscaped area that meets the definition above. The development would otherwise present a fully compliant landscape area under the ADG if affordable housing were not pursued.

Furthermore, the ADG acknowledges that achieving the minimum deep soil requirement may not be possible on sites where there is non-residential uses at ground floor level.

The objectives as set out in Clause 4.6 of the CBLEP are as follows:

- (1) *The objectives of this clause are as follows-*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3) of the CBLEP establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard.

The preconditions to be satisfied are listed in Clause 4.6(3) of the LEP:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
 - (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

These matters have been considered for the proposed development having regard to the applicant's clause 4.6 written request, which argues that the variation to the development standard is reasonable and justified and compliance with the standard is unnecessary in this instance.

The applicant submits that the contravention of the landscaped area development standard is acceptable and will not impact the amenity of the development or adjoining properties, nor will the variation compromise the landscape outcome of the development. A degree of flexibility is considered reasonable in this instance as detailed within the clause 4.6 written request.

Section 15A of the Housing SEPP includes the objective for Division 1 In-fill affordable housing, which states:

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

Section 19 of the Housing SEPP contains a single objective, which states:

The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

Note—

See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.

In accordance with Section 19 of the Housing SEPP, if the development standard is not complied with, the consent authority may still grant development consent. The applicant seeks this discretion from the consent authority requesting for the variation to be permitted via the clause 4.6 written request.

Despite the non-compliant landscaping, the proposed variation is considered worthy of support in this instance as the development still achieves an appropriate balance of landscaping and built form. The applicant has adequately demonstrated within the clause 4.6 request that strict compliance in this case is unnecessary as the proposal meets the objectives of the E1 Local Centre zone, is not inconsistent with the objective under Section 19 and also the broader objective under Section 15A Division 1 under the Housing SEPP, and that there are sufficient environmental planning grounds to justify contravening the development standard in this instance. Sufficient environmental planning grounds to support the contravention include the following:

- The site is constrained by a right of way on its eastern side, which allows access from Neutral Avenue to the southern adjoining commercial premises through a driveway. The right of way is within the area of separation between the E1 Local Centre zone and eastern adjoining R4 High Density Residential zone, which is the ideal location for landscaping. However, the right of way must be retained for access, as it is the sole route for deliveries to the southern adjacent commercial premises. Therefore, it restricts the landscaping options on the site and limits the amount of landscaping that can be provided.
- The land is zoned E1 Local Centre that permits shop top housing development where the ground floor is used solely for commercial purpose. Providing commercial floor area at ground level, including a commercial loading dock and waste collection on-site, restricts the potential for landscaping that could be achieved if residential units were placed on the ground floor.
- The application seeks to deliver affordable housing and utilises the bonus FSR and height provisions under the Housing SEPP. Strict compliance with the standard would result in a reduced footprint, which would undermine the goal of delivering affordable housing and its associated benefits that are designed to encourage investment in such development.
- Strict compliance would hinder the development from fulfilling the zone's objectives, which promote non-residential land uses on the ground floor. In this regard, a reduced building footprint to meet landscaping requirements could restrict the site's potential to provide an active street frontage.
- The proposal is consistent with the zone objectives by providing a permissible form of development that reflects the desired future character of the site and vision for the Birrong Small Village Centre, incorporates commercial use on the ground level with commercial shopfronts and residential above ground, is consistent with the standards of Canterbury-Bankstown Local Environmental Plan 2023 and bonus provisions under the Housing SEPP, is within an accessible location, and is of a high design standard that ensures the amenity of occupants and surrounding properties are maintained whilst providing a diverse and active street frontage for both Auburn Road and Neutral Avenue.

The proposed development also achieves the objects of the Act by way of promoting the orderly and economic use and development of land, providing affordable housing and promoting good design and amenity of the built environment.

The objects of the Act under Section 1.3 are as follows:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

It has been demonstrated that strict compliance with the landscape requirement in this regard is unnecessary and that a better outcome is achieved for this development by allowing flexibility in this case. The justification is acceptable, and it is concluded that the clause 4.6 request successfully demonstrates that there are sufficient environmental planning grounds for the contravention to the development standard and that strict compliance in this instance is not necessary.

On this basis and noting that the development remains consistent with the objectives of the development standard, the objectives of the zone, and meets the object of the Act, it is recommended that the variation to Section 19(2)(b) of the Housing SEPP be supported in this instance.

Bonus FSR and Height

Further commentary in relation to the 'Bonus FSR' and "Bonus Height" provisions of the SEPP is provided below.

Bonus FSR

Section 16 under Chapter 2 of the Housing SEPP operates by providing that the maximum FSR for development to which the division applies is the maximum permissible FSR for the land under the relevant EPI, plus an additional FSR of up to 30% of the maximum FSR permitted. The minimum required affordable housing component for the development, which must be at least 10%, means the percentage is to be calculated as follows:

Affordable housing component = additional floor space ratio (as a %) / 2

The application seeks to apply a 30% FSR bonus, which is calculated in the table below in accordance with the requirements specified under Section 16 of the SEPP:

Site Area (m ²)	Max permissible FSR under EPI	Permissible GFA under EPI (m ²)	Additional FSR	New total FSR incl. commercial	Additional GFA (m ²)	New total GFA (m ²)	Min. affordable housing component (must be min. 10%)	Affordable housing GFA (m ²)
2,323	2:1	4,646	16.6%	2.33:1	769	5,415	15.9%	860.69

The development is proposed with an FSR of 2.33:1, which meets the bonus FSR provisions of the Housing SEPP.

Bonus Height

Section 16(3) of the Housing SEPP also permits a building height bonus, which is 30% of the maximum height permitted under the Canterbury-Bankstown Local Environmental Plan 2023. Therefore, with a maximum building height restriction of 14m for the site, an additional height of 4.2m is permitted in accordance with this section of the Housing SEPP; therefore, permitting a maximum building height of 18.2m for the development. The building is proposed with a height of 18m, which meets the bonus building height provisions of the Housing SEPP.

Apartment Design Guide – Design Principles

Chapter 4 of the Housing SEPP applies to *residential apartment development* that includes development for the purpose of residential flat buildings, shop top housing and mixed-use development, and therefore is required to be considered when assessing this application. It aims to improve the design quality of residential apartment development across NSW and provides an assessment framework, the ADG, for assessing “good design”.

The ADG provides planning and design standards and criteria including general guidance about how development proposals can achieve the 9 design quality principles identified in Schedule 9 of the Housing SEPP.

Section 29 of the *Environmental Planning and Assessment Regulation, 2021*, requires the submission of a design verification statement from a qualified designer (registered architect) at lodgment of the development application to address the design quality principles and demonstrate how the objectives in Parts 3 and 4 of the ADG have been achieved.

A Design Verification Statement has been prepared by Olsson Associates and is submitted with this development application, as contained at Attachment J. It has been demonstrated that the proposal has adequate regard for the design quality principles under the SEPP and responds appropriately to the context of the site. The design

principles under Schedule 9 of the Housing SEPP are discussed as follows, including the response by the applicant.

Schedule 9 Design principles for residential apartment development

Principle 1: Context and Neighbourhood Character

- (1) *Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions.*
- (2) *Responding to context involves identifying the desirable elements of an area's existing or future character.*
- (3) *Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*
- (4) *Consideration of local context is important for all sites, including sites in the following areas—*
 - (a) *established areas,*
 - (b) *areas undergoing change,*
 - (c) *areas identified for change.*

Applicant's response:

The site is located on the southeastern corner of the intersection of Auburn Road and Neutral Avenue, the northernmost lots that form part of a E1 Local Centre land zoning associated with the Birrong neighbourhood centre. Land to the east is zoned R4 High Density Residential and R2 Low Density Residential to the north and west. Regardless of the current zoning, the locality is primarily single and two storey buildings. The site and neighbours to the east and south qualify as an area is identified for change.

The proposal seeks a shop top housing development, a permissible form of development in the zone that reflects the desired future character area. The zoning and development standards applying to the land permit 3 and 4 storey developments. The proposal, through use of in-fill affordable housing bonuses, seeks a five storey form.

The locality is well connected to public transport (buses and trains) and shops, services and amenities.

The proposed five storey development is considered to have taken positive attributes of the current context and incorporated these within the proposal, including the selection materials and finishes.

Comment:

Section 16(3) of the Housing SEPP permits a 30% bonus FSR and height which the development seeks to utilise for the development. The development is proposed with an FSR of 2.3:1 and a building height of 18m, which complies with the bonus provisions permitted under the Housing SEPP. Notwithstanding these bonus provisions, the building form and design remain an appropriate response to the site and will align with the desired future character of the locality. The design ensures that the proposed development is appropriate in terms of scale and bulk.

Principle 2: Built Form and Scale

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

Applicant's response:

The proposed development is the first within the precinct to developed to contemporary planning controls. Consequently, the immediate relationship is one discordant and thus represents an area identified for change. Notwithstanding this, the built form is appropriate.

As commercial land, a commercial ground floor with an active street frontage is desired. The proposal exceeds the expectations of the planning controls by continuing an active street frontage around the corner of Auburn Road, the primary shopping street, on to Neutral Avenue. While a setback is proposed to Neutral Avenue, this is driven by high voltage power line separation requirements. Nevertheless, the architectural design and street wall alignment defines the public domain.

The primarily brick and fibre cement cladding respond to the materials and colours of the locality. The built form will positively contribute to the character of the streetscape, as well as reinforcing the prominent street corner serving as the northern gateway into the neighbouring centre.

The five storey scale is compatible with the planning controls and associated in-fill affordable bonuses permitted on the land. The proposed floor area, inclusive of the bonuses employed, has been smartly designed to maximise internal amenity and outlook without compromising development potential or amenity on adjoining properties.

Comment:

The development is consistent with the maximum permitted height controls under the Housing SEPP and will align with the desired future character of the locality. The design ensures that the proposed development is appropriate in terms of bulk and scale and the range of materials contribute to the articulation of the building particularly with addressing the prominent corner of the site.

Principle 3: Density

- (1) *Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*
- (2) *Appropriate densities are consistent with the area's existing or projected population.*
- (3) *Appropriate densities are sustained by the following—*
 - (a) *existing or proposed infrastructure,*
 - (b) *public transport,*
 - (c) *access to jobs,*
 - (d) *community facilities,*
 - (e) *the environment.*

Applicant's response:

The proposed development proposes new residential accommodation in an accessible location where demand exists for increased density.

The proposed 50 units and 8 commercial tenancies are considered a density appropriate within the site's constraints and site-specific context. The land is within a commercial zone adjacent to a supermarket and other shops to meet immediate needs, with public transport within easy walking distance.

The density proposed benefits from in-fill affordable housing bonuses under State Environmental Planning Policy (Housing) 2021. Notably, the full potential 30% bonus is not sought, but rather a sensible portion of the bonus that creates a high quality built form and amenity outcome and recognises the constraints (e.g. high voltage power lines, ROW along the eastern boundary). The development aligns with the desired future character expressed in CBDP 2023 and responds positively to the nil setback wall to the existing IGA development to the south.

Comment:

The density of the proposed development is considered to be satisfactory and a reasonable response to the desired future context and built form.

The proposed building is an opportunity to achieve density that is consistent with the desired character of the area, which is sustained by the access to nearby public transport. The proposed density, inclusive of the additional affordable housing component as permitted under the Housing SEPP, is an appropriate response to the site and context of the area.

Principle 4: Sustainability

- (1) *Good design combines positive environmental, social and economic outcomes.*
- (2) *Good sustainable design includes—*
 - (a) *use of natural cross ventilation and sunlight for the amenity and liveability of residents, and*
 - (b) *passive thermal design for ventilation, heating and cooling, which reduces reliance on technology and operation costs.*
- (3) *Good sustainable design also includes the following—*
 - (a) *recycling and reuse of materials and waste,*

- (b) use of sustainable materials,
- (c) deep soil zones for groundwater recharge and vegetation.

Applicant's response:

The development complies with the solar access and natural cross-ventilation design guidance under ADG with 36/50 (72%) units and 34/50 (68%) units, respectively. Where solar access is limited, natural light is considered to have been maximised. North facing units have also been maximised. Other positive attributes of the sustainability of the design are the provision of deep soil landscaping, on-structure planting, solar panels, and hard wearing materials (e.g. brick and fibre cement cladding) as the main construction materials. The development is also compliant with the requirements of BASIX under State Environmental Planning Policy (Sustainable Buildings) 2022.

Comment:

A BASIX Certificate has been submitted with the development application, which details the resource, energy and water efficiency measures that will be incorporated into this proposal. The BASIX Certificate is considered satisfactory.

Principle 5: Landscape

- (1) Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity.
- (2) A positive image and contextual fit of well-designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood.
- (3) Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following—
 - (a) the local context,
 - (b) co-ordinating water and soil management,
 - (c) solar access,
 - (d) micro-climate,
 - (e) tree canopy,
 - (f) habitat values,
 - (g) preserving green networks.
- (4) Good landscape design optimises the following—
 - (a) usability,
 - (b) privacy and opportunities for social interaction,
 - (c) equitable access,
 - (d) respect for neighbours' amenity.
- (5) Good landscape design provides for practical establishment and long-term management.

Applicant's response:

The site is within a neighbourhood centre and currently contains no landscaping. Furthermore, the design guidance acknowledges potential for no deep soil in such circumstances. However, the proposed development has nevertheless provided 4.6% of the site as deep soil meeting a 3m dimension, with the primary area strategically positioned in the centre of the podium communal open space to maximise residential

amenity. The planting outcome to be delivered by the landscape plan will substantially enhance the existing context and provide a high level of resident amenity.

Comment:

All of the proposed units have access to outdoor balconies. A communal open space is also incorporated into the development on levels 2 and 5 providing a range of recreational opportunities for future residents.

Aside from the departure to landscape requirement under the Housing SEPP, which is discussed previously in this report, the landscape design generally meets Council's landscaping requirements, subject to conditions of consent.

Principle 6: Amenity

- (1) *Good design positively influences internal and external amenity for residents and neighbours.*
- (2) *Good amenity contributes to positive living environments and resident well-being.*
- (3) *Good amenity combines the following—*
 - (a) *appropriate room dimensions and shapes,*
 - (b) *access to sunlight,*
 - (c) *natural ventilation,*
 - (d) *outlook,*
 - (e) *visual and acoustic privacy,*
 - (f) *storage,*
 - (g) *indoor and outdoor space,*
 - (h) *efficient layouts and service areas,*
 - (i) *ease of access for all age groups and degrees of mobility.*

Applicant's response:

Careful planning of the floor plate has ensured a high level of internal and external amenity for residents and neighbours in a high density environment. The design ensures visual and acoustic privacy, solar access, natural light and ventilation are achieved, with good outlook and internal spaces and storage are designed according to policy requirements. The building is accessible throughout.

Comment:

The proposed development has been designed to maximise solar access. The proposed units will have considerable internal amenity and their size and room dimensions meet the minimum standards within the Apartment Design Guide. Adequate space to meet the needs of future occupants is provided within the units to provide appropriate amenity.

Storage is provided within all units with additional storage within the allocated basement car parking spaces, whilst the outdoor private terraces are of sufficient size to meet the recreational needs of future occupants. Lift access has been provided from the basement to upper levels, thereby providing full accessibility for all occupants and visitors.

Principle 7: Safety

- (1) *Good design optimises safety and security within the development and the public domain.*
- (2) *Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose.*
- (3) *Opportunities to maximise passive surveillance of public and communal areas promote safety.*
- (4) *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.*

Applicant's Response:

The proposed development has had regard to the principles of 'Safer by Design'. Aspects such as natural surveillance and controlled access have all been considered in the planning of the building.

The proposed development allows for excellent natural surveillance for public areas, being Auburn Road and Neutral Avenue. The common areas will be appropriately lit to ensure safety and visibility after dark.

The entrance to the upper level residential units from the foyer is via a controlled access entry and lift system. An intercom system will be provided adjacent to the entry lobby along Neutral Avenue for visitor access.

The street numbering and the identification of the building will be clear to prevent unintended access and to assist persons trying to find the building.

Comment:

The proposal provides increased activation and passive surveillance of the surrounding streets and private open space areas. Separate entrances are provided for commercial and residential components and entries and lobby areas are to be secured and well lit.

The applicant has considered Crime Prevention Through Environmental Design (CPTED) principles in the design of the development, providing a CPTED report which has been considered by Council's Community Safety and Crime Prevention Officer. The assessment of the principles and safety and security considerations in the CPTED report is deemed acceptable, subject to conditions of consent as recommended by Council.

Principle 8: Housing Diversity and Social Interaction

- (1) *Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*
- (2) *Well-designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix.*
- (3) *Good design involves practical and flexible features, including—*
 - (a) *different types of communal spaces for a broad range of people, and*
 - (b) *opportunities for social interaction among residents.*

Applicant's Response:

The proposed development provides new residential accommodation, including affordable housing, within an established urban area located in proximity to public infrastructure. A range of 1, 2 and 3 bedroom units – and a range of 1 and 2 bedroom units as affordable housing – are sought. Twenty units are also designed as Liveable units. The proposed unit mix will cater to different housing needs and lifestyles.

Well landscaped and sensibly located communal spaces provide opportunities for residents to interact.

Comment:

The proposed design incorporates various dwelling sizes and includes adaptable units promoting diversity, affordability and access to housing choice.

Principle 9: Aesthetics

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

Applicant's Response:

The proposed development incorporates a composition of building elements, textures, materials and finishes which all contribute to an overall high quality and aesthetically appealing development. The location of the site, and bulk and scale of surrounding existing and potential future developments have been considered in the design of the development and its aesthetics. The building will be in harmony with the locality in the short and long-term.

Comment:

The proposed use of pattern, texture, form and colour seeks to produce a design aesthetic that reflects the quality of residential accommodation provided. The articulation of the external façades and compliance with the relevant built form standards lessens any perception of bulk, whilst maintaining internal and external amenity. These elements contribute to the desired future character of the locality and enhance the existing surrounding streetscapes.

Apartment Design Guide

Further to the above design quality principles, Section 147(1)(b) of State Environmental Planning Policy (Housing) 2021 also requires residential apartment development to be designed in accordance with the Apartment Design Guide (ADG). The proposal has been considered against the various provisions of the Apartment Design Guide as required of Chapter 4 *Design of residential apartment development* of the Housing SEPP, as demonstrated in the following table:

Apartment Design Guide			
Section	Design Criteria	Proposal	Comply
Part 3 Siting the Development			
3C Public Domain Interface	<ul style="list-style-type: none"> • Avoid long, high blank walls and fences. • Direct access from the street to ground floor apartments and windows overlooking the street improve safety and social interaction. • Key components to consider when designing the interface include entries, private terraces or balconies, fence and walls, changes in level, services location and planting. • Safety considerations (real or perceived) and consideration of social interaction opportunities when viewed from the public domain. • Terraces, balconies and courtyard apartments to have direct street level entry where possible. • Changes in levels between ground floor and terraces to balance passive surveillance and privacy. • Provide seating at building entries, letter boxes and private courtyards adjacent the street. • Multiple building entrances to be clearly defined through architectural detailing, changes in materials, plant species and colours. • Concealment opportunities minimized. • Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m. • Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view. 	<p>Blank wall only exists on the southern elevation where the proposed building adjoins a commercial premises to the south of the site (supermarket). Ground floor consists of seven (7) commercial tenancies, as such, the residential units on the floors above (levels 1 to 4) could not be designed to have direct street level entry. Residential component is separated from the commercial component in terms of entry points, access to basement (stairs and lifts), corridors, and waste rooms. Separate pedestrian entry access points from the street for residential and commercial are provided: residential access is via Neutral Avenue, commercial access is via Auburn Road. Windows and balconies of upper levels face and overlook the street where possible, aside from east facing apartments which have balconies designed facing inwards and overlooking COS. Mailboxes are perpendicular to the street (Neutral Avenue) adjacent to the residential entry point.</p> <p>No front fences, ground floor commercial tenancies have direct interface with Council footway.</p> <p>Design of development takes into account CPTED principles with no concealment opportunities within the front setback.</p> <p>Separate waste rooms designed for residential and commercial, which are well integrated into the building on the ground floor and suitably screened from the public domain.</p>	Yes

Apartment Design Guide			
Section	Design Criteria	Proposal	Comply
		A <u>substation kiosk</u> is proposed along the Neutral Avenue frontage – Ausgrid have reviewed the application and raise no objection to the proposed location of the substation kiosk and have provided conditions that form part of the consent.	No – see below
3D Communal and Public Open Space	Communal open space (COS) has a minimum area equal to 25% of the site. Total site area is 2,323m ² , requiring a minimum 580.75m ² and min. 3m dimension.	COS proposed on level 2 (above ground level) = 271.7m ² COS proposed on level 5 (top residential level) = 313.4m ² Total COS area proposed 585.1m ² with min. 3m dimension	Yes
	<p>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 9 am and 3 pm on 21 June (mid-winter).</p> <p>Note: there is no definition in ADG for 'principal usable area'. Communal open space should be co-located with deep soil areas. Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.</p> <p>Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.</p> <p>Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:</p> <ul style="list-style-type: none"> • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or 	<p>Two (2) separate COS areas are proposed; Level 2 (above ground floor commercial) and Level 5 (top residential floor Level).</p> <p>Level 2 COS is co-located with the DSZ.</p> <p>Level 5 COS is positioned on the northern side and achieves a minimum 50% direct sunlight between 1pm and 3pm at mid-winter. The Level 5 COS equates to 54% of the total COS area and is the 'principal usable area' for the purpose of meeting the requirements of this clause. It consists of bench seating and is a well-designed usable space.</p> <p>Both COS areas are accessible via common walkways / entries and communal corridors, and are designed to maximise safety. Both COS areas are designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</p>	Yes

Apartment Design Guide			
Section	Design Criteria		Propose
	provide contributions to public open space.		
3E Deep Soil Zones (DSZ)	Deep soil zones are to meet the following minimum dimensions:		<p>Site area: 2,323m² 7% x 2,323m² = 162.61m²</p> <p>Total DSZ proposed is 166.7m² (including the central DSZ 61.2m² + 105.5m² for remaining area), which is 7.2% of the site.</p> <p>The main central DSZ, which is 2.6% of the site area, is approx. 6.5m x 9.5m and meets the 6m minimum width requirement. However, the DSZ adjacent to the Neutral Avenue driveway is approx. 3m x 15m, which fails to meet the minimum 6m width throughout requirement. The remaining supplementary DSZ (along Neutral Avenue) is also less than 6m in width.</p> <p>The design guidance acknowledges that achieving the design criteria may not be possible – refer to the below comment regarding this matter.</p>
	Site Area	Min.	
	Less than 650m ²	-	
	650m ² - 1,500m ²	3m	
	Greater than 1,500m ²	6m	
	Greater than 1,500m ² with significant existing tree cover	6m	
<p><u>Design Guidance:</u> Achieving the design criteria may not be possible on some sites including where:</p> <ul style="list-style-type: none"> the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) there is 100% site coverage or non-residential uses at ground floor level. 			
<p><u>Comment:</u> The failure to meet the DSZ width in this case is justified on the basis that this particular site, being a commercial centre zone, includes a ground floor consisting entirely of non-residential uses. The design guidance under section 3E acknowledges that achieving the design criteria on such sites may not be possible, particularly where there is 100% site coverage of non-residential uses, which such is the case for this application. It is also relevant to note Canterbury-Bankstown Local Environmental Plan 2023 requires non-residential uses to be located on the ground floor in the E1 Local Centre zone.</p> <p>Furthermore, the site is burdened by an easement (right of carriageway) along the eastern boundary which further constrains the site in allowing for strict compliance with the minimum 6m width requirement for DSZ. Notwithstanding this, the proposal meets the minimum percentage requirement of DSZ for the site.</p> <p>On this basis, the DSZ areas as proposed on the ground level is considered acceptable given the circumstances of the case, and allowing this departure would not be inconsistent with the design guidance under section 3E of the ADG.</p>			

Apartment Design Guide			
Section	Design Criteria		Propose
3F Visual Privacy	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:		Corner allotment with an east side boundary to R4 Residential zone and south side boundary to E1 Local Centre zone. Ground floor consists of commercial only.
	Building Height	Habitable Rooms & Balconies	Non-habitable Rooms
	Up to 12m (4 storeys)	6m	3m
	Up to 25m (5-8 storeys)	9m	4.5m
	Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1 above) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping. No separation is required between blank walls. Section 2F – Up to four storeys (approx. 12m):		East side boundary: <ul style="list-style-type: none"> Level 2 to 4 requires 6m min. separation + 3m as it adjoins R4 zone (i.e. 9m min. in total). Proposed separation is 9.25m, hood windows encroach into this separation distance. Level 5 requires 9m min. separation + 3m as it adjoins R4 zone (i.e. 12m min. in total). Proposed separation is 9.25m and hood windows further encroach into the separation distance. South side boundary: <ul style="list-style-type: none"> The southern elevation has a nil side setback and is a blank wall adjoining a commercial premises. No separation is required in the design guidance between blank walls.
3G Pedestrian Access and Entries	Multiples entries should be provided to activate the street edge. Entry locations relate to the street and subdivision pattern / existing pedestrian network. Building entries should be clearly distinguishable from private entries. Building access areas (lift lobbies, stairwells and hallways) should be clearly visible from public domain and communal spaces. Minimise ground floor and underground level changes along		The street edge is activated along Auburn Road and Neutral Avenue by the multiple entries for the commercial tenancies on the ground floor, commercial lobby entry and separate residential entry. No steps at ground level entry from street. Lifts provide access from internal corridors with integrated ramps. Pedestrian links provided from within the building to the basement levels via stairs and lifts, noting that commercial
			Comply No - see below
			Yes

Apartment Design Guide			
Section	Design Criteria	Proposal	Comply
	pathways and entries. Steps and ramps integrated into design. Provide way finding maps for large developments. Electronic access and audio/video intercoms required. Provide pedestrian links to streets and destinations with clear sight lines.	and residential access is separate. Visible entry points and clear sightlines are provided in the design.	
3H Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	One vehicle access point is proposed for the developments basement which is accessible off Neutral Avenue and via a right of carriageway. An existing driveway exists in the location of the proposed vehicle access. Garbage collection trucks for the commercial component is accessible via the driveway with collection to occur at the rear completely screened from public view. The residential waste collection will occur on kerb (waste room designed in accordance with waste guideline requirements and subject to waste conditions).	Yes
3J Bicycle and Car Parking	<p>Metro Sydney & centres in regional areas: For development on sites in the following locations</p> <ul style="list-style-type: none"> On sites that are within 800 metres of a railway station in the Sydney Metro Area, or On land zoned within 400m of land zoned B3 or B4 or equivalent in a nominated regional centre. <p>The minimum car parking requirement is set out within the Guide to Traffic Generating Developments (GTTGD) or Council's DCP parking requirements, whichever is the less.</p> <p>Car parking needs for a development must be provided off street.</p>	<p>Parking standards under the Housing SEPP are to be applied as per Chapter 2, Part 2, Division 1, Section 19(e) and (f) – refer to Housing SEPP assessment table.</p> <p>The site is situated within 800m from Birrong train station and is located within the Sydney Metropolitan Area.</p> <p>Total proposed parking spaces across two basement levels = 88 which includes:</p> <ul style="list-style-type: none"> 60 residential spaces 10 visitor spaces 18 commercial spaces <hr/> <p>Refer to parking DCP assessment table for commercial and 'residential flat building' / 'shop top housing' parking requirements.</p>	Yes

Apartment Design Guide			
Section	Design Criteria	Proposal	Comply
	NOTE: Housing SEPP requires a total of 42 residential spaces in total for nominated affordable housing units (total 11) and standard units (total 39) combined.		
	<p>Parking and facilities are provided for other modes of transport. Car park design and access is safe and secure.</p> <p>Visual and environmental impacts of underground car parking are minimised.</p> <p>Visual and environmental impacts of on-grade car parking are minimised.</p> <p>Visual and environmental impacts of above ground enclosed car parking are minimised.</p> <p>Note: Chapter 3.2 Parking of the CBDP does not specify a bicycle requirement for "shop top housing in the former LGA".</p>	<p>Parking for development proposed in basement across two levels and is designed to be safe and secure.</p> <p>19 bicycle spaces proposed including 10 residential, 5 visitor and 4 commercial.</p> <p>A Traffic & Parking Assessment report has been submitted in support of the application, dated 03.02.2025 with Ref. 24057, confirming that the proposed access and internal design arrangements comply with relevant AS concluding that the development would not have unacceptable implications in terms of road network capacity, vehicular access or off-street parking and loading requirements.</p>	Yes
Part 4 Designing the Building			
4A Solar and Daylight Access	<p>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.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p>	<p>At least 35 units will require compliance to meet the 70% requirement.</p> <p>37 of the 50 units (74%) receive 2 or more hours of solar access to living rooms between 9am and 3pm at mid-winter</p> <p>7 of the 50 units (14%) receive no solar access</p> <p>Solar diagrams / views from the sun are provided at half hour intervals which confirm compliance with this requirement.</p>	Yes
4B Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartment at ten storeys or greater are deemed to be cross ventilated only if any enclosure of	<p>A min. 30 units will require cross ventilation.</p> <p>The plans confirm 30 out of the 50 units are cross ventilated (60%).</p>	Yes

Apartment Design Guide				
Section	Design Criteria		Proposal	Comply
	the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.		Operable skylights / clerestory windows are provided to each Level 5 unit.	
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.		<18m overall depth	Yes
4C Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		Residential floor to floor height 3.2m, floor to ceiling height min. 2.7m. Non-habitable rooms min. floor to ceiling height 2.4m. Commercial floor to ceiling height min. 3.3m aside from the corner commercial tenancy (Retail 3') which has a ceiling height of 3m. The ceiling height of the corner tenancy has been facilitated by lifting the building; this is considered acceptable for the corner commercial tenancy only, as it has been demonstrated that services can still be maintained within this ceiling height – refer to Section Detail on Drawing No. A-304.	No – see below
	Minimum Ceiling Height for Apartment and Mixed-Use Buildings			
	Habitable rooms	2.7m		
	Non-habitable	2.4m		
	For 2 storey apartments	2.7m main living area floor 2.4 for second floor, where its area does not exceed 50% of the apartment area		
	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use		
	These minimums do not preclude higher ceilings if desired.			
4D Apartment Size and Layout	Apartments are required to have the following minimum internal areas:		Proposed unit numbers: 12 x 1 bed units 33 x 2 bed units 5 x 3 bed units 1 bedroom unit = min. 50m ² 2 bedroom units = min. 70m ² and min. 75m ² for those with an additional bathroom 3 bedroom units = min. 95m ²	Yes
	Apartment Type	Minimum Internal Area		
	Studio	35m ²		
	1 bedroom	50m ²		
	2 bedroom	70m ²		
	3 bedroom	90m ²		
	The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.			
	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.		Habitable rooms have windows with glass that is min. 10% of floor area of room	Yes

Apartment Design Guide			
Section	Design Criteria		Propose
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height (2.5m x 2.7m ceiling height = 6.75m)	All habitable room depth max. 6.75m for those excluding open plan layouts	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Max. 8m depth measured to closest window for open plan units (kitchen, living and dining combined). Main living spaces are oriented towards the street for most units where design and orientation of unit permits. Living areas and bedrooms are located on the external face of the building.	Yes
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	All bedrooms contained within the 50 residential units comply with the minimum size requirements; min. 10m ² for master rooms and other bedrooms 9m ² (excluding wardrobe space).	Yes
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	All bedrooms have min. 3m dimension excluding wardrobes	Yes
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	Living areas of 1 bedroom apartments have min. 3.6m width. Living areas of 2 and 3 bedroom apartments have min. 4m width.	Yes
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	No 'cross-through' apartments are proposed.	N/A
4E Private Open Space and Balconies	All apartments are required to have primary balconies as follows:		No – see below
	Dwelling type	Min. Area	
	Studio apartments	4m ²	
	1 bedroom apartments	8m ²	
	2 bedroom apartments	10m ²	
	3+ bedroom apartments	12m ²	
		Min. Depth	
		-	
		2m	
		2m	
		2.4m	
	All unit balconies comply with min. area and depth requirements, aside from unit 3.08 (a 3 bedroom unit) which has a balcony width of 2.2m.		

Apartment Design Guide			
Section	Design Criteria		Proposal
	The minimum balcony depth to be counted as contributing to the balcony area is 1m.		
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.		Ground floor level consists of commercial tenancies.
4F Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight. Note Design Guidance: where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.		Two separate circulation cores provided on each residential level as follows: Level 2: 11 units and 3 units Level 3: 9 units and 3 units Level 4: 11 units and 3 units Level 5: 6 units and 4 units
4G Storage	In addition to storage in kitchens, bathrooms and bedrooms, the below storage is provided, and at least 50% of the required storage is to be located within the apartment.		At least 50% of storage is provided within the apartments. Additional storage cages provided in the basement. Basement plan indicates 50 individual storage cages which contribute to remaining storage required for each unit. 16 individual storage cages in basement level 1. 34 individual storage cages in basement level 2.
	Dwelling type	Storage size volume	
	Studio apartments	4m ³	
	1 bedroom apartments	6m ³	
	2 bedroom apartments	8m ³	
	3+ bedroom apartments	10m ³	
4H Acoustic Privacy	Adequate building separation is provided within the development and from neighbouring buildings / adjacent uses. Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas. Rooms with similar noise requirements are grouped together. Noise sources such as garage doors, driveways, service areas, plant rooms, building services,		Adequate building separation is provided for the development within the site and from neighbouring residential properties; a nil setback proposed to the adjacent southern commercial building is acceptable. Appropriate noise attenuation measures will be installed as per the recommendations of the acoustic report prepared by Vipac Engineers and Scientists Ltd (Rev. 01 dated 19.12.2024 and Rev. 02 dated 17.09.2025). Common corridors / internal pathways are centrally located within the development away

Apartment Design Guide			
Section	Design Criteria	Proposal	Comply
	mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	from adjoining properties and located above each other. The south-eastern portion of the development includes common corridors that face towards the eastern adjoining residential zone, however the corridors achieve a min. 12m setback to the eastern boundary providing adequate separation. These corridors would also be low use given the limited capacity of units that they would service. Rooms with similar noise requirements are grouped together where floor plan design permits. Lifts and access stairs mostly adjoin bedrooms and bathrooms. Major services and plant rooms are located in basement level. Where possible, rooms with similar noise requirements are grouped together, and bedrooms are not positioned adjoining communal areas such as corridors and walkways.	
4J Noise Pollution	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	An acoustic report prepared by Vipac Engineers and Scientists Vipac (Rev. 01 dated 19.12.2024 and Rev. 02 dated 16.09.2025) is submitted in support of the development proposal which includes acoustic measures and recommendations that are required for the development. The acoustic report forms part of the development consent conditions as contained at Attachment L .	Yes
4K Apartment Mix	A range of apartment types and sizes is provided to cater for different household types now and into the future	A variety of apartment types is provided including 1, 2 and 3 bedroom apartments.	Yes
4L Ground floor apartments	Street frontage activity is maximised where ground floor apartments are located (design solutions include common	Ground floor is solely commercial tenancies, residential apartments are located on all levels above	NA

Apartment Design Guide			
Section	Design Criteria	Proposal	Comply
	circulation entrances to ground floor apartments, POS next to the street, doors and windows face the street). Direct street access should be provided to ground floor apartments.	ground, therefore direct street access would not be possible for residential units.	
4M Facades	Facades provide visual interest by meeting design solutions. Building services should be integrated within the overall façade. Building entries should be clearly defined.	The site is a corner allotment. Building façade is well resolved by incorporating architectural elements and features that are aesthetically pleasing. The building entries are clearly defined, with separate entrances provided for the residential component and the commercial shopfronts, and commercial lobby entry.	Yes
4N Roof Design	Roof design relates to the street. Roof treatments integrated with building design.	Flat style roof proposed which minimises the visual building bulk. Roof elements and rooftop services are well integrated into the overall building design. Corner site is given visual prominence through a change in articulation and various materials and elements.	Yes
4O Landscape design	Landscape is viable and sustainable and responds to existing site conditions. Plant selection should be endemic to the region. Ongoing maintenance plans should be prepared.	The proposal includes an acceptable landscape scheme for the development. Landscaping is proposed in various locations on the site including the Level 1 COS area which is co-located with the main DSZ, the COS area on Level 5, and also in small pockets along Neutral Avenue. The proposed landscape and maintenance plan is considered acceptable and tree / landscaping conditions are included in the consent for tree replacement planting and maintenance. Refer to Attachment C for the Landscape and Maintenance Plan.	Yes
4P Planting on structures	Plants are suited to site conditions. Appropriate soil profiles provided.	The landscaping proposed is of an appropriate size and scale providing amenity to residents. A landscape plan is	Yes

Apartment Design Guide			
Section	Design Criteria	Proposal	Comply
	Ongoing maintenance plans should be prepared.	provided with the application, as contained at Attachment C, which provides for suitable plantings for the site. Conditions are included in the consent for tree replacement planting and maintenance. Refer to Attachment C for the Landscape and Maintenance Plan.	
4Q Universal Design	Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features. Adaptable units should be provided in accordance with relevant policy.	20 out of 50 units are adaptable and 7 accessible car spaces are provided. An access report is submitted in support of the application. 20 x Livable units are proposed with 10 gold and 10 silver.	Yes
4U Energy Efficiency	Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access). Well located, screened outdoor areas should be provided for clothes drying.	Apartments receive adequate natural light. POS areas are provided including sufficient area for clothes drying. A BASIX certificate has been provided, dated 17 December 2025 bearing certificate number 1792526M_02, which includes commitments for the development to meet.	Yes
4W Waste Management	Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park. The storage areas to be well ventilated, designed for easy manoeuvring between storage and collection points. A waste management plan (WMP) should be prepared. All dwellings should have waste cupboard and recycling cupboard or temporary storage area of sufficient size to two days' worth of waste and recycling.	Sufficient space within each unit is provided to temporarily store waste / recycling. Separate communal waste rooms are provided at ground level for residential and commercial which are not visible from the street. The design of the waste rooms meet the waste design guidelines and a WMP is submitted in support of the application – refer to Attachment O.	Yes
4X Building Maintenance	Include design solutions to provide protection from weathering, ease of maintenance and choice of material selection to reduce ongoing maintenance costs.	Appropriate building design solutions and materials have been selected for the development that meets these requirements.	Yes

As identified in the ADG compliance table above, the proposal is generally consistent with the ADG requirements, however, seeks to depart from the following ADG design criteria:

ADG: 3C – Public Domain Interface

Objective 3C-2 of the ADG requires that substations be located in basement levels or away from view from the public domain. Although the substation is proposed at ground level adjacent to the vehicle access driveway, it is proposed behind the minimum front building line (which is nil for Neutral Avenue).

The design and location of kiosk substations are required to be in accordance with the standards and guidelines set by Ausgrid, which generally require an easement in favour of Ausgrid to house a substation for the development. The substation is proposed in the most appropriate location for the development along Neutral Avenue and one that meets Ausgrid guidelines. The application was referred to Ausgrid for review, who raised no objection to the proposed location, subject to conditions that form part of the recommended consent at **Attachment 2**.

The substation is proposed on the Neutral Avenue frontage in a landscaping pocket adjacent to the driveway and additional landscaping is to be provided around it to assist with screening the structure. The landscaping incorporated around it provides an appropriate level of screening from the public domain therefore mitigating its visual impact.

The substation kiosk is designed such that it would not have an unreasonable or detrimental impact on the streetscape presentation of the development, particularly given the inclusion of landscaping around the structure. On this basis, the proposed location of the substation is considered acceptable and is justified in this instance, despite the inconsistency with the public domain objectives of the ADG.

ADG: 3F – Visual Privacy (Building Separation)

Objective 3F of the ADG sets out the minimum required separation distances from buildings to the side and rear boundaries to provide adequate separation between neighbouring sites so that reasonable levels of external and internal visual amenity are achieved.

The subject development site adjoins land zoned R4 High Density Residential to the east which permits development including residential flat buildings with a prescribed height of 13m and FSR of 1:1 under Canterbury-Bankstown Local Environmental Plan 2023. Currently, development immediately adjacent the site to the east is a single storey dwelling.

A strict application of the design guidance would necessitate an additional 3m of building separation to the eastern interface, therefore, requiring a minimum separation of 9m for the first four storeys and a minimum of 12m for level 5.

The application proposes 9.25m separation to the east side boundary for levels 1 to 4, with the exception of hood window elements that encroach into the required separation. Level 5, which is required to provide a minimum 12m separation distance, is also proposed with a 9.25m separation and includes hood windows. A compliant separation of 12.29m is achieved to the common corridor for level 5.

The hood windows to levels 3, 4 and 5 are to habitable rooms and are orientated to face north, away from the interface with the adjoining R4 zone. The hood windows are designed to ensure no visual privacy impacts are created by the encroachment in the separation distance. On the basis that the eastern elevation excludes windows that directly face the adjoining sites, with hood windows to habitable rooms that direct sight lines towards the street away from adjoining residential properties, the variation to the building separation requirement in this instance is considered worthy of support.

The building is designed as a U shape, providing an internal courtyard with a compliant separation distance of 12m for residential levels 2 to 4. Level 5 is required to provide a separation distance of 18m, however, proposes a separation of only 12m. Notwithstanding this variation, windows and balconies on this level have generally been offset to avoid visual privacy impacts between the affected inner facing residential units.

The departure to the building separation requirements as discussed above is considered minor with negligible impacts and is justified on the basis that the development is designed to meet the intent of the design criteria objectives of the control, particularly Objective 3F-1 which is met by providing reasonable levels of external and internal visual privacy. Given the development is designed ensuring residential amenity is maintained for the subject development and adjoining properties, strict compliance with the control in this regard is not considered necessary.

ADG: 4C – Ceiling Heights

The ADG requires that developments in mixed use areas provide a greater than minimum ceiling height of at least 3.3m for the commercial floors to promote flexibility of use and allow for additional servicing needs.

The corner commercial tenancy, identified as 'Retail 3' on the plans, is proposed with a floor to ceiling height of 3m. This is proposed in order to provide an appropriate level for the entry of the tenancy which addresses the splay corner. The building was slightly raised to facilitate this; however, it remains below the maximum building height restriction as permitted under the bonus height provisions of the Housing SEPP. A detailed section has been provided (Drawing No. A-312), which illustrates how services (i.e. mechanical ventilation, air conditioning, etc.) can still be achieved while maintaining a 3m floor to ceiling height for the tenancy.

The implications of the lower ceiling height have been appropriately considered via the section plan which demonstrates that even with a 3m ceiling height, "Retail 3" can still accommodate essential services such as air conditioning and mechanical ventilation, therefore having negligible consequences on the functioning of the tenancy. On the basis that it has been demonstrated that 'Retail 3' is able to accommodate services

while maintaining a 3m ceiling height, the variation in this instance is considered supportable.

ADG: 4E – Private Open Space and Balconies

All unit balconies comply with the minimum area and depth requirements, aside from Unit 3.08 (3 bedroom unit) which has a balcony width of 2m as opposed to a minimum of 2.4m. The 400mm variation is justified on the basis that the balcony has an area of 18.7m² which exceeds the minimum area requirement of 12m² for a 3 bedroom unit by more than 50%. Providing a compliant balcony width would not only result in a compromised floor plan for the unit, but it would also encroach into the easement of the high voltage power line.

The departure to the minimum balcony depth requirement is negligible and not considered to impact on the amenity of the future occupants given the generous area it allows for, its northerly aspect and accessibility directly from a living space. As such, the shortfall does not compromise the amenity of the unit and the variation is therefore justified given the circumstances of the case.

Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP)

The CBLEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The proposed development complies with the relevant provisions.

The controls relevant to the proposal are considered in the table below:

Control	Requirement	Proposal	Comply
Zoning (cl. 2.1-2.3)	Zone E1 Local Centre.	Shop top housing development is permitted with consent in the E1 Local Centre zone.	Yes
Demolition (cl. 2.7)	The demolition of a building or work may be carried out only with development consent.	Demolition of all existing structures on the site is proposed.	Yes
Height of buildings (cl. 4.3(2))	Max. height of 14 metres.	<ul style="list-style-type: none"> Proposed height 18m Exceeds by 4m 28.6% contravention from the development standard <p>Note: a bonus height applies under Section 16 of Housing SEPP.</p>	Refer to Housing SEPP assessment
FSR (cl.4.4(2))	Max. FSR of 2:1 (Max. GFA 4,646m ²).	<ul style="list-style-type: none"> Proposed GFA 5,415m² Proposed FSR 2.3:1 Exceeds GFA by 769m² 16.6% contravention from the development standard <p>Note: a bonus height applies under Section 16 of Housing SEPP.</p>	Refer to Housing SEPP assessment

Control	Requirement	Proposal	Comply
Heritage Conservation (cl. 5.10)	Compliance with heritage objectives and requirements for heritage items and heritage conservation areas.	The subject site is not a listed heritage item under Schedule 5 or within a Heritage Conservation Area.	N/A
Exceptions to development standards (cl.4.6)	Enables development consent to be granted for development despite the contravention to the development standard.	Clause 4.6 written request is not required under CBLEP. Note: a clause 4.6 written request is submitted in support of a breach to landscaping under the Housing SEPP.	N/A
Flood Planning (cl. 5.21)	Compliance with objectives for development within flood planning area.	The site is not identified as being within a flood zone.	N/A
Acid Sulfate Soils (cl. 6.1)	Development consent required for carrying out of works on land shown on the Acid Sulfate Soils Map.	The site is not identified as being affected by Acid Sulfate Soils.	N/A
Earthworks (cl. 6.2)	Aims to ensure earthworks will not have a detrimental impact on surrounding land.	Consent is sought for earthworks associated with two basement levels. The application was referred to WaterNSW for concurrence due to possibility of encountering groundwater during excavation works. The application is supported by a Geotechnical Investigation report dated 15.07.2019, which was further updated on 25.09.2025. The recommended conditions at Attachment 2 would ensure all excavation works and backfilling are done in accordance with relevant standards and guidelines and includes recommended conditions to cover issues associated with excavated material and quality of fill, including the GTA's issued by WaterNSW.	Yes
Stormwater Management (cl. 6.3)	To avoid or minimise the adverse impacts of urban stormwater on land to which this clause applies and on adjoining properties, native	The proposed stormwater drainage design, which includes an on-site stormwater detention system, has been assessed by Council's Development Engineer. The impacts of	Yes

Control	Requirement	Proposal	Comply
	bushland, waterways and ground water systems.	stormwater runoff have been considered as part of the assessment of the application. The stormwater drainage design is deemed satisfactory and the consent is included with conditions as recommended by Council's Development Engineer to ensure appropriate management of stormwater.	
Biodiversity (cl. 6.4)	This clause relates to land identified as "Biodiversity" on the <i>Biodiversity Map</i> .	The site is not identified as "Biodiversity" on the Biodiversity Map.	N/A
Riparian Land and Watercourse (cl. 6.5)	This clause relates to land identified on the "Riparian land" and "Watercourse" on the <i>Riparian Lands and Watercourse Map</i> and <i>Watercourse</i> (respectively).	The site is not identified on the map as riparian land or near a watercourse.	N/A
Airspace operations (cl. 6.8)	(1) The objective of this clause is to protect airspace around airports. (2) The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the Airports Act 1996 of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.	The subject site is identified by the Sydney Airport prescribed Airspace Obstacle Limitation Surface Map as being located outside the Outer Horizontal Surface of the airport. The subject site is identified as being located within the 90m Obstacle Limitation Surface (OLS). Given the maximum height of the building at roof top is RL 58.17m, the proposed development will not cause the OLS to be penetrated. No controlled activity approval is required.	Yes
Essential services (cl. 6.9)	Aims to ensure services that are essential for the development are available or that adequate arrangements have been made to make them available when required.	The site has connections to water and sewerage and will be serviced by all essential services as required of this section. The provision of stormwater drainage and management has been designed to ensure compliance with Council's stormwater	Yes

Control	Requirement	Proposal	Comply
		drainage requirements. Waste storage areas have been provided in accordance with Council DCP requirements with waste to be collected routinely by Council's kerbside 'collect and return' service. Vehicular access to the site will be provided via a driveway from Neutral Avenue to the basement levels.	
Active street frontage (cl. 6.10)	This clause applies to land identified as "Active Street Frontage" on the <i>Active Street Frontage Map</i> , objective being to promote uses that attract pedestrian traffic along certain ground floor street frontages.	The ground floor of the building includes commercial tenancies facing both street frontages which are intended for commercial type uses.	Yes
Special provisions for shop top housing (cl. 6.12)	This clause applies to land identified as "Area 6" on the <i>Special Provisions Map</i> .	The site is not identified as being within Area 6 on the Special Provisions Map.	N/A
Design excellence (cl.6.15)	Aims to ensure that development exhibits high quality architectural, urban and landscape design.	<p>To ensure the design of the development achieves the design excellence standards, the proposal was presented to the DRP on 15 August 2024.</p> <p>The DRP made a number of recommendations that were addressed in the amended design and Council's Urban Design team have further reviewed the proposal suggesting further changes to ensure the development meets design excellence. The amended design is considered satisfactory and a design verification statement has been submitted that further verifies how the design achieves design excellence as required of this section.</p>	Yes
Restrictions on development in Zones E1 and E3 (cl. 6.21)	<p>This clause applies to land in Zone E1 Local Centre.</p> <p>Development consent must not be granted to</p>	<p>The site is zoned E1 Local Centre.</p> <p>The ground level of the proposed development consists of commercial tenancies and will</p>	Yes

Control	Requirement	Proposal	Comply
	development on land to which this clause applies unless the consent authority is satisfied that the ground level of a building resulting from the development will not be used for residential accommodation	not be used for residential purposes.	

An assessment of the Development Application revealed that the proposal complies with the relevant matters raised in each of the above clauses of CBLEP 2023.

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

There are no draft environmental planning instruments that are applicable to the proposed development.

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

The application has been assessed against the relevant provisions of the Canterbury-Bankstown Development Control Plan 2023 (CBDCP), including the following chapters:

- Chapter 2.1 – Site Analysis
- Chapter 2.3 – Tree Management
- Chapter 3.1 – Development Engineering Standards
- Chapter 3.2 – Parking
- Chapter 3.3 – Waste Management
- Chapter 3.4 – Sustainable Development
- Chapter 3.7 – Landscape
- Chapter 7.1 – General Requirements
- Chapter 7.2 – Birrong Small Village Centre.

The following table provides a summary of the development application against the relevant controls contained in Canterbury-Bankstown Development Control Plan 2023:

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
Chapter 2.1 – Site Analysis			
Sections 1.1-1.2 Site Analysis Plans	Development for residential flat buildings / shop top housing must submit a site analysis plan.	Site analysis plan submitted – refer to drawing no. A-004 Revision O	Yes
Chapter 2.3 – Tree Management			
Sections 2.1-2.2 Works Requiring a Permit	Work permit required for removal of trees.	One (1) Mulberry tree located on the site requires removal; consent is granted for the removal of the tree by Council's Tree Management Officer.	Yes
Chapter 3.1 – Development Engineering Standards			
Section 2 Civil Engineering requirements	To ensure that development considers the existing public roads and levels. To ensure that development considers the location of existing and proposed vehicular access with regard to avoiding existing drainage structures, traffic control devices, street infrastructure, existing utilities and street trees.	A Traffic & Parking Impact Assessment report submitted in support of the proposal confirms that the driveway and basement car park has been designed in accordance with the design requirements of this section of the DCP and AS 2890.1. Council's Development Engineer has reviewed the proposal and deemed it satisfactory, subject to conditions of consent.	Yes
Section 3 Stormwater drainage systems	To establish a high standard of stormwater drainage infrastructure within the site. To ensure that the proposed and constructed stormwater drainage system do not adversely impact on Council's stormwater drainage system, the development itself and adjoining sites. To ensure that buildings are not affected by inundation from stormwater runoff resulting from the 100-year ARI storm event. To ensure that any proposed stormwater drainage works are designed to minimise any nuisance caused by stormwater drainage flows from local catchment flooding or mainstream flooding from rivers. To manage stormwater runoff and prevent damage to	The development provides suitable management of stormwater with a design that incorporates on-site detention system. A BASIX Certificate and NatHERS Certificate dated 17 December 2025 bearing certificate no. 1792526M_02 have been obtained for the proposal, which demonstrate that the design meets the sustainability requirements. Council's Engineer has assessed the proposed stormwater drainage design for the development and civil works proposed, and deems it satisfactory, subject to conditions of consent, as contained at Attachment 2 .	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
	buildings and property and reduce hazardous flows. To avoid the location of stormwater drainage infrastructure within tree driplines and deep soil zones. To give special consideration to development requiring the submission of BASIX Certificate where the use of rainwater storage tanks fitted into stormwater drainage systems may supplement the domestic water supply.		
Section 4 On-Site Detention Systems	To reduce the potential for local flooding and damage to existing properties by limiting runoff from development, to pre-developed levels.	As mentioned above, Council's Development Engineer has reviewed the proposal including the on-site detention system and has deemed it satisfactory, subject to conditions of consent.	Yes
Chapter 3.2 – Parking			
Section 2 Off-Street Parking rates Objectives	To ensure development meets the car, bicycle and service vehicle parking demands generated by various land uses. To minimise on-street car parking to ensure road safety and visual aesthetics.	The application proposes two levels of parking within the basement for both commercial and residential use.	Yes
Off-street parking rates 2.1	Development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site.	Rates provided within Schedule applied. Resident parking is assessed under the requirements of the Housing SEPP.	Yes
Off-street parking rates 2.2	In calculating the total number of car parking spaces required for development, these must be: (a) rounded down if the fraction of the total calculation is less than half (0.5) a space; or (b) rounded up if the fraction of the total calculation is equal or more than half (0.5) a space; and (c) must include a room that is capable of being converted to a bedroom.	Parking assessment in accordance with these requirements.	Yes
Off-street parking rates	Development comprising more than one land use must provide	Parking calculated for the residential and commercial	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
2.3	the combined parking requirement based on the individual rates of parking for each land use identified in the Off-Street Parking Schedule.	component in accordance with the respective parking rates in the Schedule. Resident parking is assessed under the requirements of the Housing SEPP.	
Off-street parking rates 2.4	Car parking (and associated space such as access aisles) in excess of the Off-Street Parking Schedule will be counted as gross floor area.	Any excess is counted towards GFA.	Yes
Off-street parking rates 2.5	Development not included in the Off-Street Parking Schedule must submit a parking study for Council's consideration. A qualified traffic consultant must prepare the parking study.	Parking rates for shop top housing and commercial is provided in the Schedule. Parking study not required.	N/A
Off-street parking rates 2.6	The Off-Street Parking Schedule does not apply to changes of uses to business premises, food and drink premises, medical centres, office premises, recreation facilities (indoor), shops and veterinary hospitals within Zones B1, B2 and B4 provided: (a) The new use does not result in an increase in the gross floor area of any building within which it is carried out. (b) The new use does not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to car parking and vehicular movement.	The application does not involve change of uses, rather a new shop top housing development including residential units and commercial tenancies.	N/A
Off-street parking rates 2.7	The Off-Street Parking Schedule does not apply to minor alterations and additions to existing buildings within Zones E1, E2, and MU1 which will result in an increase of up to 25m ² in gross floor area.	Site is zoned E1 Local Centre. The proposal does not constitute minor alterations rather is a new development.	N/A

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
<u>Off-Street Parking Schedule</u>			
<u>Residential flat buildings (RFB):</u> Zones R4, E1 and E3 <ul style="list-style-type: none"> • 1 car space per 1 bedroom dwelling • 1.2 car spaces per 2 bedroom dwelling • 1.5 car spaces per 3 or more bedroom dwelling <u>Bicycle:</u> <ul style="list-style-type: none"> • 1 visitor space per 10 dwellings <u>Visitor:</u> <ul style="list-style-type: none"> • 1 visitor car space per 5 dwellings <u>Shop top housing (STH) in the former Bankstown LGA – Zone E1:</u> <ul style="list-style-type: none"> • 1 space per dwelling • Any use within the group term 'commercial premises' must comply with the off-street parking rate for that use <u>Bicycle:</u> <ul style="list-style-type: none"> • Not applicable <u>Visitor:</u> <ul style="list-style-type: none"> • Not indicated 			
<u>Retail Premises – other locations in the former Bankstown LGA:</u> <ul style="list-style-type: none"> • 1 car space per 40m² gross floor area. Note: Visitor parking for shops in centres are to be provided at the following rate: <ul style="list-style-type: none"> • 80% of parking rate to be allocated for visitors and short-stay parking. • 20% of the parking rate is to be allocated for staff and long-stay parking <u>Bicycle:</u> <ul style="list-style-type: none"> • Staff: 1 space per 300m² gross floor area • Visitors: 1 space per 500m² gross floor area over 1,000m² 			
Parking rates as per the above Schedule	<u>RFB – Residential:</u> 1 space per 1 bed = $12 \times 1 = 12$ 1.2 space per 2 bed = $33 \times 1.2 = 39.6$ 1.5 space per 3 bed = $5 \times 1.5 = 7.5$ Total required: 59.1 residential spaces Proposed: 60 residential spaces Visitor car parking: 1 space per 5 dwellings = $50 \text{ units} / 5 = 10$ Proposed: 10 visitor spaces Visitor bicycle spaces: 1 space per 10 dwellings = $50 \text{ units} / 10 = 5$ Proposed: 5 bicycle spaces Total bicycle spaces proposed: 15 <hr/> <u>STH:</u> 1 space per dwelling = $50 \times 1 = 50$ Proposed: 60 residential spaces Bicycle parking: N/A Visitor parking: N/A <hr/> <u>Commercial:</u> 1 space per 40m ² : $622.7\text{m}^2 / 40 = 15.56$ Proposed: 18 commercial spaces Staff bicycle spaces: 1 space per 300m ² of GFA = $622.7\text{m}^2 / 300\text{m}^2 = 2.1$ Visitor bicycle spaces:		Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
	<p>1 space per 500m² of GFA over 1,000m² = 6.22.7m² / 500m² = 1.2</p> <p>Proposed bicycle spaces: 4</p> <hr/> <p><u>Proposed parking in total:</u></p> <ul style="list-style-type: none"> • Residential spaces = 60 • Visitor spaces = 10 • Commercial spaces = 18 <p>Total car parking spaces proposed = 88</p> <p>Total bicycle spaces proposed = 19</p>		
<p>As the above demonstrates, the application provides car parking in accordance with the higher applicable rate i.e. 'residential flat building' parking controls. Therefore, should the nominated affordable housing units be reverted to non-affordable standard units, the development as a whole will still have compliant parking under these parking provisions. The area of the additional parking spaces beyond the minimum required for 'residential flat building' (noted as 64.8m² on the architectural plans), have already been accounted for in the GFA of the building; 5,415m².</p>			
Section 3 Design & Layout	<p>To ensure the location and layout of parking areas function efficiently and safely.</p> <p>To provide efficiency in vehicular circulation and connection with the external traffic network.</p> <p>To achieve a balance between parking requirements, visual aesthetics and pedestrian safety.</p> <p>To encourage the electrification of vehicles.</p> <p>To ensure development provides for the current and future electric vehicle charging needs of residents and occupants.</p>	<p>Car parking for the development is accommodated entirely within two basement levels.</p> <p>Provision for people with disabilities has been accommodated for in the proposed basement parking plan.</p> <p>Council's Development Engineer has reviewed the proposed design and layout of the car parking for the development and has deemed it satisfactory subject to conditions.</p>	Yes
Parking Location 3.1-3.3	<p>Parking location to be appropriately located.</p> <p>Parking for people with disabilities should be close to entrance / lifts.</p>	<p>Entry is located in the existing driveway which is a right of carriageway.</p> <p>Parking mobility spaces are appropriately located close to lifts.</p>	Yes
Parking Driveway Width Design 3.8-3.11	<p>Two-way driveway width = 5.5m minimum.</p>	<p>The existing driveway is considered acceptable for the development given the right of way that currently exists which has a 6m width.</p>	Yes
Minimum Headroom 3.12	<p>Clear headroom dimension is necessary to make sure that vehicles are clear of mechanical or service obstructions such as fire sprinklers, lighting fixtures and signs. The following minimum headroom dimension must be maintained in all development.</p>	<p>Council's engineer has reviewed and deemed the design acceptable.</p>	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
Loading & Unloading Facilities 3.13-3.17	Mixed use development must provide appropriate loading/unloading or furniture pick-up spaces. If no provision is made for the facilities, applications must provide justification why they are not necessary. Design of loading dock to meet minimum requirements. Service vehicles are to enter and leave the site in a forward direction.	A loading bay is proposed at the rear which will be used by commercial waste vehicles. The design of the loading dock has been reviewed by Council's Resource Recovery officer and is deemed acceptable. Services vehicles are able to enter and leave in a forward direction.	Yes
Safety & Security, Site Distance and Pedestrian Access 3.18-3.22	Sloping ramps from car parks, garages and other communal areas are to have at least one full car length of level driveway before they intersect pavements and carriageways. Adequate sight distance must be provided for vehicles exiting driveways. Parking areas should be designed so that through-traffic is excluded, and pedestrian entrances and exits are separate from vehicular entrances and exits. Lifts and stair lobbies should be prominently marked to help users find them and to increase personal security. In multi-level car parks, a stairway for pedestrians should be provided.	Design of basement, stairways and pedestrian access meets these requirements. Adequate site distance is provided and stairs provided in basement levels.	Yes
Bicycle parking 3.25-3.29	Provide a mix of bicycle storage facilities to cater for short and long stay parking.	Total of 19 bicycle parking spaces provided within basement level 1: <ul style="list-style-type: none"> • 4 commercial bicycle spaces • 5 visitor bicycle spaces • 10 residential bicycle spaces . 	Yes
Visitor parking 3.30-3.32	Visitor spaces must not be located behind security grills and must be easily accessible. Clearly mark and signpost visitor parking, and locate on the ground floor where possible, so that it is easy to find and access. Visitor parking should be located near the main pedestrian entrance to the building and can be located in	Ground floor is entirely commercial including services. Visitor parking located within basement level 1 and these spaces are not behind a roller shutter door for the residential component.	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
	front of the building alignment, but not encroach upon the front setback areas.		
Basement parking 3.33-3.41	<p>Provide ventilation to basement parking. Location and details of mechanical ventilation design must be outlined in applications to Council.</p> <p>Design and integrate basement parking so as not to accentuate the scale or bulk of a building, or detract from the streetscape or front setback character.</p> <p>Vehicular access should be via secondary streets, rear lanes or internal driveways where possible.</p> <p>Provide secure bicycle parking at basement level which is easily accessible from ground level, from apartments and other uses within the development.</p> <p>Keep all loading docks, parking areas and driveways clear of goods and do not use for storage, including garbage storage, so that free movement is available at all times.</p> <p>Locate and design so that impacts such as noise, exhaust fumes and headlight glare, are minimised on adjoining residential uses or residential zoned land.</p> <p>Optimise opportunities for deep soil, active street frontages, and good streetscape design, and minimise loss of street parking.</p>	<p>Designated waste rooms will not impact access to parking.</p> <p>All parking for the development is maintained in the basement level which would minimise noise and visual impacts on adjoining properties.</p>	Yes
Electric vehicle charging equipment 3.48-3.49	<p>All car spaces in Class 2 buildings must be serviced by a cable tray.</p> <p>Development may propose an alternative to a cable tray if it demonstrates the same or better than the requirements of clause 3.48.</p>	Condition for electronic vehicle charging stations to be provided.	Subject to conditions
Chapter 3.3 – Waste Management			
All residential development types	Each dwelling to have internal storage sufficient to hold two days of waste and recycling.	Each dwelling is provided with sufficient internal storage space.	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
3.1-3.10	Bin location to be convenient, screened from public domain and located away from habitable room windows Adequate storage designed in accordance with the Waste Design for New Development Guide.	Waste officer has reviewed the application and is satisfied with the proposed waste management for the development as it meets the waste design criteria of Waste Design for New Development Guide. Separate communal waste rooms are provided for the residential and commercial component which are appropriately located and screened from the public domain.	
Residential flat buildings 3.18-3.19	Communal bin storage area designed in accordance with Council's requirements and be of sufficient size. Bin Storage to be located within 10m of layback to the collection point for collect and return service.	Separate communal waste rooms are provided for the development; one for the residential component and one for the commercial component. Residential waste room located within 10m of layback to Neutral Avenue. The waste rooms are located in a convenient location on the ground floor, appropriately screened from the public domain, and the design in terms of size, meets the relevant waste design criteria contained in the Waste Design for New Development Guide.	Yes
Residential flat buildings 3.22-3.23	Residential flat buildings must provide a bulky waste storage room for residents to store bulky waste. The design of the bulky waste storage room must ensure, it integrates with the building form and landscape, does not adversely impact on the streetscape, building design or amenity of dwellings, complies with the requirements of the applicable Waste Design for New Developments Guide. 50 or more dwellings to provide a separate communal bin storage area for storage of household items.	The residential communal waste room is of appropriate size and design which meets the requirements of the Waste Design for New Development Guide. It also makes provision for bulky waste storage which is designed within the waste room itself away from public view.	Yes
Residential component of mixed-use including shop top housing 3.24	The design of the bin storage areas of mixed use development must ensure: (a) the residential component of mixed use development complies with the	The waste rooms for the residential and commercial components are separated. The residential waste room includes bulky waste. The commercial waste room is located adjacent to the loading bay where commercial	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
	<p>development controls for residential flat buildings;</p> <p>(b) the commercial component of mixed use development complies with the development controls for commercial development</p> <p>(c) the bin storage areas for the residential and commercial components of development are separate with restricted access to prevent unauthorised access and illegal dumping;</p> <p>(d) compliance with the requirements of the applicable Waste Design for New Developments Guide.</p>	waste will be collected. The waste rooms are of appropriate size and design which meets the requirements of the Waste Design for New Development Guide.	
Chapter 3.4 – Sustainable Development			
Water Conservation (Section 2) and Energy Minimisation (Section 3)	To incorporate more sustainable use of water in development and incorporate energy efficiency in the design and operation of development proposals.	The development is designed incorporating energy minimising measures. A BASIX Certificate dated 17 December 2025 bearing certificate no. 1792526M_02 is provided for the development and the consent is conditioned to comply with the requirements of the certificate, as contained at Attachment 2 .	Yes
Chapter 3.7 – Landscape			
Landscape Design Section 2	Landscaping design must integrate with the overall design of the development, promote the retention and planting of large and medium size trees, and the healthy growth of trees in urban areas. It must provide deep soil zones to manage urban heat and water, and to allow for and support healthy plant and tree growth. Must contribute to the quality and amenity of communal open space and courtyards.	<p>There is one Mulberry tree that exists on the south-eastern side of the site which requires removal. Two street trees exist along the Auburn Road frontage. The application seeks to retain both street trees as part of the proposal and plant a further three street trees to Neutral Avenue, however, Council's Tree Management Officer recommends the replacement planting of the two existing street trees in Auburn Road.</p> <p>New landscaping is proposed in the COS on the first floor and level 5, also at ground level to Neutral Avenue adjacent to the driveway. The landscaping proposed is appropriate in terms of size and design for the type of development</p>	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
		and will provide amenity to residents. The proposed landscaping scheme integrates with the overall design of the development, retains trees where possible and contributes to the streetscape and the amenity of the communal areas. Adequate deep soil zone is provided. Landscape conditions are included in the consent, including the requirement for ongoing management, as contained at Attachment 2 .	
Chapter 7.1 – General Requirements			
Section 2 – Active Street Frontages			
Section 2.1-2.16 <u>Building Design (Active Street Frontage)</u> The ground floor design must incorporate active street frontages particularly where addressing main streets, public open space and pedestrian links. The design of active street frontages must include: a minimum 80% glazing (including doors); <ul style="list-style-type: none">• well-detailed shopfronts with pedestrian entries at least every 10m–15m;• zero setback to the front building line (however this may incorporate indented entries or bays where consistent with the existing street character);• high quality external materials;• openable facades encouraging natural ventilation where possible;• outdoor dining where possible. The ground floor entries to retail, commercial, community and residential uses are to have the same finished floor level as the adjacent footpath and are to be accessible directly from the street. Ground floor entries which have a finished floor level above or below the adjacent footpath are discouraged. <u>Building Design (Car Parking)</u> Vehicle access to off-street parking and loading bays is to be from a secondary street or rear lane.	Active street frontage required under CBLEP for Auburn Road. There are no requirements specified for Neutral Avenue, however, it includes an active street frontage comprising commercial tenancies, glass shopfronts with the inclusion of outdoor dining. Specific design elements subject to conditions, where relevant. The site is sloped. Tenancies are stepped to align with the footpath where required. Floor levels of tenancies and adjacent footpath paving relatively the same. The vehicle entry to basement and loading dock is via a driveway accessible from Neutral Avenue and contains an existing right of way.	Yes	

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
	<p><u>Building Design (Pedestrian Entrances)</u> Entrances must locate on the primary street. Residential entrances must be secure and separate from non-residential entrances.</p> <p><u>Building Design (Utilities and Services)</u> Development must show the location and design of utilities and building services on the plans. Development must locate utilities and building services on the secondary street or rear lane. Where this is not possible, development must integrate utilities and building services with the building design and conceal the utilities and building services from public view</p> <p>Building Design (substations) Development must locate substations underground. Where this is not possible, development must integrate substations with the building design and conceal the substations from public view. Substations must not locate forward of the front building line</p>	<p>Residential entry is on the secondary street to maximise commercial activity on Auburn Road.</p> <p>The design incorporates services such as hydrants and a substation that are appropriately concealed and screened where possible, and front Neutral Avenue away from Auburn Road.</p> <p>Substation is located at ground level adjacent to the driveway and sits within the landscape pocket facing Neutral Avenue. The location of the substation is such in order to meet the requirements of the relevant energy supply authority.</p>	
Section 3 – Façade Design			
	<p>Section 3.1-313</p> <p><u>Articulation:</u> The vertical articulation dimensions are: (a) the facade design of the podium is to reflect the fine grain that is in accordance with, or similar to, that of the local streetscape; or (b) where there is no prevailing fine grain streetscape, the minimum vertical articulation dimension is 8m for the podium. The minimum vertical articulation dimension for tower buildings above the podium is 10m, which reflects the average width of an apartment.</p> <p><u>Facade designs:</u> May include but are not limited to: (a) Articulating building entries. (b) Distinguishing between the base, middle and top sections of the facade. (c) Expressing the building towers above the podium through a change in facade details, materials and colour. (d) Selecting balcony types that respond to the building orientation and proximity to public domain. (e) Using architectural features such as awnings to give a human scale at street level.</p>	<p>No blank walls to street elevations.</p> <p>Vertical articulation is compliant.</p> <p>The façade design is consistent with these requirements. Façade design has been reviewed by Council's Urban Design team and is considered satisfactory.</p>	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
(f) Recessing elements such as windows or balconies to create visual depth in the facade. (g) Emphasising the difference between solid and void to create a sense of shadow and light. (h) Using any other architectural elements to Council's satisfaction.			
<u>Other design elements:</u> Building designs and window openings should be vertically proportioned in height, form and articulation. Facade designs must comprise high quality materials and finishes. Building services such as downpipes and balcony drainage must integrate with the facade design. The design of balcony balustrades on the lower levels may be predominantly solid and/or opaque to provide privacy to residents and to screen drying areas.		The façade design meets these requirements.	Yes
<u>Blank walls:</u> Large areas of blank, minimally or poorly articulated walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, green walls, public art or a recognisable increased setback to the upper storey. 3.8 Blank walls are not permitted where facing the public domain. 3.9 The maximum length of any blank wall must not exceed 5m. 3.10 The maximum height of a blank wall must not exceed 3m. 3.11 Where adjacent development is unlikely to occur in the short term, blank side walls should include public art or murals.		No blank walls to street elevations. The southern blank wall faces the adjoining southern site which if development, could adjoin the subject development and continue the open space in the centre of the development. The southern blank wall is not considered to be of sufficient size to benefit from public art or murals, especially with future development of the southern adjoining commercial premises.	Yes
Section 4 – Visual Bulk			
Section 4.1-4.5 <u>All sites:</u> Building designs are to comprise a podium with tower buildings above as shown in Figure 4a. The podium height must be the street wall height. The vertical articulation dimensions are: (a) the facade design of the podium is to reflect the fine grain that is in accordance with, or similar to, that of the local streetscape; or (b) where there is no prevailing fine grain streetscape, the minimum vertical articulation dimension is 8m for the podium. The minimum vertical articulation dimension for tower buildings above the podium is		The proposal has aligned with the specific Birrong Small Village Centre controls in Chapter 7.2 – refer to discussion further below under Chapter 7.2. As relevant, the vertical articulation proposed is generally in the order of 8m to 10m sections. No blank walls are proposed for street elevations. A nil setback is proposed to the south which will be visible in the short to medium term. The wall will be constructed	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
	<p>10m, which reflects the average width of an apartment.</p> <p>Avoid uninterrupted or uniform building facades without articulation, such as blank walls, walls with minimal openings and glass curtain walls</p> <p><u>Sites with 40–65m wide street frontage:</u> In addition to clause above, the tower buildings must be separated into at least two distinct building elements as shown in Figure 4c. The minimum separation distance between the two distinct building elements may be in the form of: (a) a 6m wide recess along the street frontage which is setback a minimum 4m from the building line; or (b) a minimum break of 3m that continues to the circulation corridor, unless otherwise required by the building separation controls under the State Environment Planning Policy (Housing) 2021 (Chapter 4).</p>	<p>of brick to positively present as a long- lasting nil setback material.</p> <p>The site has a 40.23m frontage to Auburn Road. While technically falling within the site area range, only a single building form is considered appropriate in this instance given it is a corner site (see comments below relating to 'corner buildings'). The street elevations are well modulated and articulated physically and materially to break up the bulk and scale, achieving the intent of the control. Furthermore, the site specific DCP does not stipulate a requirement for two building elements for this particular site.</p>	
Section 5 – Corner Buildings			
	<p>Section 5.1 <u>Development controls:</u> Development on corner sites must ensure the building design incorporates one or more of the following elements at the street corner: (a) architectural roof feature; (b) stepping down or recessing of the built form from the corner; (c) splayed treatments; (d) use of materials/colours; (e) any other architectural elements to Council's satisfaction.</p>	<p>The site specific DCP (Birrong Small Village Centre) setback controls reinforce a nil setback to the corner and setbacks above two storeys away from the corner. The building aligns with this intent, and also is required to provide a setback from the high voltage electricity lines that run through Neutral Avenue. The development also provides appropriate material changes and other articulation that align with this control.</p>	Yes
Section 6 – Roof Designs			
	<p>Section 6.1-6.6 <u>Development controls:</u> Development must incorporate a high quality roof design that: (a) achieves a unique and contemporary architectural appearance; and (b) combines high quality materials and finishes. Attics are not permitted. Pitched roofs should use light coloured metal decking to improve energy performance. Pitched roofs to the street facade are not permitted. Plant and service equipment must be concealed or satisfactorily screened from public view.</p>	<p>No attic or roof terrace proposed.</p> <p>Level 5 communal open space is proposed.</p> <p>Plant and services on rooftop away from public view.</p> <p>Height of the building is proposed under the bonus height provisions under section 16 of the Housing SEPP. The building height is within the maximum required under these bonus provisions and no variation is sought in this regard.</p>	Yes

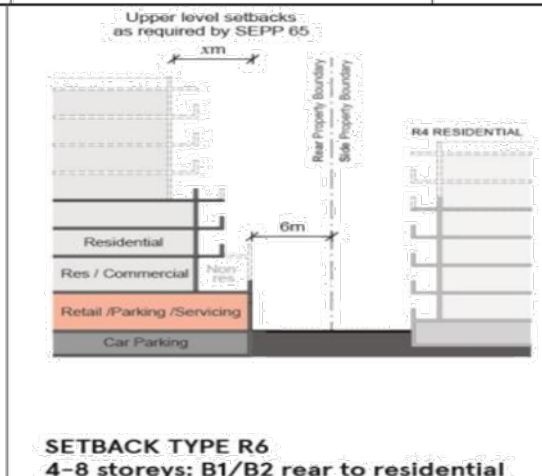
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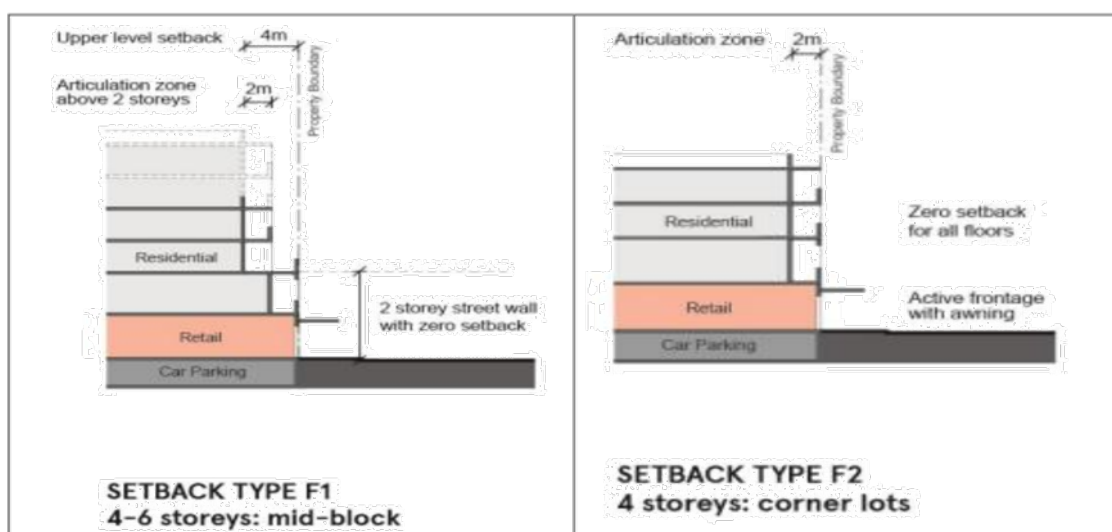
Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
	Glass awnings, ineffective awnings or awnings with cut-outs for trees or light poles are not permitted. Lighting must be provided to the underside of an awning using vandal resistant, high mounted light fixtures.		
Section 9 – General Design and Amenity			
Section 9.1 Building Design	Council applies the Housing SEPP Chapter 4 and ADG to residential flat buildings, shop top housing. This includes buildings that are up to two storeys or contain less than four dwellings, boarding rooms or private rooms.	An assessment against the Housing SEPP and ADG is provided separately in this report.	Refer to Housing SEPP and ADG tables
Section 9.2-9.3 Access to Sunlight	The living areas for at least 70% of dwellings in a development must receive a minimum sum of three hours of sunlight between 8.00am and 4.00pm at the mid winter solstice. The living areas of a dwelling on an adjoining site must receive a minimum sum of three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.	The solar access controls in the ADG prevail over these requirements. Refer to ADG assessment. Negligible impacts of overshadowing on the residences to the west. There are no impacts on the residence to the east from 8am to 12pm, with overshadowing to occur from 1pm onwards. The east adjoining residences will maintain sufficient access to sunlight in accordance with this clause. Commercial properties adjoin the site to the south and are not relevant to this clause.	N/A Yes
Section 9.4 Private Open Space	The private open space per dwelling must have a minimum depth of 2m and the private open space may be in the form of a balcony.	Min. 2m provided for balconies of residential units.	Yes
Section 9.5 Livable Housing	A minimum 40% of new dwellings must comply with the Livable Housing Design Guidelines (Livable Housing Australia), to be split as follows: <ul style="list-style-type: none"> Min. 20% of new dwellings must achieve Silver Standard and 	(40% x 50 = 20 units) 20 x Livable units are proposed with 10 x gold and 10 x silver. An Access Report has been provided which considers the livable housing requirements and certifies that 10 units within the development achieve the Silver Standard and 10 meet the Gold Standard.	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
	<ul style="list-style-type: none"> Min. 20% of new dwellings must achieve the Gold Standard. <p>However, it is noted that shop top housing will not deliver dwellings at the ground floor as this would be inconsistent with the LEP definition.</p>	<p>Total accessible spaces provided is 5 (i.e. 3 for residential, 1 for commercial and 1 for visitor use).</p> <p>Also refer to section 4Q under the AGD assessment, which supersedes the DCP control.</p>	
Section 9.8-9.9 Landscape	Development must provide at least one street tree per 5m of the length of the primary street. Council may vary this requirement if a street tree already exists in good condition, if an awning or site constraints limit their inclusion, or a public domain plan is yet to determine the location of trees in a centre.	<p>Three (3) new street trees are to be planted along the Neutral Avenue frontage.</p> <p>Two (2) street trees exist along the Auburn Road frontage which are required to be replaced – tree planting and replacement is subject to conditions as per advice provided by Tree Management Officer and will be reflected in the conditions of consent as contained at Attachment 2.</p>	Yes
Section 9.10-9.12 Front fences	Max. front fence height 1.8m	Front fencing not proposed	N/A
Section 9.13-9.17 Safety and Security	<p>The main entrance or entrances to development must face the street.</p> <p>Windows to the living areas of front dwellings, or the windows on the upper floors of development must overlook the street.</p> <p>A public arcade or underpass in buildings must be wide and direct to avoid potential hiding place.</p> <p>External lighting to development must give consideration to the impact of glare on the amenity of adjoining residents.</p>	<p>CPTED report has been prepared for the application and deemed acceptable by Council's Safety and Crime Prevention Officer; conditions of consent recommended as contained at Attachment 2.</p> <p>Entrances to tenancies and residential entry faces the street. Commercial lobby provides access between commercial basement parking and the street to access the tenancies. Width deemed appropriate.</p> <p>Standard conditions are applied for external lighting.</p>	Yes
Section 9.19 Amenity	In determining an application that relates to shop top housing or mixed use development comprising dwellings, Council must take into consideration the following matters: (a) whether noise generation from fixed sources or motor vehicles associated with the	Acoustic report has been submitted in support of the application and has been reviewed by Council's Environmental Health Officer. Amenity of occupants and residents will not be adversely impacted subject to compliance with conditions of consent and	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
	proposed development will be effectively insulated or otherwise minimised; (b) whether the proposed development will adversely impact on the amenity of dwellings within the same development by way of noise, hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like, and the ability to manage the impacts.	compliance with recommendations of acoustic report, as contained at Attachment 2 .	
Section 9.20 <u>Development adjacent to residential zones:</u> In determining an application that relates to a site adjoining land in Zone R2, R3 or R4, Council must take into consideration the following matters: (a) whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the adjoining residential zone; (b) whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development; (c) whether the proposed development will maintain reasonable solar access to residential development between the hours of 8.00am and 4.00pm at the mid winter solstice; (d) whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised; (e) whether the proposed development will otherwise cause nuisance to residents by way of noise, hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like; and (f) whether any windows or balconies facing residential areas will be treated to avoid overlooking of private yard space or windows in residences.		The development is considered compatible with the Housing SEPP controls and aligns with the desired future character of the locality. The site adjoins land that has recently been rezoned to R4 High Density Residential which permits high rise developments with a maximum building height of 13m, as permitted under the CBLEP. The interface with the eastern adjoining boundary is considered appropriately managed given the site specific issues, and is addressed through the design. The building provides sufficient setbacks, maintains privacy (via hood windows directed away from side boundary), and ensures a reasonable level of solar access as confirmed on the shadow plans. An active street frontage is required to the Neutral Avenue shopfronts and the driveway is located adjacent the eastern boundary. The basement entry and loading bay is proposed via the existing driveway which contains a right of carriageway for the southern adjoining commercial premises. This site constraint allows for the only practical means of vehicle entry for the development.	Yes

Canterbury-Bankstown Development Control Plan 2023									
Control	Requirement	Proposal	Comply						
		An acoustic report is provided which makes recommendations to mitigate noise pollution. The consent is conditioned to require compliance with the recommendations of the report and also other conditions to protect the amenity of adjoining residences, as contained in Attachment 2 . Windows and balconies are not designed to overlook adjoining properties.							
Section 9.21 Food Premises	The design, construction, and operation of a food premises must comply with relevant food regulations and requirements.	Fitout of commercial tenancies not proposed and the use of each is subject to separate development consent.	N/A						
Section 9.22 Undergrounding of overhead wires	New buildings must ensure: (a) all overhead wires, including but not limited to electrical and telecommunication services wires, along the street frontages of the site are located underground as part of the development; (b) any redundant power poles are removed and replaced with underground supplied street lighting columns; (c) all works are carried out at the landowner's expense.	Not proposed but to be required via recommended conditions of consent.	Yes						
Chapter 7.2 – Section 3 Birrong Small Village Centre									
Storey limits 3.1	Development must comply with the storey limit that corresponds with the maximum building height shown for the site on the Height of Building Map as follows: <table><tr><th>Max. HOB CBLEP</th><th>Storey limit</th></tr><tr><td>14m</td><td>4 storeys</td></tr><tr><td>20m</td><td>6 storeys</td></tr></table>	Max. HOB CBLEP	Storey limit	14m	4 storeys	20m	6 storeys	A five (5) storey building is proposed consisting affordable housing which is subject to the in-fill affordable housing bonus provisions for FSR and height under the Housing SEPP. With the inclusion of the in-fill affordable housing bonus, the number of storeys and density of the development is increased beyond that which is permitted under the DCP. The development standards of the Housing SEPP supersede the storey controls within the DCP. On this basis, the non-compliant	Refer to Housing SEPP assessment
Max. HOB CBLEP	Storey limit								
14m	4 storeys								
20m	6 storeys								

Canterbury-Bankstown Development Control Plan 2023			
Control	Requirement	Proposal	Comply
Setbacks 3.2	<p>Development must:</p> <ul style="list-style-type: none">(a) comply with the minimum setbacks shown in Figures 3d and 3e and Appendix 1;(b) comply with Setback Type S1 to maintain continuous street walls unless otherwise indicated in Figures 3d and 3e and Appendix 1;(c) provide a two storey street wall to the primary and secondary street frontages. <p><u>Therefore based on the above, the following setbacks apply in this case:</u></p> <ul style="list-style-type: none">• F2: A nil setback street wall at the corner of Auburn Road and Neutral Avenue,• F1: A two-storey street wall with a 2m setback and 2m articulation zone further from the corner, and• R6: A 6m commercial setback and 9m residential setback for the first four storeys and 12m for levels above 4 storeys (to the R4 zone to the east). <p>*Extracts of controls provided below for illustration of setback requirements.</p>	<p>storey limit under this clause of the DCP is considered acceptable.</p> <p><u>Auburn Road:</u> A two-storey street wall with a nil setback is proposed for the development along the Auburn Road frontage.</p> <p>Above the first two levels, a 1.815m setback is proposed for balconies and a 3.965m setback is proposed for the external wall. The balconies encroach 185mm and the external walls encroach 350mm. These minor departures are supportable.</p> <p><u>Neutral Avenue:</u> Due to an existing high voltage power line which requires a setback clearance, a 3.7m setback is proposed for all levels of the development along the Neutral Avenue frontage.</p> <p><u>Setback to R4 zone:</u> Ground floor / commercial level have setback in excess of 6m. Residential levels above ground level have min. 9m setback to east boundary. The top 5th level requires 12m however has a min. 9m setback for a portion of the east elevation wall.</p>	No – see below
			



The DCP prescribes specific setbacks under Chapter 7.2 for the Birrong Small Village Centre as illustrated in the figures above. In light of the site constraints involving high voltage power lines which require a minimum setback clearance, a curve in the road, and a right of way, the proposed setback and design outcome for the development is considered acceptable and the DCP variations are supported. The setback variations are discussed as follows:

Corner – Setback Type F2

Chapter 7.2 of the DCP requires a nil setback street wall at the corner of Auburn Road and Neutral Avenue. A nil setback is proposed for the corner portion of Auburn Road, however, a setback of 3.7m is proposed at the splay and also along the Neutral Avenue facade. The site is constrained by a required clearance for high voltage power lines, which necessitates a setback for the building from the Neutral Avenue boundary.

The setback at the corner is compliant, with the exception of the splay and Neutral Avenue due to the site constraint of the power lines. It is noted that the DCP makes reference to a four-storey development on the corner, however due to the in-fill affordable housing bonus provisions, an additional storey is proposed. The fifth storey setback at the corner is consistent with the levels below to reinforce the desired outcome of a prominent corner with a recessed appearance further away from the corner.

Given the site constraints, the variation to the setback requirement is supportable in this instance.

Auburn Road – Setback Type F1 (mid-block)

Chapter 7.2 of the DCP requires a two-storey street wall with a 2m setback and 2m articulation zone further from the corner. A nil setback two storey street wall is proposed on the Auburn Road frontage. The levels above propose a 1.815m setback for balconies and a 3.965m setback for the external wall, presenting an encroachment of 185mm for balconies and 350mm for the external walls.

To meet the DCP requirement under section 9.4 of Chapter 7.1 (private open space) and ADG Objection 4E-1 (private open space and balconies), a balcony depth of 2m and 2.4m is required for a 1–2-bedroom unit and a 3 bedroom unit respectively. The trafficable portion of the balcony is 2m in depth, however the balustrades of the balconies extend beyond resulting in an encroachment, which is negligible and does not occur across the full facade of Levels 3 to 5. Also, the internal design plan of the units are guided by the ADG requiring minimum design requirements to be met, therefore not permitting any further design changes to units to meet these setback controls.

The proposal maintains a two-storey street wall with recessed upper levels as intended by the design philosophy for the Birrong Small Village Centre. Although portions of the west elevation wall are not fully compliant, the encroachments are considered minor with negligible impacts having no perceivable bearing from the public domain. As such, the modest encroachments are justified in this case.

Neutral Avenue – Setback type F1 and F2

A nil setback street wall at the corner of Auburn Road and Neutral Avenue is required, and a two-storey street wall with a 2m setback and 2m articulation zone is required further from the corner.

The development is unable to provide a setback in accordance with these requirements as the Neutral Avenue frontage is constrained by high voltage powerlines which requires a 3.7m setback clearance for the building from the Neutral Avenue boundary. Therefore, a street setback is proposed to Neutral Avenue contrary to the DCP requirements.

Aside from the corner units, all unit floor area addressing Neutral Avenue is setback from the ground and first floor building alignment. Balconies on the third and fourth storey maintain the setback alignment of the levels below with a range of balcony widths and spaces along the northern elevation. The fifth level along the Neutral Avenue frontage is provided with a communal open space instead of floor area which provides a recessed appearance at that level.

A portion of the eastern end of the building at the third level and above is also inconsistent with the setback requirements of the DCP, which is driven by the curve in Neutral Avenue and the clearance required from the high voltage power line. A building design that follows the street curve to provide the required setback would result in an irregular building form that would negatively affect the unit designs.

Despite the departures, the intent of the DCP controls for a two-storey street wall and recessed upper levels, is still considered to be achieved in the design as the building is provided with recessive levels and balconies above the ground floor. The recessive and protruding elements on the northern elevation seek to mitigate the bulk and scale of the façade away from the corner, and on this basis, the setback articulation proposed to the Neutral Avenue elevation is considered worthy of support. The high voltage power lines would otherwise impact the amount of floor space provided for the units along the Neutral Avenue frontage.

The development is considered to be provided with an appropriate design outcome and building alignment which is deemed suitable for the site in light of its site constraints. On this basis, the deviation from the setback requirements of the DCP is deemed supportable in the circumstances of the case.

Rear – Setback Type R6

The eastern portion of the site is constrained by a right of carriageway providing access for the southern adjoining commercial premises. This prohibits any built form on the ground floor within the right of way, which would otherwise require a 6m east side setback for the building in accordance with the DCP. Due to the right of way, the proposed rear / east setback is 9.25m at the minimum across all storeys with the lobby at 12.29m. The lobby is compliant, while on Level 5 the units encroach up to 2.75m. The displaced floor area is located on Level 5 which creates an encroachment to the minimum separation requirement under the ADG (this has been discussed separately under the ADG assessment).

To manage visual privacy with the eastern adjoining residences, habitable room windows are designed as hood windows directing sightlines toward Neutral Avenue. This design outcome for the eastern elevation façade removes the opportunity for direct views into the adjoining residential properties to the east.

The amenity impacts are considered negligible with the inclusion of hood windows in the design which face away from the adjoining residences directing the line of sight towards the street. On the basis that visual privacy of neighbouring properties is protected through this design element, the departure to the rear setback control is considered worthy of support in the context of the case.

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

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

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

The proposed development is consistent with the applicable provisions contained in the Environmental Planning and Assessment Regulation 2021. The relevant provisions have been considered and are addressed in the recommended draft conditions (where necessary).

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

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered as part of the assessment of the application. In this regard, potential impacts related to the proposal have been considered in response to relevant planning policies and controls as outlined in this report.

Accordingly, it is considered that the proposal would not result in any unacceptable adverse impacts in the locality, subject to adherence with the recommended conditions of consent as at **Attachment 2**.

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

The application has been assessed under Section 4.15 of the Act, and as demonstrated in this report, the proposal generally complies with Council's controls and relevant EPI's, aside from a number of variations which are demonstrated to have inconsequential environmental impacts and negligible impacts on the amenity of occupants and adjoining properties.

The proposal is consistent with the land zoning and long-term objectives for the site by providing a permissible form of development. Subject to compliance with conditions of consent, the development is not likely to have an adverse effect on the environment or would cause unacceptable environmental risks to the land. There are no planning or environmental matters that would hinder the proposed development of the site.

It can be concluded that the proposal fits into the locality, and the site attributes are conducive for the development. As such, the site is suitable for the proposed shop top housing development that incorporates an affordable housing component.

Submissions [section 4.15(1)(d)]

The application was placed on public exhibition on two separate occasions. Initially, the application was advertised for 21 days from 18 June 2025 to 8 July 2025, with two submissions received. The second occurred for 28 days to include the requirement for integrated development and was advertised from 31 October 2025 to 27 November 2025, with two submissions also received. Overall, there were three separate objectors. The submissions raised concerns relating to traffic issues and road congestion, safety issues, poor public transport services, waste management, environmental and amenity impacts, and bulk and scale. These are discussed in detail below.

Submission: *Traffic and safety concerns in Neutral Avenue associated with the existing driveway which already causes significant traffic issues associated with 3-point turns and being parallel to the existing residential driveway*

Comment: The site is constrained by a registered right of way which exists along the eastern portion of the site providing access for the southern adjoining IGA supermarket via a driveway. The registered right of way provides the legal right to pass through the property and cannot be extinguished nor can structures be constructed over this easement.

As such, the right of way does not allow the relocation of the driveway to another location. The development seeks to utilise the existing driveway which is considered an acceptable solution given the site constraints. All other redundant driveways along Neutral

Avenue will be removed. No mitigation measures have been recommended to avoid using the driveway for 3-point turns.

Submission: *Concern regarding existing road congestion and network strain, including a lack of street parking. The proposed development will likely increase the traffic generation and congestion and have an impact on the safety of school students in the vicinity resulting from increased vehicle use*

Comment: A traffic report prepared for the development considers the traffic generation of the proposed development and determines that the traffic impact is acceptable on the local road network. Council's Traffic Engineers have reviewed the proposal and raise no objection to the potential traffic generation, including the vehicle entry point being from Neutral Avenue. Furthermore, sufficient off-street parking is provided for the development across two basement levels that meets the minimum number of spaces required in accordance with the parking controls.

Submission: *Bulk and scale of the development*

Comment: The development site, along with the adjoining properties to the south along Auburn Road, are zoned E1 Local Centre in accordance with the Canterbury-Bankstown Local Environmental Plan 2023.

The proposed development for 'shop top housing' is permitted in the zone and meets the objectives for the E1 Local Centre zone by providing active commercial shopfronts to attract pedestrian traffic, with residential apartments above, a type and form of development that aligns with Council's strategic vision for the 'Birrong Small Village Centre'. Furthermore, the application seeks to provide affordable rental housing under the provisions of State Environmental Planning Policy (Housing) 2021 and utilises the bonus height and FSR provisions. The development is compliant with the Policy.

The building form and overall design is an appropriate response to the site and context of the area, and aligns with the desired future character of the locality.

Submission: *Concern regarding the waste management for the development and the location and collection of both residential and commercial waste along the Neutral Avenue frontage being in street view. This will create an unsightly visual impact and contribute to more overflow of bins on the kerb, scattered litter and cause odour impact and attract Ibis birds which is an unsightly view, further degrading the street environment*

Comment: The proposed development includes an appropriately sized communal waste room for residences on the ground level, which is incorporated into the design of the building and located discreetly away from the northern façade of the development. A separate commercial bin storage room is also provided on the ground level.

The commercial waste collection is to occur onsite via the rear loading dock and is required to be undertaken by a private commercial waste contractor that will collect commercial waste completely on-site and away from public view.

In relation to residential waste, the collection will occur by way of a collect and return service by Council. The waste collection vehicle will park on Neutral Avenue and Council staff will enter the development to collect waste and recycling bins from the communal bin storage room and return them back to the room once emptied. As such, no residential waste bins are to be left on the road for collection. The applicant will be required to apply for a 'No parking on waste collection days' sign or similar to allow for the parking of the waste collection vehicle. These requirements form part of the recommended conditions of consent. The development consent will also be conditioned that the waste management plan be complied with at all times, including a condition which states that all waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act, 1997.

Furthermore, Council's Resource Recovery section have evaluated the proposed waste management plan and the design of the waste rooms against Council's Waste Management controls and guidelines. The proposed waste rooms are considered to meet the relevant requirements, and the recommended consent includes conditions requiring the waste rooms be constructed and maintained in accordance with Council's waste standards and guidelines.

The proposed waste management and method of waste collection are considered to mitigate the concerns raised in relation to this matter. Furthermore, recommended conditions of consent will ensure the appropriate management of waste for the development.

Submission: *Concern regarding increase of traffic congestion in Neutral Avenue which will cause illegal parking and blocking paths as it is already heavily congested. Many vehicles entering and exiting the cul-de-sac often blocking driveways, illegal parking making it difficult for pedestrians to access paths. The current traffic conditions are exacerbated by vehicles using nearby residential driveways to perform turning manoeuvres. The proposed development will intensify these issues, further compromising safety and access for residents.*

Comment: The development provides a two-level basement which accommodates the minimum required number of car parking spaces for the type of development proposed. The proposed number of parking spaces is sufficient and meets the minimum parking controls as specified for the development under Council's car parking policy. Although the development offers compliant on-site parking, any

instances of unauthorised parking in the surrounding area are not the responsibility of, nor within the control of, this development. Illegal parking and associated safety violations in the surrounding area are a separate matter for the relevant enforcement authority and fall outside the scope of the planning considerations for this development application.

Submission: *Concern regarding the operations of the development. A comprehensive Plan of Management is requested to ensure operations will not negatively affect the amenity*

Comment: A comprehensive Plan of Management has been submitted for the development which is considered satisfactory. Specifically, the plan covers general management, accessibility, cleaning and maintenance of communal areas and terraces, landscape maintenance, waste management, safety and security, fire safety, emergencies and evacuation plan, and complaint management.

Additionally, a Crime Prevention Through Environmental Design (CPTED) report has also been submitted which has been reviewed by Council's Community Safety and Crime Prevention Officer and is deemed to be satisfactory, subject to recommended conditions of consent.

An acoustic report has also been provided with the application which considers the acoustic impacts associated with the development. Council's Environmental Health Officer has reviewed the acoustic report and deems it acceptable subject to recommended conditions of consent and that the recommendations of the acoustic report be implemented in the development.

Furthermore, the consent is recommended with conditions to ensure the amenity of the area is maintained during the operational phase of the development.

Submission: *Concern regarding poor public transport services (Birrong train station) and capacity. Medium or high-density development in Birrong should not go ahead until the public transport is improved substantially first*

Comment: The proposed development is permitted in the E1 Local Centre zone under the Canterbury-Bankstown Local Environmental Plan 2023. The application seeks to provide at least 10% of affordable housing as part of the development and is therefore subject to the requirements of State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guide. For applications subject to these provisions, the development must be in an accessible area (i.e. within 800m walking distance of a railway) which in this case is Birrong train station. The development has been designed to meet the requirements of the relevant planning policies, apart from minor variations which are justifiable in the circumstances of the case.

The relevant planning policies do not mandate any specific frequency of train services for the implementation of the affordable housing policy. Any required upgrade works to the railway station or train service would be subject to consideration by the rail authority and does not form part of the planning consideration for this application.

Submission: *Concern regarding the increase of car traffic congestion in Auburn Road which is currently busy. A roundabout at the intersection of Auburn Road and Neutral Avenue is suggested to allow access of access and for residents in this proposed building and slow traffic down in an already high traffic area*

Comment: A traffic report has been provided for the development which has been reviewed by Council's Traffic team and no major concern is raised. The findings of the report are accepted, and such traffic mitigation measures have not been suggested for the intersection of Auburn Road and Neutral Avenue.

Furthermore, the site is situated within an accessible area, being within approximately 420m walking distance of a railway (Birrong Station). The site is situated within an area that has access to public transport, including train and bus services, which provides opportunities for other means of transport aside from vehicle use.

Submission: *Suggestions are made in relation to shading devices and measures for windows along the Auburn Road and Neutral Avenue facades and the inclusion of lifts to service all levels within the building*

Comment: Response: Lightweight sliding screens with operable louvres have been added to the west elevation windows and balconies to provide shading. A BASIX Certificate is provided for the development which ensures the thermal requirements of the units are met and requires the development to meet specific heating and cooling loads to promote improved insulation. The recommended consent includes conditions to require the development to comply with the BASIX requirements.

Lifts and stairs are appropriately incorporated in the design of the building to provide access between levels. An access report has been prepared in support of the application which considers all relevant accessibility requirements as per the relevant standards.

Submission: *Concern regarding increased safety issues for pedestrians and cyclists.*

Comment: The consent is conditioned for the driveway of the development to provide clear sight lines for the safety of pedestrians and cyclists. Vehicle entry for the development will be maintained in Neutral Avenue via the existing driveway, subject to upgrade works of the vehicle crossing.

Submission: *Concern regarding environmental and amenity impacts from increased density (noise, privacy and reduced access to private open space).*

Comment: The development is designed to maintain the privacy of adjoining developments, particularly with the use of hood windows on the eastern elevation which directs sight lines towards Neutral Avenue and away from the eastern adjoining residences. With regard to the north and west elevations, privacy impacts are negligible as windows and balconies address the street with no overlooking into private open space areas.

There is no evidence to suggest that permitting a development with an increase in density would have a detrimental strain on local green open space areas. The development seeks to provide its own landscaping on-site, including tree plantings and communal open space areas, which are considered appropriate for the development.

An acoustic report has been prepared in support of the development proposal which includes acoustic measures that are required to be included in the design of the building. The acoustic report considers traffic noise generation and determines that the expected road traffic noise levels as a result of the development, will be maintained within the relevant noise assessment criteria. The recommended consent is included with conditions requiring the recommendations of the acoustic report be implemented in the development.

In relation to noise impacts from construction works, the recommended consent is conditioned to restrict the hours between which building and demolition work are permitted to be carried out, i.e. between 7.00am and 6.00pm Monday to Friday and 8.00am and 1.00pm on Saturdays, with no construction works permitted at any time on a Sunday or public holiday. Furthermore, the potential impacts of noise are addressed through the recommended conditions of consent, which include that any noise caused by demolition or construction must not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the site work is being carried out.

With regards to potential impacts of noise associated with the development post construction, the recommended consent includes conditions requiring the development and on-going use to not cause offensive noise as defined by the Protection of the Environment Operation Act 1997.

The acoustic report concludes that the recommended acoustic measures are sufficient, nevertheless, the use of the outdoor communal areas of the development are conditioned with the following restrictions:

- a. Hour of use is limited to between 7.00am to 10.00pm Monday to Saturday, and between 8.00am to 10.00pm on Sundays and Public Holidays.
- b. Music and other amplified sound are not permitted.

Submission: *Rooftop space should provide opportunities for a communal laundry to allow for larger unit floor space and avoid the unsightliness of clothes lines on balconies*

Comment: Mechanical ventilation and solar panels are proposed on the roof level, and access for communal activities is excluded. Level 5, which is the top residential floor, includes access to communal open space for recreational purposes, however, it will not be used for laundry facilities. The unit floor areas and layouts meet the minimum design criteria in the Apartment Design Guide and communal laundries are not a requirement in communal open space areas.

With regard to the use of the roof, the consent is recommended with conditions for all roof-top plant and associated equipment to be located within the approved building envelope and must not be visible from the public domain. The use of any roof element should only be for gaining access for maintenance or repairs.

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

The proposed development has economic and social benefits by way of providing social housing to meet the needs of the community in the local area.

Potential impacts on the amenity of adjoining properties are mitigated through the choice of building design, maintaining privacy and solar access. The building form and design remains an appropriate response to the site and context of the area and will align with the desired future character of the locality.

The development would not result in any unacceptable adverse environmental impacts and is demonstrated to be a suitable development for the site despite the departures which are justified.

Having regard to the matters discussed in this report, approval of the proposed development would not contravene the public interest.

CONCLUSION

Development Application DA-522/2025 has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the Regulations, and the relevant provisions contained within the applicable State and local environmental planning policies.

The development provides for the orderly and economic use of the land with the inclusion of affordable housing that is consistent with the objects of the *Environmental Planning and Assessment Act, 1979*. The proposed development would deliver an

appropriate built form that is consistent with the objectives of the zone and desired future character of the area.

The application also demonstrates that the proposed development would not result in any unacceptable adverse environmental impacts, and the proposed development is considered suitable for the site and its surrounds. The minor departures as discussed in this report have been demonstrated to be appropriate in the context of the site and are considered worthy of support. The proposed development is an appropriate design response for the site in view of the site constraints and approval of this application is recommended subject to the conditions as contained at **Attachment 2**.

RECOMMENDATION

That Development Application DA-522/2025 for the demolition of the existing structures and construction of a 5 storey shop top housing development with affordable housing, comprising 7 commercial tenancies on the ground floor and 50 residential units with two levels of basement parking for 88 vehicles, associated site works and landscaping, at the properties known as 77-81 Auburn Road, and 19 Neutral Avenue, Birrong, be **APPROVED** pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, subject to the draft Conditions of Consent in **Attachment 2**.

CONDITIONS OF CONSENT

These consent conditions have been imposed after taking into account the matters for consideration in determining a development application pursuant to s4.15 and in accordance with s4.17 of the Environmental Planning and Assessment Act 1979.

GENERAL CONDITIONS

No.	Condition																																																																																																																																									
1.	<p>Approved Plans and supporting documentation</p> <p>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>A-005</td><td>P</td><td>Site Plan</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-007</td><td>C</td><td>Demolition Plan</td><td>Olsson Architecture</td><td>22/04/2025</td></tr><tr><td>A-100</td><td>T</td><td>Basement 2 Plan</td><td>Olsson Architecture</td><td>09/10/2025</td></tr><tr><td>A-101</td><td>U</td><td>Basement 1 Plan</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-102</td><td>X</td><td>Ground Level 1 Plan</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-103</td><td>U</td><td>Level 2 Plan</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-104</td><td>S</td><td>Level 3 Plan</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-105</td><td>R</td><td>Level 4 Plan</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-106</td><td>M</td><td>Level 5 Plan</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-107</td><td>H</td><td>Roof Plan</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-200</td><td>P</td><td>Elevations 1</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-201</td><td>O</td><td>Elevations 2</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-300</td><td>M</td><td>Sections 1</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-301</td><td>L</td><td>Sections 2</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-302</td><td>L</td><td>Sections 3</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-303</td><td>L</td><td>Sections 4</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-304</td><td>B</td><td>Sections 5</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-310</td><td>C</td><td>Detail Façade Section 1</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-311</td><td>C</td><td>Detail Façade Section 2</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-312</td><td>A</td><td>Detail Façade Section 3</td><td>Olsson Architecture</td><td>21/11/2025</td></tr><tr><td>A-400</td><td>F</td><td>Materials + Finishes Schedule</td><td>Olsson Architecture</td><td>09/10/2025</td></tr><tr><td>A-620</td><td>J</td><td>Area Calculations</td><td>Olsson Architecture</td><td>30/11/2025</td></tr><tr><td>A-630</td><td>A</td><td>Residential Corridor Details</td><td>Olsson Architecture</td><td>21/11/2025</td></tr></table> <table><tr><th colspan="4">Approved documents</th></tr><tr><th>Document title</th><th>Version number</th><th>Prepared by</th><th>Date of document</th></tr><tr><td>Crime Prevention Through Environmental Design</td><td>Revision 1.0</td><td>GAT & Associates Pty Ltd</td><td>08/01/2026</td></tr></table>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	A-005	P	Site Plan	Olsson Architecture	21/11/2025	A-007	C	Demolition Plan	Olsson Architecture	22/04/2025	A-100	T	Basement 2 Plan	Olsson Architecture	09/10/2025	A-101	U	Basement 1 Plan	Olsson Architecture	21/11/2025	A-102	X	Ground Level 1 Plan	Olsson Architecture	21/11/2025	A-103	U	Level 2 Plan	Olsson Architecture	21/11/2025	A-104	S	Level 3 Plan	Olsson Architecture	21/11/2025	A-105	R	Level 4 Plan	Olsson Architecture	21/11/2025	A-106	M	Level 5 Plan	Olsson Architecture	21/11/2025	A-107	H	Roof Plan	Olsson Architecture	21/11/2025	A-200	P	Elevations 1	Olsson Architecture	21/11/2025	A-201	O	Elevations 2	Olsson Architecture	21/11/2025	A-300	M	Sections 1	Olsson Architecture	21/11/2025	A-301	L	Sections 2	Olsson Architecture	21/11/2025	A-302	L	Sections 3	Olsson Architecture	21/11/2025	A-303	L	Sections 4	Olsson Architecture	21/11/2025	A-304	B	Sections 5	Olsson Architecture	21/11/2025	A-310	C	Detail Façade Section 1	Olsson Architecture	21/11/2025	A-311	C	Detail Façade Section 2	Olsson Architecture	21/11/2025	A-312	A	Detail Façade Section 3	Olsson Architecture	21/11/2025	A-400	F	Materials + Finishes Schedule	Olsson Architecture	09/10/2025	A-620	J	Area Calculations	Olsson Architecture	30/11/2025	A-630	A	Residential Corridor Details	Olsson Architecture	21/11/2025	Approved documents				Document title	Version number	Prepared by	Date of document	Crime Prevention Through Environmental Design	Revision 1.0	GAT & Associates Pty Ltd	08/01/2026
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	(CPTED) Statement			
	Acoustic Report	Revision 02 Doc. reference: 20E-24-0234-TRP-63489-2	Vipac Engineers and Scientists Ltd	17/09/2025
	Access Report	Issue A Doc. reference: 25011	Vista Access Architects	25/02/2025
	Plan of Management	-	GAT & Associates Pty Ltd	10/2025
	Waste Management Plan	Doc. reference: 24033	Dickens Solutions	01/2025
	Geotechnical Investigation	Doc. reference: E24238.G03_Rev1	EI Australia Pty Ltd	25/09/2025
	Remediation Action Plan	Doc. reference: E24238.E06_Rev0	EI Australia Pty Ltd	01/05/2025
<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 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.	Remedial Action Plan			
	<p>Prior to the execution of works associated with the built form of the development, the site is to be remediated in accordance with:</p> <ul style="list-style-type: none"> i. The approved Remedial Action Plan, prepared by EI Australia Pty Ltd titled "Remedial Action Plan" dated 1 May 2025, reference E24238.E06_Rev0, ii. <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>, iii. The guidelines in force under the Contamination Land Management Act 1997, and <p>The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation.</p> <p>Any variations to the approved remedial action plan must be submitted to and approved in writing by an NSW EPA Accredited Site Auditor and Council prior to the continuing of such work.</p>			
	Condition reason: To ensure compliance with the relevant New South Wales legislation.			
3.	Acoustic Report			
	<p>The acoustic report prepared by Vipac Engineers and Scientists Limited titled Olsson & Associates Architects Pty Ltd 77-81 Auburn Rd & 19 Neutral Ave Birrong DA Acoustic Report, reference number 20E-24-0234-TRP-63489-2, dated 17 September 2025 and all the recommendations stated within the report, form part of the development consent.</p>			
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.			
4.	Plan of Management			
	<p>The Plan of Management submitted in support of this application prepared by GAT & Associates Pty Ltd dated October 2025, forms part of the development consent. In the event of any inconsistency, the conditions of this consent will prevail over the plan of management.</p>			

	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
5.	Commercial Units- Separate Approval
	No approval is granted or implied for the use of any retail and commercial tenancies.
	Separate development consent is to be obtained for the use of these premises, unless the use qualifies as 'exempt development'.
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
6.	Form and external appearance in context and impacts to public domain
	The person/s having benefit of this consent must coordinate with Council at the applicable stages of construction to ensure that all public domain elements, including paving, verge treatments, and materials, comply with Council's technical specifications and approved materials.
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
7.	Substation
	The substation is to be constructed as per the approved plans and in accordance with the requirements and regulations of Ausgrid.
	1.901
	Condition reason: To ensure the orderly development of land.
8.	Compliance with GTA's and conditions from external authorities
	The proposed development is to comply with the General Terms of Approval imposed by WaterNSW provided as Appendix A to this consent.
	The proposed development is to comply with the conditions imposed by Ausgrid provided as Appendix B to this consent.
	The conditions must be complied with at the timing indicated in those conditions.
	Condition reason: To ensure compliance with WaterNSW and Ausgrid requirements.

DEMOLITION WORK

9.	Hazardous Material Survey
	Prior to demolition, the entire site (includes any structures) is to be assessed for hazardous materials, especially asbestos. A Hazardous Materials (HAZMAT) Report is to be prepared by an inspection body accredited by NATA.
	All recommendations in the above-mentioned report are to be implemented and a clearance certificate issued by an appropriately qualified occupational hygienist who has not previously been involved in the preparation of the Hazardous Materials (HAZMAT) Report, is to be submitted to Council prior to the issue of a construction certificate.
	Condition reason: To ensure that the development complies with Council's Environmental Health Policies.
10.	Demolition
	The demolition of all structures on the property must be undertaken in accordance with all the following:
	a. Written notice must be issued to adjoining residents a minimum of seven (7) days before the commencement of demolition advising of the commencement date
	b. Written notice must be issued to Council for inspection a minimum of (7) days before the commencement of demolition. Written notice must include the date when demolition work will commence and details of the name, address, contact telephone number and

<p>licence number of the demolition contractor,</p> <p>c. Inspections being undertaken by Council including:</p> <p>i. A pre-commencement demolition inspection when all site works required as part of this Determination Notice are installed on the site and before demolition work commencing, and</p> <p>ii. A final demolition inspection when the demolition work has been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this Determination Notice,</p> <p>d. Payment of an inspection fee at Council's current rate must be paid before inspection. Council requires 48 hours' notice to carry out an inspection,</p> <p>e. A sign must be erected at the front of the property showing the name of the licenced demolition contractor, the licence number and a telephone number on which that person can be contact outside of working hours,</p> <p>f. All demolition work must be carried out in accordance with Australian Standard 2601 – 'The Demolition of Structures',</p> <p>g. Where asbestos containing materials are to be removed, demolition must be carried out by contractors who have a current SafeWork NSW licence in asbestos removal,</p> <p>h. An asbestos clearance certificate issued under the Work Health and Safety Act 2011 must be submitted to Council after the completion of demolition work,</p> <p>i. Hazardous and intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority,</p> <p>j. Demolition procedures must maximise the reuse and recycling of demolished materials to reduce the environmental impacts of waste disposal,</p> <p>k. Adhere to the requirements stipulated in the approved Waste Management Plan, and</p> <p>l. Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no building work/s is to be carried out at any time on a Sunday or a public holiday.</p> <p>A copy of the final demolition inspection report must be submitted to the principal certifier before the commencement of any building work.</p> <p style="text-align: right;">3.201</p>	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
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BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

11.	<p>Development Contributions, Section 7.11</p> <p><u>Development Contributions of \$660,532.21 must be paid for this development before the issue of any construction certificate.</u> 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="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Category</th><th style="text-align: left;">Amount</th></tr> </thead> <tbody> <tr> <td>Open Space and Recreation facilities</td><td>\$355,045.79</td></tr> <tr> <td></td><td>\$63,340.00</td></tr> </tbody> </table>	Category	Amount	Open Space and Recreation facilities	\$355,045.79		\$63,340.00
Category	Amount						
Open Space and Recreation facilities	\$355,045.79						
	\$63,340.00						

	Access and Public Domain Facilities	\$100,005.05
		\$17,845.00
	Community and Cultural Facilities	\$97,197.95
		\$17,340.00
	Plan Management & Administration	\$8,283.42
		\$1,475.00
	Total	\$660,532.21

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.

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.

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.

NOTE: Development contribution amounts are non-refundable if you do not proceed with your development.

2.101

	Condition reason: To ensure compliance with the relevant New South Wales legislation.	
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12.

Housing and Productivity Contribution

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.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$448,889.61

The HPC must be paid using the NSW planning portal.

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).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

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.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Condition Reason: To require contributions towards the provision of regional infrastructure.

13.	Payment of Fees <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> <ol style="list-style-type: none"> Levies Bonds Contributions Inspection fees. <p style="text-align: right;">2.103.5</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
14.	Long Service Levy <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 Calculator at https://longservice.force.com/bci/s/levy-calculator. Payment must be made via the Long Service Levy Portal at https://www.longservice.nsw.gov.au.</p> <p style="text-align: right;">2.104.5</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
15.	Validation Report <p>Prior to issue of the construction certificate the proponent must submit a detailed validation report to Council.</p> <p>The validation report must be prepared in accordance with:</p> <ol style="list-style-type: none"> 'Managing Land Contamination: Planning Guidelines (Department of Urban Affairs and Planning and NSW EPA, 1998), Relevant EPA Guidelines, including the guidelines for 'Consultants Reporting of Contaminated Land' (NSW EPA, 2020), and National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013). <p>The validation report must be prepared or reviewed and approved by an appropriately qualified environmental consultant.</p> <p>The validation report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remedial Action Plan, prepared by El Australia Pty Ltd titled "Remedial Action Plan" dated 1 May 2025, reference E24238.E06_Rev0.</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
16.	Long Term Environmental Management Plan <p>Where the validation report identifies the need for the implementation of a long-term environmental management plan, the plan must be submitted to Council and the principal certifier. The ongoing environmental management plan must be prepared in accordance with:</p> <ol style="list-style-type: none"> NSW Contaminated Land Planning Guidelines; Relevant EPA endorsed guidelines; and <i>National Environmental Protection (Assessment of Site Contamination) Measure 1999</i> (as amended 2013). <p>The long-term environmental management plan must be prepared or reviewed and approved by a suitably qualified environmental consultant.</p> <p>The long-term environmental management plan must be submitted to, and approved by,</p>

	<p>Council prior to the issue of an occupation certificate.</p> <p>The long-term environmental management plan must describe the nature and location of the contamination and prescribe how the contaminants will be managed/monitored and the responsible parties for this management/monitoring in the long-term.</p> <p>The long-term environmental management plan must specifically outline the construction details, and the requirements of management and monitoring of the containment cell to ensure it is maintained appropriately, its integrity remains intact, and to avoid migration of contamination. The ongoing environmental management plan must also include a contingency plan if the systems fail.</p> <p>re</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
17.	<p>Construction Cranes May Require Separate Approval</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> <p>2.105</p> <p>Condition reason: To ensure adequate approval of crane use.</p>
18.	<p>Common Corridors are Open Breezeways</p> <p>The open common corridors are approved as open breezeways only. No glass, screening, wall or the like shall provide protection from the elements to these areas.</p> <p>2.109</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
19.	<p>Car Parking Details</p> <p>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.</p> <p>2.110.5</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement/ parking.</p>
20.	<p>Access Intercom</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>2.111</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement/ parking.</p>
21.	<p>Bicycle Parking Spaces</p> <p>The bicycle parking spaces is to be provided for the development in accordance with the approved plans:</p> <p>a. Ten (10) residential</p>

	<p>b. Five (5) visitor c. Four (4) Commercial.</p> <p>Note: The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – ‘Parking Facilities’ Part 3: Bicycle Parking Facilities and ‘Austroads Bicycle Parking Facilities: Guidelines for Design and Installation.’</p> <p style="text-align: right;">2.211</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
22.	<p>Submit Plans to Sydney Water</p>
	<p>The Council approved plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) will affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.</p> <p>Refer to www.sydneywater.com.au/tapin for Sydney Water’s Guidelines for building over or next to assets, visit www.sydneywater.com.au ‘Plumbing, building & developing’ then ‘Building Plan Approvals’ or call 13000 TAPIN™.</p> <p>Sydney Water must issue either a Building Plan Assessment letter which states that the application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.</p> <p style="text-align: right;">2.202.S</p>
	<p>Condition Reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
23.	<p>BASIX Certificate</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 style="text-align: right;">2.206</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
24.	<p>Mobility Access</p>
	<p>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.</p> <p>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.</p> <p style="text-align: right;">2.208</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
25.	<p>Adaptable Units</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 style="text-align: right;">2.210.S</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>

26.	<p>Erosion and Sediment Control Plan</p> <p>Before the issue of a construction certificate, the consent holder is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:</p> <ol style="list-style-type: none"> Council's development control plan, the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). <p>The consent holder must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.</p> <p style="text-align: right;">2.211.S</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
27.	<p>Dilapidation report</p> <p>Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. The adjoining buildings include the following properties:</p> <ul style="list-style-type: none"> Southern adjoining properties: 83 – 85 Auburn Road, Birrong Eastern adjoining property: 15 Neutral Avenue, Birrong. <p>If the engineer is denied access 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 certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>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.</p> <p>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.</p> <p style="text-align: right;">2.212.P</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
28.	<p>Mechanical Ventilation</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 style="text-align: right;">2.214</p>

	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
29.	Food Premises Ventilation
	Before the issue of a construction certificate, the mechanical exhaust systems and/or shafts 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’.
	2.215
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
30.	Combustible Cladding
	The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Before the issue of a construction certificate and occupation certificate the certifier must:
	a. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
	b. Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
	2.216
	Condition reason: To ensure compliance with the BCA.
31.	Retaining Walls
	Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.
	a. The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020. Plans and details prepared and signed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 are to be submitted to the certifier before the issue of the construction certificate.
	b. All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.
	2.301
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
32.	Apply for Work Permit for Engineering Works
	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. An extra Heavy Duty VFC of maximum width of 5.5 metres at the property boundary with Neutral Avenue,
	b. Drainage connection to Council's drainage system,
	c. A full width special type footway paving to match the local Birrong CBD Centre along the site's entire frontage to Auburn Road and Neutral Avenue in accordance with Council's

	<p>Standard,</p> <ul style="list-style-type: none"> d. Removal of all 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. <p>Note: Council is required to prepare a site survey and design in order to determine the necessary information. The consent holder should make application and payment for the Work Permit at least twenty-one (21) days before the information being required and before the issue of the construction certificate. The Work Permit must be approved before any works commencing within the Council road reserve or on Council's assets.</p> <p style="text-align: right;">2.302</p>
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
33.	<p>Basement Anchoring</p> <p>The basement of the development is located adjacent to a Council public road reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's public road.</p> <p style="text-align: right;">2.303</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
34.	<p>Works Requiring a Work Permit</p> <p>As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the <i>Roads Act 1993</i> and/or Section 68 of the <i>Local Government Act 1993</i>, Council requires the consent holder to obtain a Works Permit and or a Roadway / Footpath Building Occupation Permit before the 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:</p> <p>A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS</p> <p>WORKS REQUIRING A 'WORKS PERMIT'</p> <ul style="list-style-type: none"> 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,

	<p>l. The work is greater than \$25,000, and</p> <p>m. Demolition is proposed.</p> <p>The consent holder 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.</p> <p>The consent holder 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, before commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.</p> <p>2.304</p>								
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>								
35.	<p>Install work zone</p> <p>If required, the applicant can apply to the Canterbury Bankstown Traffic Committee for the installation of a Works Zone at the site's frontage, 8 weeks in advance of when construction is scheduled to begin, including payment of the relevant fees & charges. This is subject to recommendation by the Traffic Committee and must be approved and paid for prior to issuance of a Construction Certificate.</p> <p>2.407</p>								
	<p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>								
36.	<p>Finished surface levels</p> <p>Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on relevant construction certificate plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.</p> <p>2.305</p>								
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>								
37.	<p>Stormwater Drainage</p> <p>Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards 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 Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.</p> <table><tr><th>Plan Name</th><th>Number</th><th>Date</th><th>Prepared By</th></tr><tr><td>Stormwater Drainage Design</td><td>Project No. 20240029</td><td>10 Oct 2025, Rev C 19 Nov 2025, Rev D</td><td>S&G Consultants Pty Ltd</td></tr></table> <p>2.306</p>	Plan Name	Number	Date	Prepared By	Stormwater Drainage Design	Project No. 20240029	10 Oct 2025, Rev C 19 Nov 2025, Rev D	S&G Consultants Pty Ltd
Plan Name	Number	Date	Prepared By						
Stormwater Drainage Design	Project No. 20240029	10 Oct 2025, Rev C 19 Nov 2025, Rev D	S&G Consultants Pty Ltd						
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>								
38.	<p>Pump Out System</p> <p>The pump out drainage system for the driveway/access ramp and car parking area shall be</p>								

	<p>provided in accordance with Council's Development Engineering Standards. 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 issue of any construction certificate. The engineer must certify that the hydraulic design complies with the above relevant standards.</p> <p style="text-align: right;">2.308</p>
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
39.	<p>Driveway Design</p> <p>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.</p> <p>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.</p> <p style="text-align: right;">2.313</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
40.	<p>Pavement Design</p> <p>An all-weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by a qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the certifier for approval before the issue of a construction certificate.</p> <p style="text-align: right;">2.314</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
41.	<p>Small Car Parking</p> <p>The design and layout of all off-street small car parking spaces must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - Parking facilities Part 1: Off-street car parking. The details must be submitted to and approved by the certifier before a construction certificate being issued.</p> <p style="text-align: right;">2.315</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
42.	<p>Traffic Management Plan</p> <p>Before the issue of any construction certificate for this development, the consent holder 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</p>

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 construction 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 construction and excavation materials shall be by the shortest practical route to the nearest "State Road", 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**. The consent holder shall nominate the routes for approval by Council before commencement of any work on the site. All vehicles are to enter the on-street Works Zone adjacent to the site in a forward direction. U-turn and right-turn movements into the site, are generally not permitted.

An Agreement to Council's satisfaction, signed by the consent holder/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site and for local roads along the transportation routes shall be lodged with Council before release of any Construction Certificate. All damage must be rectified upon completion of work.

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 before the commencement of any works on the construction site.

In addition, a TfNSW (formerly 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.

2318

	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
43.	<p>Construction Site Management Plan</p> <p>Before the issue of a construction certificate, a Construction Site Management Plan (CSMP) must be prepared and approved by the certifier. The plan must include the following matters:</p> <ol style="list-style-type: none"> The location and materials for protective fencing and hoardings on the perimeter of the site; Provisions for public safety; Pedestrian and vehicular site access points and construction activity zones; Details of construction traffic management including: <ol style="list-style-type: none"> Proposed truck movements to and from the site; Estimated frequency of truck movements; and Measures to ensure pedestrian safety near the site; Details of bulk earthworks to be carried out; The location of site storage areas and sheds; The equipment used to carry out works; The location of a garbage container with a tight-fitting lid; Dust, noise and vibration control measures; The location of temporary toilets; The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ol style="list-style-type: none"> AS 4970 – Protection of trees on development sites; An applicable Development Control Plan; An arborist's report approved as part of this consent A copy of the construction site management plan must be kept on-site at all times while work is being carried out. <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p style="text-align: right;">2.401.</p>
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
44.	<p>Work Vehicle Route</p> <p>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 "regional road", with every effort to avoid school zones on public roads. The consent holder shall nominate the route for approval by Council before commencement of any work on the site. An "Agreement" to Council's satisfaction, signed by consent holder specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council before release of any construction certificate. All damage must be rectified before the issue of any occupation certificate.</p> <p style="text-align: right;">2.402</p>
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
45.	<p>Sight Triangles on Plans</p> <p>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</p>

	on plans submitted with the construction certificate.	2.406
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.	
46.	Return Bins to Council	
	Before the commencement of any works, all domestic waste bins servicing the site are to be returned to Council.	2.501
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.	
47.	Waste Management Plan	
	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.	2.502
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.	
48.	Plans to Include Bin Storage Area	
	The construction certificate plans shall include details of the waste bin storage area. The bin storage area shall not be visible from the street. The bin storage area shall be located within the building or screened from the street by dense landscaping.	2.503
	Condition reason: To ensure compliance with the relevant Canterbury-Bankstown policy.	
49.	Bin Carting Route	
	The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate which identify that the bin carting route from the communal bin storage room to the waste collection point identified on stamped plans complies with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":	
	a. Is direct and less than 10.0 metres in length,	
	b. Has a minimum width of 2.0 metres of hard surface;	
	c. Is of non-slip material and free from obstacles and steps;	
	d. Has a maximum grade of 1:30 (3%); and	
	e. Has compliance with Work, Health and Safety legislation and standards	2.504
	Condition reason: To ensure the orderly collection of waste from the site.	

50.

Communal Bin Storage Room

The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements:

a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;

b. Floors must be finished so as to be non-slip with a smooth and even surface;

c. A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height.

d. Must be compatible with the overall design of the development;

e. Walls must be constructed of solid impervious material;

f. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;

g. Walls, ceiling and floors must be finished in a light colour;

h. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;

i. A self-closing door openable from within the room;

j. Must be constructed to prevent the entry of birds and vermin;

k. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;

l. Any doorways must be 2 metres wide and open outwards; and

m. Designed to fit the following bin allocations:

Number	Bin Size	Bin Type
7	1,100L	Garbage (Red)
11	1,100L	Recycling (Yellow)
5	240L	Garden (Green)

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

51.

Commercial Bin Storage Room

The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements:

a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;

b. Floors must be finished so as to be non-slip with a smooth and even surface;

c. A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height.

d. Must be compatible with the overall design of the development;

e. Walls must be constructed of solid impervious material;

f. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;

g. Walls, ceiling and floors must be finished in a light colour;

h. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;

i. A self-closing door openable from within the room;

j. Must be constructed to prevent the entry of birds and vermin;

k. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;

l. Any doorways must be 2 metres wide and open outwards; and

2.505

	<p>m. Designed to fit the following bin allocations:</p> <table><tr><th>Number</th><th>Bin Size</th><th>Bin Type</th></tr><tr><td>3</td><td>1,100L</td><td>Garbage (Red)</td></tr><tr><td>3</td><td>1,100L</td><td>Recycling (Yellow)</td></tr></table> <p style="text-align: right;">2.507</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>	Number	Bin Size	Bin Type	3	1,100L	Garbage (Red)	3	1,100L	Recycling (Yellow)
Number	Bin Size	Bin Type								
3	1,100L	Garbage (Red)								
3	1,100L	Recycling (Yellow)								
52.	<p>Bulky Waste Storage Room</p> <p>The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the bulky waste storage room that comply with the following requirements:</p> <ol style="list-style-type: none">Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;Floors must be finished so as to be non-slip with a smooth and even surface;A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height;Must be compatible with the overall design of the development;Walls must be constructed of solid impervious material;Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;Walls, ceiling and floors must be finished in a light colour;A self-closing door openable from within the room;Must be constructed to prevent the entry of birds and vermin;Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;Any doorways must be 2 metres wide and open outwards; andDesigned to a minimum size of 7m². <p style="text-align: right;">2.507</p> <p>Condition reason: To ensure the orderly collection of waste from the site.</p>									
53.	<p>Carpark Exhaust</p> <p>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.</p> <p style="text-align: right;">2.611</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>									
54.	<p>Landscaping Plan</p> <p>A detailed landscape plan prepared by a qualified landscape architect or qualified landscape designer must be approved by the certifier before the issue of a construction certificate. The landscape plan must be prepared in accordance with Council's DCP 2023 and must include the following features, notations and specifications:</p> <ol style="list-style-type: none">The location of existing and proposed structures on the subject property/properties, including existing and proposed trees, impermeable areas, landscaped areas, deep soil zones, fixed furniture, shade structures, lighting, and other features,Details of earthworks and soil depths, including mounding and retaining walls and planted boxes,The location, number, pot size and type of chosen plant species. Details of planting procedures and long-term maintenance (if any), andOne 75ltr (minimum) major canopy tree shall be planted within the front setback to the development,									

	<p>e. Details of drainage and watering systems (if any),</p> <p>f. Information on the planters profiles is required to be provided. The landscape plan should provide typical details of the planters to identify the soil profile, drainage and irrigation systems.</p> <p>g. The landscape plan shall also include plant details for the indoor planter in the residential corridor, including a suitable combination of species that tolerate permanent shade, such as the following:</p> <ul style="list-style-type: none"> - Adiantum aethiopicum (Maidenhair Fern) - Monstera deliciosa (Swiss Cheese Plant) - Sansevieria trifasciata (Mother-in-law's Tongue) - Philodendron selloum x 'Hope' (Philodendron Hope). <p style="text-align: right;">2.701</p>
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
55.	<p>Landscape Management</p> <p>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 all aspects of the landscape management and demonstrate who is responsible for and how the landscape features will be installed and detail the responsibility of ongoing maintenance of the landscaping.</p> <p style="text-align: right;">2.705</p>
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
56.	<p>Council's Tree Management Order</p> <p>Approval in accordance with Council's Tree Management Order (TMO) is granted to lop or remove only those trees identified to be lopped or removed on the approved plans. If not indicated on the approved plans, separate approval must be obtained to prune or remove trees on adjoining properties or other trees located on the site. A person(s) who contravenes or causes or permits the TMO to be breached shall be guilty of an offence and liable for prosecution.</p> <p style="text-align: right;">2.703</p>
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
57.	<p>Design Verification SEPP 65</p> <p>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 1 of SEPP No. 65.</p> <p style="text-align: right;">2.901</p>
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
58.	<p>No Air conditioning units visible</p> <p>No air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring shall:</p> <ul style="list-style-type: none"> 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. <p>All construction certificate documentation is to demonstrate compliance with these requirements.</p> <p style="text-align: right;">2.902</p>
	Condition reason: To protect and enhance the amenity of the occupants of the development

	site and the occupants of adjoining sites.				
59. Air conditioning units – BASIX requirements					
	The location of any air-conditioning and hot water units and associated infrastructure must be located to ensure that they are not visible from the street, and that they do not result in a non-compliance with the relevant built form controls and private open space controls contained within the Apartment Design Guide. Confirmation from a suitably qualified architect that the BASIX commitments do not compromise the design guidance as contained within the Apartment Design Guide must be provided to the certifier before the issue of a construction certificate.				
	2.903				
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.				
60. Hydrant boosters on plans					
	All hydrant boosters and associated services and shield walls are to be contained within cabinets and / or designed to match the appearance of the main structure of the development.				
	2.904				
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.				
61. Rooftop equipment					
	All roof-top plant and associated equipment must be located within the approved building envelope and must not be visible from the public domain.				
	2.905				
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.				
62. Tree Removal on Subject Site					
	Approval is granted for the removal of the following trees located on the subject site:				
	a. Any tree(s) where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling; and				
	b. Any declared noxious plant. The consent holder, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants; and				
	c. Any tree species listed under Clause 2.5 of Chapter 2.3 of the Canterbury-Bankstown DCP 2023; and				
	d. Any of the following tree/s:				
	<table border="1"> <thead> <tr> <th>Tree Species</th><th>Location</th></tr> </thead> <tbody> <tr> <td>1 x <i>Morus alba</i> (Mulberry)</td><td>Southeastern side of the development site</td></tr> </tbody> </table>	Tree Species	Location	1 x <i>Morus alba</i> (Mulberry)	Southeastern side of the development site
Tree Species	Location				
1 x <i>Morus alba</i> (Mulberry)	Southeastern side of the development site				
	All tree removal works must comply with the 'Amenity Tree Industry – Code of Practice', 1998 (Workcover, NSW) and 'Guide to Managing Risks of Tree Trimming and Removal Work' (Safe Work Australia 2016).				
	All other vegetation not specifically identified above, and protected by Councils Tree Management Order, is to be retained and protected from construction damage and pruning. The Tree Management Order protects trees over 5.0 metres in height from pruning or removal.				
	2.818				
	Condition reason: To protect the natural environment of the development site and adjoining lands.				

63.	Tree Removal on Nature Strip <p>Approval is granted for the removal of the following trees:</p> <table border="1"> <thead> <tr> <th>Tree Species</th><th>Location</th></tr> </thead> <tbody> <tr> <td>2 x <i>Hibiscus tiliaceus</i> (sea hibiscus)</td><td>Forward of the nature strip of the development site</td></tr> </tbody> </table> <p>The tree removal works are subject to the following conditions:</p> <ul style="list-style-type: none"> • All tree removal works must be carried out by a qualified arborist - minimum qualification Australian Qualification Framework (AQF) Level 3 or equivalent; • The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency; • The tree removal work shall comply with the <u>Amenity Tree Industry – Code of Practice, 1998</u> (Workcover, NSW) and the <u>Guide to Managing Risks of Tree Trimming and Removal Work</u> (Safe Work Australia 2016); • The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant. • All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level. • The site must be maintained in a safe condition at all times; • Appropriate hazard signage to be in place at all times during the tree works. <p>All other street vegetation not specifically identified above is to be retained and protected from construction damage and pruning.</p> <p>Condition reason: To protect the natural environmental of the development site.</p>	Tree Species	Location	2 x <i>Hibiscus tiliaceus</i> (sea hibiscus)	Forward of the nature strip of the development site
Tree Species	Location				
2 x <i>Hibiscus tiliaceus</i> (sea hibiscus)	Forward of the nature strip of the development site				

BEFORE BUILDING WORK COMMENCES

64.	Certifier details <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"> 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, 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, 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, d. the consent holder, if not carrying out the work as an owner-builder, has: <ol style="list-style-type: none"> 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 i. notified the principal certifier of the appointment, and ii. unless that person is the principal contractor, notified the principal contractor of
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	<p>any inspections that are required to be carried out in respect of the building work,</p> <p>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.</p> <p style="text-align: right;">3.202</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
65.	<p>Section 73 Compliance Certificate</p> <p>A Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be obtained from Sydney Water. It is recommended that the consent holder apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application can be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Section 73 Compliance Certificates, or telephone 13 20 92.</p> <p style="text-align: right;">3.203</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
66.	<p>Temporary fence or hoarding</p> <p>A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured.</p> <p>Where the work is located within 3.6m of a public place, then a Type A or Type B hoarding must be constructed appropriate to the work proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval before the commencement of building work/s.</p> <p style="text-align: right;">3.204</p>
	<p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
67.	<p>Dilapidation report</p> <p>Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than 7 (seven) days before the commencement of any site or building works and provide a copy of the report to Council at the same time.</p> <p style="text-align: right;">3.205.S</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
68.	<p>WC temporary toilet facilities on site</p> <p>Before the commencement of work, the consent holder must provide a temporary on-site toilet if access to existing toilets on site is not adequate/available. Temporary on-site toilet facilities must be installed and be adequately maintained throughout the construction period.</p> <p style="text-align: right;">3.206</p>
	<p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
69.	<p>Install Erosion control</p> <p>Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan,</p>

	<p>(as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).</p> <p style="text-align: right;">3.207</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
70.	<p>Soil and water management warning sign</p> <p>Council's warning sign for Soil and Water Management must be displayed throughout the construction period at the most prominent point of the site, visible to both the street and site.</p> <p style="text-align: right;">3.208</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
71.	<p>Sign with principal certifier details</p> <p>A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:</p> <ol style="list-style-type: none"> showing the name, address and telephone number of the principal certifier for the work, and showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the work site is prohibited. <p>Any such sign is to be maintained while the building work or demolition work is being carried out and must be removed when the work has been completed.</p> <p>Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p> <p style="text-align: right;">3.209.P</p> <p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
72.	<p>Contract of Insurance</p> <p>In the case of residential building work for which the <i>Home Building Act 1989</i> requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p> <p style="text-align: right;">3.210.P</p> <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
73.	<p>Residential building work</p> <p>Residential building work within the meaning of the <i>Home Building Act 1989</i> must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —</p> <ol style="list-style-type: none"> In the case of work for which a principal contractor is required to be appointed— <ol style="list-style-type: none"> the name and licence number of the principal contractor, and the name of the insurer by which the work is insured under Part 6 of that Act, In the case of work to be done by an owner-builder— <ol style="list-style-type: none"> the name of the owner-builder, and if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work</p>

	relates (not being the Council) has given the Council written notice of the updated information. 3.211.P
	Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.
74.	Tree protection measures
	Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place. 3.801.S
	Condition reason: To protect the natural environment of the development site and adjoining lands.

DURING BUILDING WORK

75.	Procedure for Critical Stage Inspections
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate. 4.101.S
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
76.	Works in accordance with Building Code of Australia (BCA)
	Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA). 4.201.P
	Condition reason: Prescribed condition - EP&A Regulation clause 98(1)(a).
77.	Unexpected Finds
	In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Council.
	Council may also request that an NSW EPA Accredited Site Auditor is involved to assist with the assessment of any unexpected finds, review any contamination information, prepare a site audit report, and site audit statement. The applicant must adhere to any additional conditions which may be imposed by the NSW EPA Accredited Site Auditor.
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
78.	Site Audit Statement
	Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement is to be obtained from an NSW EPA Accredited Site Auditor. The Site Audit Statement must confirm that the site has been remediated in accordance with the approved remedial action plan and that the site is suitable for the proposed use. Conditions on the site audit statement must form part of the consent.
	Where the site audit statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and approved by Council prior to the issue of a Site Audit Statement.

	4.603
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
79.	Survey of Contamination Containment Area
	The contamination containment area must be delineated and surveyed by a Registered Surveyor and identified on a survey drawing. The survey drawing must be submitted to the satisfaction of the supervising environmental consultant and be included in the validation report, prior to issue of a construction certificate.
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
80.	Waste Classification and Disposal of Contaminated Soil and Materials
	All soils and material, liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> and related guidelines, the 'Waste Classification Guidelines' (NSW EPA, 2014), prior to off-site disposal.
	The waste classification report, including the results of testing, must be compiled, or reviewed and approved by an appropriately qualified and certified consultant, and must be submitted to and approved by the principal certifier before off-site disposal. A copy of the waste classification report must be submitted to Council prior to issuing of an occupation certificate.
	All waste material must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to Council prior to issuing of an occupation certificate.
	All waste must be transported by a contractor licensed to transport the specific waste, and in vehicles capable of carting the waste without spillage and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
81.	Demolition and Construction Waste
	All waste material generated during demolition and construction must be disposed of at an appropriately licensed waste facility for the specific waste.
	All waste must be transported by a contractor licensed to transport the specific waste, and in vehicles capable of carting the waste without spillage and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
82.	Importation of Fill
	Any fill imported onto the site must be virgin excavated natural material or excavated natural material, classified as such in accordance the 'Waste Classification Guidelines' (NSW EPA, 2014) or excavated natural material meeting the requirements of the Excavated Natural Material Exemption (NSW EPA, 2014).
	Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be provided to Council prior to the issue of an occupation certificate. All imported fill must be compatible with the existing soil characteristics of the site.
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
83.	Duty to Report Contamination
	If the Duty to Report contamination to the NSW EPA under Section 60 of the <i>Contaminated Land Management Act 1997</i> is triggered, Council must be notified within seven (7) days of the notification to the NSW EPA.
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
84.	BASIX commitments
	While building work is being carried out, the consent holder must undertake the development

	strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies. 4.203.P
	Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.
85.	Hours of Work
	Building work or demolition work may only be carried out between 7.00am and 6.00pm on Monday to Friday, or between 8.00am and 1.00pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday. 4.204.S
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
86.	Noise and Vibration
	While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved documentation.
	Where no noise and vibration management plan is approved under this consent, the certifier is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the site work is being carried out. 4.205.S
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites
87.	Surveys by a registered surveyor
	While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier: a. All footings / foundations in relation to the site boundaries and any registered and proposed easements b. At other stages of construction – any marks that are required by the principal certifier. 4.206.S
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
88.	Civil and Hydraulic engineering works
	All civil and hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction. 4.301
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
89.	Stormwater drainage system
	The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the principal certifier. Should the consent holder encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, then they must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at their own expense. 4.302
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
90.	Driveway adequacy
	A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer

	<p>to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.</p> <p style="text-align: right;">4.306</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
91.	<p>Responsibility for Changes to Public Infrastructure</p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p style="text-align: right;">4.307.5</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
92.	<p>Excavated safely</p> <p>All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.</p> <p>If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the consent holder must, at their own expense:</p> <ol style="list-style-type: none"> Protect and support the building, structure or work from possible damage from the excavation, and Where necessary, underpin the building, structure or work to prevent any such damage. <p>This consent condition does not apply if the consent holder owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p>The owner of any affected buildings is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.</p> <p style="text-align: right;">4.308</p> <p>Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021. To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
93.	<p>Retaining walls</p> <p>If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Should it be required, separate approval must be obtained for retaining walls.</p> <p style="text-align: right;">4.310</p> <p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
94.	<p>Waste management</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> all waste management must be undertaken in accordance with the waste management plan, and upon disposal of waste, records of the disposal must be compiled and provided to , detailing the following: <ol style="list-style-type: none"> The contact details of the person(s) who removed the waste The waste carrier vehicle registration The date and time of waste collection

	<ul style="list-style-type: none"> iii. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill iv. The address of the disposal location(s) where the waste was taken v. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.</p> <p style="text-align: right;">4.502.5</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
95.	<p>Comply with Waste management plan</p> <p>The requirements of the submitted Waste Management Plan shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following:</p> <ul style="list-style-type: none"> a. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the <i>Protection of Environment Operations Act 1997</i>; and b. All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the <i>Protection of Environment Operations Act 1997</i>; and c. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW; and d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it; and e. Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/ details are also to be kept of person removing the waste; and f. All materials and resources that are to be stored on site during construction works are contained on the site; and g. The provisions of the <i>Protection of Environment Operations Act 1997</i> must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses; and h. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works. <p style="text-align: right;">4.503</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
96.	<p>Hazardous finds</p> <p>Any new information revealed during building work/s that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the principal certifier. Works are to cease until the new information is evaluated by an appropriately qualified and experienced environmental consultant and an appropriate response determined by the consent holder and/or owner which is agreed to by Council. Council may also request that a NSW EPA accredited site auditor is involved to assist</p>

	with the assessment of the new contamination information. 4.601
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
97.	No Stockpiling
	There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained. 4.605
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
98.	Keep free of water
	All excavations must be kept free from the accumulation of water. Before approval must be sought from Council to discharge any water into the Council's stormwater drainage system. Other options for the disposal of water include disposal to sewer with before approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility. 4.609
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.
99.	Implementation of the site management plans
	While site work is being carried out: a. the measures required by the construction site management plan (where approved) and the erosion and sediment control plan must be implemented at all times, and b. a copy of these plans must be kept on site at all times and made available to council officers upon request. 4.701.S
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
100.	Boundary fencing
	Where replacement boundary fencing is required to be installed, it must be 1.8 metres high unless otherwise shown on the approved plans or as stipulated within this Determination Notice. The materials and colours of the fence must be selected in consultation with the adjoining property owners unless the design of the fence and the type of material is specified to allow for overland flow. Fencing forward of the building line must not be greater than 1 metre in height. All costs related to fencing must be borne by the consent holder. 4.702
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
101.	Tree protection during work
	While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: a. the construction site management plan (where approved) under this consent, b. the relevant requirements of AS 4970 Protection of trees on development sites, c. Council's relevant development control plan (in force as at the date of determination of this consent), and d. any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones. 4.807.S

	Condition reason: To protect the natural environment of the development site and adjoining lands.
102. Tree protection	
	All work carried out on or around protected trees during demolition, clearing and construction shall comply with Australian Standard AS 4373 – ‘Pruning of amenity trees’ and Australian Standard AS 4970 – ‘Protection of trees on development sites’. Site specific conditions relating to tree protection shall take precedence over this requirement. 4.806
	Condition reason: To protect the natural environment of the development site and adjoining lands.
103. Threatening of trees	
	If any trees to be retained and protected are threatened by demolition, building or other site works through accidental omission or unforeseen circumstances, the approving authority is to be notified immediately in writing before such work is continued so that this issue can be resolved. 4.810
	Condition reason: To protect the natural environment of the development site and adjoining lands.
104. Discovery of relics and Aboriginal objects	
	<p>While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:</p> <ol style="list-style-type: none"> the work in the area of the discovery must cease immediately; the following must be notified <ol style="list-style-type: none"> for a relic – the Heritage Council; or for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> for a relic – the Heritage Council; or for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>In this condition:</p> <p>“relic” means any deposit, artefact, object or material evidence that:</p> <ul style="list-style-type: none"> relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or local heritage significance; and <p>“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. 4.901.S</p>
	Condition reason: To ensure the protection of objects of potential significance during works.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

105.	<p>Site Consolidation must be registered</p> <p>Consolidation of the existing allotments must be registered by NSW Land Registry Services before the issue of an occupation certificate. The plan for consolidation is to be registered with the relevant authority. Evidence of completed registration and suitable satisfactory documentation is to be submitted prior to the issue of a occupation certificate for the development.</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
106.	<p>Occupation certificate</p> <p>The occupation or use of the building must not commence unless an occupation certificate has been issued.</p> <p style="text-align: right;">5.201</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
107.	<p>Final registration of restriction for affordable in-fill housing</p> <p>Prior to the issue of the Occupation Certificate, the developer shall register, on the title of the subject property, a Restriction on the Use of Land, in accordance with Section 21 of <i>State Environmental Planning Policy (Housing) 2021</i>, and the appropriate provisions of the <i>Conveyancing Act 1919</i>, including wording to the following effect:</p> <p><i>For a period of at least 15 years commencing on the day an occupation certificate is issued for the development –</i></p> <ul style="list-style-type: none"> <i>a. The eleven dwellings proposed to be used for the purposes of affordable rental housing as shown in Annexure B, must be used for the purposes of affordable rental housing, in accordance with State Environmental Planning Policy (Housing) 2021.</i> <i>b. The affordable housing component will be managed by a registered community housing provider.</i> <p>The developer shall submit to Council an application for a Land Title Dealing, seeking Council's endorsement of a Section 88E Instrument under the Conveyancing Act, 1919. Final wording will be subject to Council's satisfaction.</p> <p>A statement shall be placed on the Section 88E Instrument that nominates Canterbury-Bankstown Council as the only authority empowered to release, vary or modify the restrictions created.</p> <p>The location of the "eleven dwellings proposed to be used for the purposes of affordable rental housing" shall be identified on an A4 size site plan attached to the Section 88E Instrument (Annexure B), and must be consistent with the approved plan (A-620, Revision J, plan titled "Area Calculations" which includes allocation of affordable housing units, prepared by Olsson Architecture Urban Projects, dated 30 November 2025).</p> <p>Evidence of the final registration of the Restriction on the title of the property shall be provided to Council and the principal certifier, prior to issue of the Occupation Certificate.</p> <p style="text-align: right;">5.309</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
108.	<p>Number of car parking spaces</p> <p>Eighty-eight (88) off-street car parking spaces shall be provided and maintained for the use of visitor and employees to the premises in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained for the lifetime of the development.</p>

	5.105
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
109.	Allocation of car parking spaces
	Eighty-eight (88) off-street car spaces being provided in accordance with the submitted plans. This shall comprise: <ul style="list-style-type: none"> a. Sixty (60) residential spaces b. Ten (10) residential visitor spaces c. Eighteen (18) business / commercial spaces. <p>Note: seven (7) of the required 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.</p> 5.106
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
110.	Accessible car allocations
	For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building. 5.107
	Condition reason: To ensure orderly development of land.
111.	Encroachment on Council land
	Before the issue of an occupation certificate, the principal certifier must ensure that no portion of the approved structure, including gates and doors during opening and closing operations, provides for encroachment upon Council's footpath area. 5.202
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
112.	Slab certification
	A report as prepared by a registered surveyor must be submitted to the principal certifier verifying that the reduced level (RL) of the finished floor level at each level, the height of external walls, the maximum reduced level (RL) of roof structures / roof eaves overhangs and the external wall setbacks to the property boundaries all conform with the approved plans. 5.203
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
113.	Preservation of survey marks
	Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that: <ul style="list-style-type: none"> a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or b. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure. 5.204.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.

114.	Post-construction dilapidation report Before the issue of an occupation certificate, a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing whether: a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and c. a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s). 5.205.S Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
115.	Mechanical ventilation Before the issue of an occupation certificate, the principal certifier must ensure that the car park is ventilated in accordance with the Building Code of Australia and, where necessary, Australian Standard AS 1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements. 5.206 Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
116.	Completion of Public Utility Services Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier. 5.207.S Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
117.	Section 73 certificate The Section 73 compliance certificate under the <i>Sydney Water Act 1994</i> must be submitted to the principal certifier before the issue of an occupation certificate. 5.208 Condition reason: To ensure compliance with the relevant New South Wales legislation.
118.	Mechanical ventilation Before issue of an occupation certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, must be submitted to the principal certifier. 5.209 Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
119.	Work Permit Compliance required An occupation certificate must not be issued until all conditions relating to demolition, building and subdivision works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable). 5.301

	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
120.	<p>Repair of infrastructure</p> <p>Before the issue of an occupation certificate:</p> <ol style="list-style-type: none"> any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent. <p style="text-align: right;">5.302.S</p>
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
121.	<p>Works-as-executed plans and any other documentary evidence</p> <p>Before the issue of the relevant occupation certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:</p> <ol style="list-style-type: none"> All stormwater drainage systems and storage systems, and The following matters that council requires to be documented in accordance with the Council's relevant Development Control Plan. A copy of the plans must be provided to council with the occupation certificate. <p style="text-align: right;">5.303.S</p>
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
122.	<p>Restriction of use / covenant</p> <p>The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the <i>Conveyancing Act 1919</i>.</p> <p>Where subdivision is not proposed, the surveyor shall show the location of the "On-Site Stormwater Detention System" on an A4 size site plan attached to the Section 88E Instrument to be registered, on the title of the subject property, before the issue of the Final Occupation Certificate. Alternatively, where subdivision is proposed, the developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the <i>Conveyancing Act</i>. The surveyor shall show the location of the "On-Site Stormwater Detention System" on the plan of subdivision. The developer shall submit evidence of the final registration of the Restriction and Positive Covenant on the title of the property, to Council.</p> <p style="text-align: right;">5.304</p>
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
123.	<p>Driveways certified</p> <p>A suitably qualified professional civil engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted before the issue of the occupation certificate or occupation of the site.</p> <p style="text-align: right;">5.307</p>

	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
124.	Give way signs
	The following signs must be provided and maintained within the site at the point(s) of vehicle egress: a. Compelling drivers to stop before proceeding onto the public way b. Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route. 5.308
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
125.	Confirmation of waste facilities
	No occupation certificate may be issued until such time as written confirmation has been received from Council that all waste management facilities and associated access have been constructed in accordance with the requirements of this consent. The waste management facilities include the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and doorway dimensions, truck turntables, bin tugs and bin lifting equipment. 5.501
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
126.	Agreement with Council
	Before the issue of any occupation certificate, an agreement must be entered into with Council on terms satisfactory to Council for the collection of waste. 5.502
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
127.	Removal of Waste Upon Completion
	Before the issue of an occupation certificate: a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the waste management plan, and b. written evidence of the waste removal must be provided to the satisfaction of the principal certifier. 5.503.S
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
128.	No Parking on waste collection days
	The consent holder is to obtain approval from the appropriate authority for the installation of a "No parking on waste collection days" (or similar) sign at the kerbside collection point at the designed waste collection point for the development. 5.402
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
129.	Acoustic validation
	The principal certifier shall obtain a report from an appropriately qualified acoustic consultant, not previously involved with the development, stating that the recommendations outlined in the acoustic report prepared by Vipac Engineers and Scientists Ltd, dated 16 September 2025 – Version 02, as referenced within this determination notice, have been implemented and that the relevant noise criteria have been satisfied before the issue of any occupation certificate. A copy of the report is to be submitted to Council before the issue of any

	<p>occupation certificate.</p> <p style="text-align: right;">5.605</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>				
130.	<p>Tree planting on-site</p> <p>The applicant is to plant 3 x replacement tree/s on the site as follows:</p> <ul style="list-style-type: none"> • 3 x replacement tree/s known to attain a minimum height of 8 metres at maturity. • Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.4 of <u>Bankstown Development Control Plan 2015 Part B11 – Tree Management Order</u>. • The tree/s shall have a container size not less than 75 litres, shall comply with <u>NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)</u> or <u>Australian Standard AS 2303 – 2015 Tree stock for landscape use</u> • The tree/s shall be planted no closer than 3.5 metres from the wall of any approved dwelling on the property. • The tree/s shall be planted so that future growth is not in conflict with overhead electricity wires. • The tree/s shall be maintained for the life of the development. <p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>				
131.	<p>Tree planting on nature strip</p> <p>The applicant is to plant the following replacement tree/s on the nature strip forward of the property. The tree/s shall have a container size not less than 75 litres, shall comply with <u>NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)</u> or <u>Australian Standard AS 2303 – 2015 Tree stock for landscape use</u>, and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-202:</p> <table border="1"> <thead> <tr> <th>Tree Species</th><th>Location</th></tr> </thead> <tbody> <tr> <td>5 x <i>Corymbia ficifolia</i> (flowering gum) Or 5 x water gum (<i>Tristanopsis laurina</i>) Or 5 x dwarf yellow bloodwood (<i>Corymbia eximia nana</i>)</td><td>Total of five (5) street trees to be planted as per landscape plan: <ul style="list-style-type: none"> • Two (2) trees fronting Auburn Road in the existing locations; and • Three (3) additional trees fronting Neutral Avenue. </td></tr> </tbody> </table> <p>Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to:</p> <ul style="list-style-type: none"> • Carry out engineering works to protect those services from damage; or • Relocate the plantings to a more suitable location following written approval from Canterbury Bankstown Council; or • Substitute the approved tree species with an alternative species following written approval from Canterbury Bankstown Council. <p>The trees shall be planted by a qualified landscape contractor with experience in handling advanced sized tree stock, and in accordance with the tree delivery, planting preparation – general, planting, mulching and staking specifications included in Standard Drawing No. S-202.</p> <p>Once the trees have been planted, a tree protection fence located at a 2.0 metre radius from the trunk of each tree shall be installed to protect the trees during the demolition and</p>	Tree Species	Location	5 x <i>Corymbia ficifolia</i> (flowering gum) Or 5 x water gum (<i>Tristanopsis laurina</i>) Or 5 x dwarf yellow bloodwood (<i>Corymbia eximia nana</i>)	Total of five (5) street trees to be planted as per landscape plan: <ul style="list-style-type: none"> • Two (2) trees fronting Auburn Road in the existing locations; and • Three (3) additional trees fronting Neutral Avenue.
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	<p>construction phases. The fences shall be constructed of chain wire mesh 1.80 metres high supported by steel posts, shall not be removed or altered, and are to remain in place for the duration of the site works.</p> <p>During the construction phase the trees shall be watered and maintained in accordance with the tree establishment and maintenance requirements included in Standard Drawing No. S202.</p> <p>The Applicant shall contact Council to book an inspection by the Tree Management Officer of the completed tree planting once the tree protection fence has been installed, and again once the works have been completed prior to the issue of an occupation certificate. Inspections must be booked at least 5 working days prior to being required.</p> <p>Refer to: Standard Drawing S-201 Tree Planting [<200L] in Paved Verge With Path.</p> <p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>
132.	<p>Completion of Landscape and Tree Works</p> <p>Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate.</p> <p>The landscaping shall be maintained for the life of the development.</p> <p style="text-align: right;">5.701.S</p> <p>Condition reason: To protect the natural environment of the development site and adjoining lands and to ensure the development is built and remains consistent with approved plans and documentation.</p>
133.	<p>Key card access</p> <p>Before the issue of an occupation certificate, the principal certifier must ensure that access to the residential lobby is secured through a key card, swipe card, intercom or other method to restrict access to the lobby to only residents or visitors.</p> <p style="text-align: right;">5.901</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
134.	<p>Master locks</p> <p>Before the issue of an occupation certificate, the principal certifier must ensure that the letterboxes installed have non-master key locks, to prevent theft and fraud.</p> <p style="text-align: right;">5.902</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
135.	<p>CCTV surveillance cameras</p> <p>Before the issue of an occupation certificate, the principal certifier is to ensure that on-site CCTV surveillance cameras have been strategically installed with night vision capabilities, and that they will operate and be maintained throughout the development with particular coverage to:</p> <ol style="list-style-type: none"> principal entrance/s and exits, including entry/exit to underground carpark as well as entry/exit to all doors and fire-doors; all areas within the premise occupied by the public (excluding toilets); staircases in multilevel premises; and

	<p>d. the area within a 10m radius external to the public entrance(s) to the premise.</p> <p>Installation of the surveillance system is to ensure suitable and clearly visible signage is displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".</p> <p>All CCTV recording equipment and cameras shall be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.</p> <p>CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.</p> <p>All CCTV recording devices and cameras shall be regularly checked to ensure the equipment is operating correctly. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.</p> <p>All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour before opening and closing times of the premises.</p> <p>The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage.</p> <p>Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.</p> <p>Each mailbox should have a secure lock with CCTV coverage.</p> <p style="text-align: right;">5.903</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
136.	<p>Property numbering</p> <p>The buildings / dwellings must be readily identified from the street with the allocated house numbers. An official "property numbering" letter is issued to the consent holder indicating the proposed numbering of the new development. House numbering without Council's written approval is not permitted.</p> <p style="text-align: right;">5.904</p>
	<p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
137.	<p>Lighting must be provided to entries</p> <p>Lighting must be provided to the entries of the building, commercial/retail tenancies, apartments, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. All lighting must be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.</p> <p style="text-align: right;">5.906</p>

	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
138.	Design of lighting
	Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282 – ‘The Control of the Obtrusive Effects of Outdoor Lighting’.
	5.907
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites and to ensure compliance with the relevant Australian Standard and National Construction Code.
139.	Design principles – Housing SEPP
	Before the issue of any occupation certificate a design verification from a qualified designer shall be submitted to the principal certifier. The design verification is a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in the Housing SEPP.
	5.908
	Condition reason: To ensure compliance with the relevant New South Wales legislation.

OCCUPATION AND ONGOING USE

140.	Communal facilities
	The ‘communal open space’ areas on Level 2 and Level 5 must be available for the use of all residents of the building, and must be operated as common property on any strata subdivision of the site, with no exclusive use rights given.
	7.104
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
141.	Use of communal areas
	The use of the outdoor communal areas is subject to the following restrictions:
	a. Hour of use is limited to 7.00am to 10.00pm, Monday to Saturday and 8.00am to 10.00pm, Sunday and Public Holidays.
	b. Music and other amplified sound are not permitted.
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
142.	Parking spaces
	No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats.
	7.106
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
143.	Use of roof
	No approval is granted or implied for the use of any roof element for any purpose other than for gaining access to carry out maintenance or repairs, or for use of the Level 5 communal open space area.
	7.114
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

144.	Further Acoustic Assessment
	Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner/ occupier must, upon request by Council, employ the services of a qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment of the development and complete an acoustic report with recommendations to rectify the situation. A copy of this acoustic assessment report must be submitted to Council for approval and from there noise attenuation works must be implemented. Submission of the acoustic report must be within 30 days from the date requested by Council.
	Condition reason: To protect the amenity of the surrounding area.
145.	Compliance with Noise Control Legislation
	The applicant must ensure that all activities within the premises comply with the relevant sections of the <i>Protection of the Environment Operations Act 1997</i> and Regulations and the Noise Policy for Industry (NSW EPA, 2017).
	Condition reason: To protect the amenity of the surrounding area.
146.	Vibration
	The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).
	Condition reason: To protect the amenity of the surrounding area.
147.	Car parking not for storage
	The approved car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors' vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
	7.301
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation and to provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
148.	Waste generated on site
	All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the <i>Protection of the Environment Operations Act 1997</i> . All waste generated shall be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts shall be made available to Council on request.
	7.504
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
149.	Stormwater Detention
	The on-site stormwater detention storage system within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Council.
	7.302
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
150.	Maintenance of wastewater and stormwater treatment device
	During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).

	7.303.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
151. Traffic signal maintenance	
	Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway. This is to ensure that vehicles entering the site do not have to wait at the top of the ramp, and vehicles wishing to exit the site must wait for entering vehicle in the basement at the waiting bay.
	7.401
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
152. Enter / Exit in forward direction	
	All vehicles associated with the development are to enter and exit the site in a forward direction.
	7.402
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement/ parking.
153. Waste Management Plan	
	The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out.
	7.501
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
154. Commercial waste contract	
	The consent holder shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
	7.502
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
155. Commercial waste	
	All commercial uses must engage and utilise the services of a private waste collection service and must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal.
	7.503
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
156. Bin room signage	
	Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.
	7.505
	Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.
157. Waste and recycling policy	
	The development must be carried out in compliance with Council's "Domestic Waste and Recycling Service Policy and Guideline".

	7.506
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
158. Waste containers	
	No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
	7.507
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.
159. On-Site Collection Point	
	The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is always to be kept clear of obstructions so not to restrict the collection of waste and recycling bins.
	7.511
	Condition reason: To ensure compliance with the relevant Canterbury-Bankstown policy.
160. Collect and Return Service	
	The nominated collect and return collection point are to be utilised to facilitate the collection of waste and recycling bins for the development.
	7.512
	Condition reason: To ensure compliance with the relevant Canterbury-Bankstown policy.
161. Maintenance of landscaping	
	The approved landscaping and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
	Landscaping must be regularly maintained and kept to a minimal height as to no person should be able to conceal themselves behind vegetation or gardens.
	7.701
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
162. Waste Storage and Disposal – Multistorey Premises	
	The waste storage room must be provided with smooth and impervious walls and floors and coved at the intersection of the floor and walls. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Waste storage rooms must be well ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning. Open waste storage areas must be appropriately covered and bunded. The ground must be paved with impervious material and must be graded and drained to a wastewater disposal system according to Sydney Water's requirements. A hose tap connected to a water supply must be provided.
	All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the <i>Protection of the Environment Operations Act 1997</i> . All waste generated must be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts must be made available to Council on request.
	Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.
163. Protection of Environment	
	Any activity carried out in accordance with this approval must not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the <i>Protection of the</i>

	<p><i>Environment Operations Act 1997</i> and Regulations.</p> <p>The use and operation of the premises must not cause the emission of any odours that, by reason of its level, nature, character or quality is likely to be harmful to or interfere unreasonably with the comfort or repose of person who is outside the premises.</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
164.	<p>Use of Car Parking Spaces and Driveways</p> <p>The car parking spaces, driveways and manoeuvring areas must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.</p> <p>The car parking spaces, driveways and manoeuvring areas must not be used for the manufacture, storage or display of goods, materials or any other equipment (includes mobile food vending vehicles).</p> <p>All parking spaces are to be clearly signposted and marked in accordance with the approved plans.</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement/ parking.</p>
165.	<p>General Amenity</p> <p>The operation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, wastewater, waste products, grit, oil or other harmful products.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
166.	<p>Maintenance of Lighting</p> <p>Any lighting of the premises must be installed in accordance with AS/NZS 4282-2019, 'Control of the obtrusive effects of outdoor lighting', to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights must be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.</p> <p>7.902</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
167.	<p>Internal and external lighting</p> <p>All internal and external lighting is to comply with Australian Standards AS: 1158, to ensure the safety of residences during the day and especially at night when entering and leaving the area, sensor lighting should be considered.</p> <p>Condition reason: To protect the amenity of the residents.</p>
168.	<p>Awning design and lighting</p> <p>The awnings for the development are to be in accordance with the 'awning design' requirements as contained in the CBDP 2023.</p> <p>Lighting must be provided to the underside of an awning using vandal resistant, high mounted light fixtures.</p> <p>Condition reason: To protect the amenity of the surrounding area and to ensure compliance with the relevant Canterbury-Bankstown policy.</p>
169.	<p>Electrical Vehicle charging equipment</p> <p>Where appropriate, the development is to include EV charging infrastructure.</p> <p>Condition reason: To ensure compliance with the relevant policy.</p>
170.	<p>No external signage</p> <p>No external signage is approved under this development consent. External signage details</p>

	<p>must be submitted to Council for approval before installation, unless installed in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
171.	<p>Location of mechanical ventilation</p> <p>During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.</p> <p style="text-align: right;">7.631.5</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
172.	<p>Complaints register</p> <p>The Building Management must implement and maintain a complaint handling procedure. Every complaint must be recorded on a Complaint Form and kept in a Complaints Register. The Complaint Form must contain the following information:</p> <ol style="list-style-type: none"> Name, address and contact details of the complainant; and Time and date the complaint was received; and The nature of the complaint or incident (see below what constitutes an incident); and The time and date the incident occurred; and The name of the employee that received the complaint; and Actions taken to investigate the complaint and the summary of the results of the investigation; and Indication of what was occurring at the time the incident was observed; Required remedial action; and Validation of the remedial action; and Summary of feedback to the complainant and name of employee who gave the feedback. <p>Incident includes:</p> <ul style="list-style-type: none"> Any breach of a plan of management (where applicable); Any complaint by any person about the operation of the premises; Any complaint by any person about noise emanating from the premises; or Any event that may cause concern to any person as a result of the conduct and/or an act of any person(s) on, entering or exiting the premises. <p>All complaints received shall have an initial investigation commencing within seven days.</p> <p>The Complaints Register must always be held on the premises, and shall be reviewed monthly by Building Management to ensure all complaints are being investigated and resolved in a timely manner.</p> <p>The Complainant must be notified of the results and actions arising from the investigation.</p> <p>The Complaints Register must contain a direction that all complaints of a criminal nature are to be reported to the Police immediately.</p> <p>A copy of the Complaints Register shall be provided to Council or Police immediately upon request.</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>

173.	Plan of Management displayed
	The Plan of Management shall be displayed in prominent locations within the building. The Building Management shall be responsible for ensuring that the terms of the Plan are always adhered to.
	Condition reason: To ensure compliance with the relevant New South Wales legislation.

Appendix A – WaterNSW General Terms of Approval



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1164100
Issue date of GTA: 15 October 2025
Type of Approval: Water Supply Work
Description: 80mm submersible pump
Location of work/activity: 77-81 Auburn Road and 19 Neutral Avenue Birrong NSW 2143
DA Number: DA-522/2025
LGA: Canterbury-Bankstown Council
Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources 2023

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
Dewatering	
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity, temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with

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General Terms of Approval

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Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources 2023

- the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.watnsw.com.au/customer-service/water-licensing/dewatering
- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

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General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

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Description:	80mm submersible pump
Location of work/activity:	77-81 Auburn Road and 19 Neutral Avenue Birrong NSW 2143
DA Number:	DA-522/2025
LGA:	Canterbury-Bankstown Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2023
GT0174-00001	Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval. b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.
GT0279-00001	A construction certificate can be issued for excavation work in accordance with a valid development consent; however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0281-00001	A water access licence, for the relevant water source, must be obtained prior to extracting groundwater, unless an exemption applies. Advisory Note: See Schedule 4 of the Water Management (General) Regulation 2025.

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SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA-522/2025 as provided by Council:

- Geotechnical Investigation, 77-81 Auburn Road and 19 Neutral Avenue, Birrong NSW, prepared for SDT Constructions Pty Ltd, E24238.G03_Rev1, dated 25 September 2025, prepared by EI Australia Pty Ltd.
- Architectural Plans, prepared for SDT Constructions Pty Ltd, Project: Mixed-Use Development, 77-81 Auburn Rd & 19 Neutral Ave - Birrong, drawn by LT/MA, dated 9/10/2025, Rev O., Olsson Architecture & Urban Projects.

Appendix B – Ausgrid Conditions



TELEPHONE: 13 13 65
EMAIL: development@ausgrid.com.au

24-28 Campbell St
Sydney NSW 2000
All mail to:
GPO Box 4009
Sydney NSW 2001
T +61 2 13 13 65
ausgrid.com.au

This letter is Ausgrid's response under section 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Ausgrid consents to the development subject to the following conditions: -

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

Ausgrid Underground Cables are in the vicinity of the development.

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA)

In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Ausgrid Overhead Powerlines are in the vicinity of the development.

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

New Driveways - Proximity to Existing Poles

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

New or modified connection

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Should you require further information please contact Ausgrid via email to Development@ausgrid.com.au

- END -

Canterbury Bankstown Local Planning Panel - 03 March 2026

ITEM 3	<p>67 Auld Avenue, 41 and 77 Keys Parade, 1 Luderick Avenue, 40 Prescott Parade and 265 Horsley Road, Milperra (previously known as 40 and 56 Prescott Parade, 67, 67A, 90 and 100 Auld Avenue and 265 Horsley Road, Milperra)</p> <p>Construction of a publicly accessible shared cycleway and pedestrian access path along the Georges River, including elevated sections, and a bridge over mangroves and the northern creek, and ancillary works</p> <p>The proposed development is designated development, and nominated integrated development requiring a Controlled Activity Approval under the Water Management Act 2000</p>
FILE	DA-1524/2023 – Bunya / Revesby Ward
ZONING	RE1 Public Recreation RE2 Private Recreation R2 Low Density Residential SP2 Infrastructure: Road Infrastructure Facility
DATE OF LODGEMENT	15 March 2024
APPLICANT	Mirvac Limited
OWNERS	Mirvac Homes (NSW) Pty Limited Abacus Riverlands Investments Pty Limited Canterbury Bankstown Council Roads and Maritime Services
ESTIMATED VALUE	\$3,362,053
AUTHOR	Planning

REPORT

In accordance with the Local Planning Panels Direction made by the Minister for Planning and Public Spaces, the Canterbury-Bankstown Local Planning Panel is required to determine applications that are defined as “Designated Development”. The subject development triggers this referral criteria and as such, is reported to the Canterbury Bankstown Local Planning Panel for determination. There is also a very small section of the proposed development that crosses Council-owned land, and this also triggers the referral criteria for applications on Council land to be reported to the Panel.

Development Application DA-1524/2023 proposes the construction of a publicly accessible shared cycleway and pedestrian access path along the Georges River, including elevated sections, and a bridge over mangroves and the northern creek, and ancillary works.

DA-1524/2023 has been assessed against the relevant provisions contained within the Environmental Planning and Assessment Act, 1979, including assessment against the following: Water Management Act 2000, Biodiversity Conservation Act 2016, Coastal Management Act 2016, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, the Canterbury Bankstown Local Environmental Plan 2023 and the Canterbury Bankstown Development Control Plan 2023.

The application was advertised and notified for a period of twenty-eight (28) days, from 17 April to 15 May 2024. No submissions were received.

Consistent with Canterbury Bankstown Council’s Council-Related Development Application Policy, the assessment of the subject application has been peer reviewed by an independent external Town Planner. The findings of that peer review are included for the Panel’s information at Attachment 3.

POLICY IMPACT

The proposed development will not have any direct policy implications.

FINANCIAL IMPACT

The proposed development will not have any direct financial implications.

RECOMMENDATION

It is recommended that Development Application DA-1524/2023 be **APPROVED** subject to Conditions of Consent in Attachment 2.

ATTACHMENTS

1. Section 4.15 Assessment Report
2. Conditions of Consent
3. Peer Review Report

DA-1524/2023 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

The subject site was previously known as 40 and 56 Prescott Parade, 67, 67A, 90 and 100 Auld Avenue and 265 Horsley Road, Milperra.

Under Development Application DA-1107/2019, which was approved on 16 June 2022 by the NSW Land and Environment Court as part of the wider development of the former Riverlands Golf Course site, the existing twenty-seven (27) lots that made up the Riverlands Golf Course site as defined in the Canterbury Bankstown Local Environmental Plan 2023 were subdivided into six (6) new lots that better aligned with the future re-development works. The associated subdivision certificate was approved by Council on 28 March 2025, some 12 months after the subject Development Application was lodged with Council.

Following the registration of the subdivision certificate, the development site is now known as:

- 67 Auld Avenue, Milperra (Lot 4, DP 1261511), currently zoned RE1 Public Recreation (this part of the site is an elongated 20m wide lot that adjoins the Georges River to the west);
- 41 and 77 Keys Parade, Milperra (Lots 2 & 3, DP 1261511), currently zoned RE2 Private Recreation (being two undeveloped sites that are not subject to any approved works);
- 40 Prescott Parade, Milperra (Lot 5 DP 731859), currently zoned RE1 Public Recreation (an existing, Council-owner lot adjacent to the M5 Motorway that has a small frontage to the Georges River);
- 1 Luderick Avenue (Lot 1 DP 271266), currently zoned R2 Low Density Residential (part of the residential site where the development of dual occupancies and dwellings is currently underway); and
- 265 Horsely Road Milperra (Lot 30 DP 827142), being the part of the site that sits below the existing M5 Motorway, which is currently zoned SP2 Infrastructure: Road Infrastructure Facility.

The development site is an irregular allotment that contains existing established vegetation located generally along the eastern bank of the Georges River. The surrounding development consists of similar natural vegetation, and adjoins Council-owned land to the north, known as the Vale of Ah, and is located in close proximity to the currently-underway redevelopment of R2-zoned land where the construction of single dwellings and dual occupancy developments is occurring.



Figure 1: Aerial Photo of the site (the site highlighted in light pink)
Source: NearMap, 2025

PROPOSED DEVELOPMENT

Development Application DA-1524/2023 proposes the construction of a publicly accessible shared cycleway and pedestrian access path, 2.5kms in length, along the Georges River, including elevated sections and a bridge, over mangroves and the northern creek, and ancillary works.

These works are a requirement of a Planning Agreement between Council and Mirvac Limited, the developer of the former Riverlands Golf Course site.

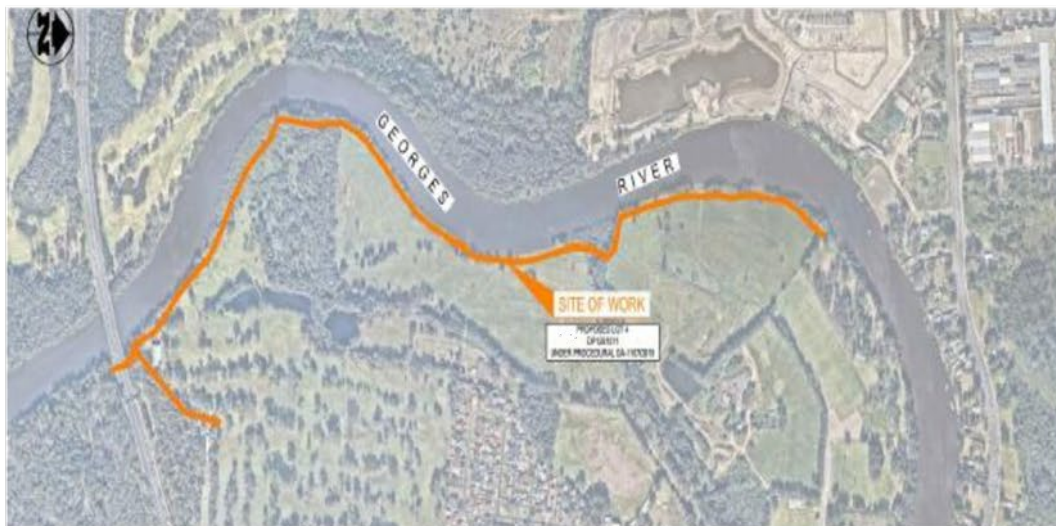


Figure 2: Indicative pathway alignment **Source:** EIS, Keylan, 2023



Figure 3: Pathway render **Source:** EIS, Keylan, 2023



Figures 4 - 5: Pathway renders Source: EIS, Keylan, 2023

DESIGNATED DEVELOPMENT

Pursuant to section 2.7(2) of State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP), the development is categorised as “designated development” as it involves development on land identified as “coastal wetlands” on the *Coastal Wetlands and Littoral Rainforests Area Map*.

The areas highlighted in blue in the figure below form part of coastal wetlands as identified on the *Coastal Wetlands and Littoral Rainforests Area Map*.

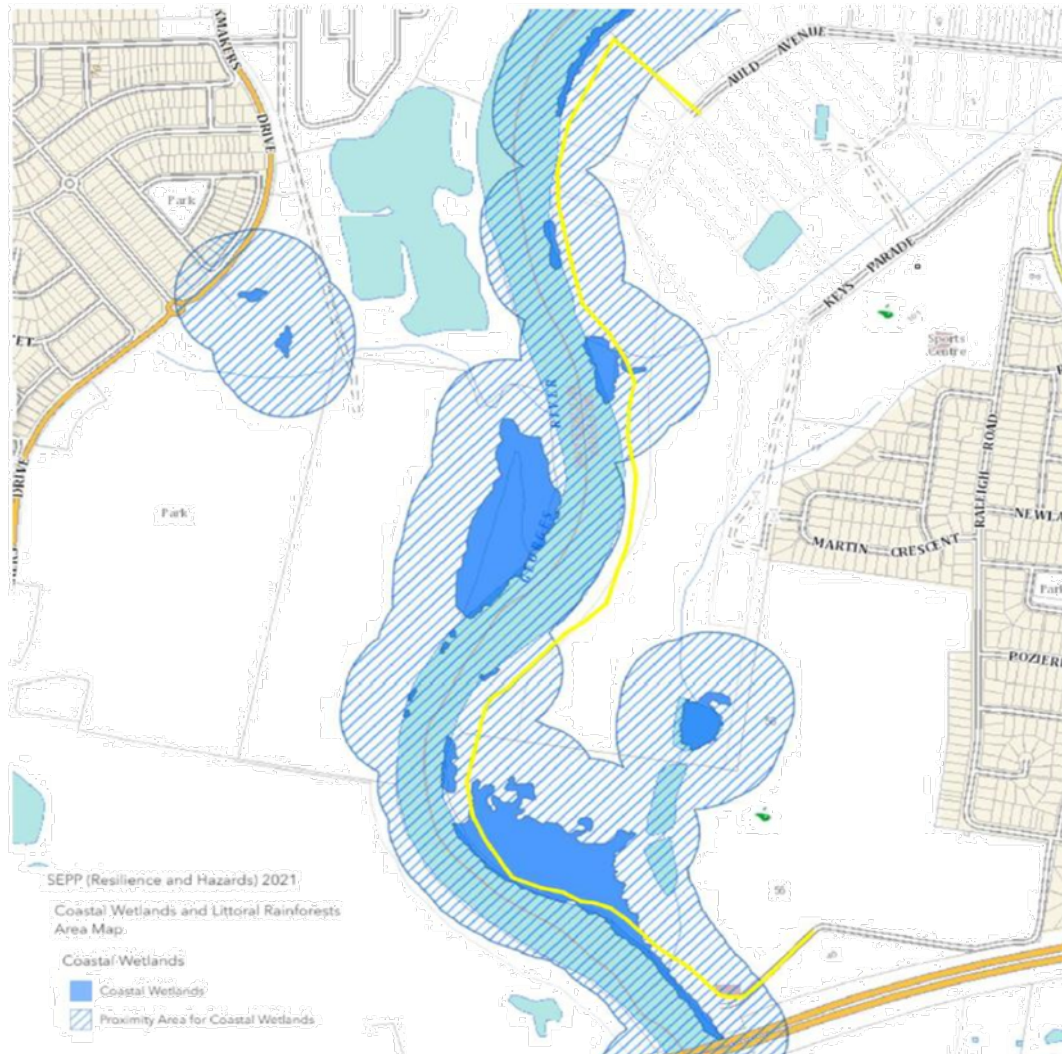


Figure: 6 Coastal Wetlands (in blue) Source: EIS, Keylan, 2023

As such, prior to the preparation of an Environmental Impact Statement (EIS) the applicant applied to the Secretary of the NSW Department of Planning, Housing and Infrastructure for the Secretary’s Environmental Assessment Requirements (SEARs) with respect to the proposed development. The required considerations of the SEARs have been addressed within the EIS submitted in support of the proposed development.

LEGISLATIVE CONSIDERATIONS

The subject development requires assessment against a number of Acts that sit outside the matters for consideration within Section 4.15 of the *Environmental Planning and Assessment Act, 1979*. These Acts are as follows:

- Biodiversity Conservation Act, 2016,
- Coastal Management Act, 2016,
- Water Management Act, 2000,
- National Parks and Wildlife Act, 1974.

Biodiversity Conservation Act 2016 (and Coastal Management Act 2016)

The *Biodiversity Conservation Act 2016* requires a Biodiversity Development Assessment Report (BDAR) to be prepared where a development is likely to significantly affect threatened species. Furthermore, the *Coastal Management Act, 2016* provides management objectives for coastal wetlands, which are present within the development footprint of the proposed works. The BDAR is also required to consider the impacts of the development on coastal wetlands.

As such, a Biodiversity Development Assessment Report (BDAR) has been prepared in accordance with the Secretary's Environmental Assessment Requirements. The works associated with the proposal will result in the impact on a number of threatened ecological communities (TEC's) identified in Schedule 2 of the *Biodiversity Conservation Act 2016* (BC Act 2016). Those TEC's are as follows:

- River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions [PCT 835] (Endangered),
- Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions [PCT 1232] (Endangered),
- Mangrove Forests in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion [PCT 920] (Endangered),
- Cumberland Plain Woodland in the Sydney Basin Bioregion [PCT 849] (Critically Endangered).

Of the four above TEC's listed by the BC Act 2016, three are also declared in the *Environmental Protection Biodiversity Conservation Act 1999* (EPBC Act 1999) (Commonwealth Legislation) as being threatened ecological communities. These are:

- River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions [PCT 835] (Critically Endangered),
- Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions [PCT 1232] (Endangered),
- Cumberland Plain Woodland in the Sydney Basin Bioregion [PCT 849] (Critically Endangered).

The BDAR goes into detail as to how the proposed alignment for the project was selected, as alternative alignments were considered in an effort to avoid and minimise impacts on biodiversity values. The investigation of alternative alignments was undertaken in order to satisfy Section 6.4 of the BC Act 2016, which requires

that only after any steps taken to avoid or minimise those impacts can a Biodiversity Offset be considered. The BDAR has found that the option selected for the project had the least impact on biodiversity values in the area and as such, it is considered that the proposal has taken appropriate steps to avoid or minimise biodiversity impacts.

A total of 33.17ha of native vegetation (including planted natives) has been mapped across the former Riverlands Golf Course site, 1.01ha of which occurs within the land the subject of this Development Application. All of this 1.01 hectares of vegetation will be impacted, and all 1.01 hectares of it is listed as Threatened Ecological Communities under the *Biodiversity Conservation Act 2016*, and 0.99 hectares is listed as Threatened Ecological Communities under the EPBC Act.

0.28 hectares will be fully cleared, while 0.73 hectares will only contain temporary understorey impacts as part of temporary work zones within the development site. This understorey disturbance will be revegetated/enhanced under the existing Riparian Corridor Vegetation Management Plan, approved under one of the earlier DAs approved by the NSW Land and Environment Court.

Following completion of construction of the Shared Path, the already approved Riparian corridor enhancement works proposed under the Vegetation Management Plan will enhance the condition of approximately 4 hectares of retained vegetation and revegetate a further approximately 5.5 hectares. This represents appropriate mitigation for this proposal, in conjunction with the wider redevelopment of the former Riverlands Golf course site.

Due to the relatively minor extent of excavations, it is unlikely that interception of groundwater flows would significantly affect ecosystems within the proposal area. The proposal is not expected to substantially interfere with subsurface, or groundwater flows associated with the Georges River. The proposal demonstrates that it will not result in any significant adverse impacts on the hydrological integrity of coastal wetlands, in accordance with Clauses 2.7 and 2.8 of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Previous surveys of the former Riverlands Golf Course site have identified hollow-bearing trees (HBTs) being present across the entire site. The BDAR clearly states that no hollow-bearing trees will be removed as a result of the EIS proposal.

The biodiversity credits are calculated using the BAM-Credit Calculator (BAM-C) and allow for the development of a Biodiversity Offset Strategy and this would be integrated with the Biodiversity Offset requirements for the proposal. The biodiversity credit requirements for the EIS proposal are summarised in the following table:

Biodiversity value requiring offsetting in accordance with BAM	Type of credit	Number of credits
Mangrove Forests in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion [PCT 920]	Ecosystem	3
Forest Red Gum-Rough-barked Apple Grassy Woodland on Alluvial Flats of the Cumberland Plain, Sydney Basin Bioregion [PCT 835]	Ecosystem	2
Swamp Oak floodplain swamp forest, Sydney Basin Bioregion and South East Corner Bioregion [PCT 1232]	Ecosystem	14
Cumberland Plain Woodland in the Sydney Basin Bioregion [PCT 849]	Ecosystem	5
Total number of ecosystem credits		24
Southern Myotis (<i>Myotis macropus</i>)	Species	25
Green and golden bell frog (<i>Litoria aurea</i>)	Species	1
Total number of species credits		26

Assessments of impacts were conducted for all threatened species and ecological communities considered likely to be affected by the EIS proposal. These impact assessments determined that the EIS proposal is unlikely to lead to a significant impact on threatened species, populations, ecological communities or their habitats.

Key recommendations are as follows:

- Limit the removal of native vegetation and threatened ecological communities where practical during detailed design and construction.
- Comply with the existing Vegetation Management Plan and Green and Golden Bell Frog Management Plan that apply to the wider development of the former Riverlands Golf Course site, as they apply to the Development Applications approved by the NSW Land and Environment Court in June 2022.
- Implement mitigation measures as outlined in Section 9 of the submitted Biodiversity Development Assessment Report to limit indirect and direct impacts to biodiversity values before and during construction.

Council's Environmental Planner has reviewed the submitted BDAR as well as the overall proposal and determined the methodology of the report, and the recommendations contained within, to be sound and worthy of support, citing the relevant sections of the BC Act 2016 and the EPBC 1999 Act. It is considered that the proposed impacts on the TEC's are able to be supported based on the information contained within the submitted BDAR, subject to conditions of consent.

Water Management Act 2000

Section 91 of the *Water Management Act 2000* requires a "controlled activity approval" to be issued for works that are located within 40m of a watercourse (the Georges River). The works proposed under the subject Development Application are located in close proximity to the banks of the George's River. The Development Application is therefore "nominated integrated development" in accordance with section 4.46 of the *Environmental Planning and Assessment Act, 1979*. The DA has been referred to the Department of Climate Change, Energy, the Environment and Water (DECCEW) – Water Group, seeking their General Terms of Approval. General Terms of Approval were provided on 21 November 2025 and are included as recommended conditions of consent.

National Parks and Wildlife Act, 1974

The National Parks and Wildlife Act, 1974 manages and protects Aboriginal Cultural Heritage. As a requirement of the SEARs, an Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared for the Applicant, in order to assess the potential impacts of the proposed works on potential Aboriginal Heritage. The ACHAR did not identify any Aboriginal sites being recorded in the proposed area of works and the potential for subsurface Aboriginal sites was negligible.

The ACHAR confirmed that the proposed works do not require any Aboriginal objects to be either destroyed, damaged or defaced. Were this to be the case, an Aboriginal Heritage Impact Permit (AHIP) would need to be obtained, in accordance with Section 90 of the *National Parks and Wildlife Act, 1974*, from the Department of Energy, Climate Change, the Environment and Water, via Heritage NSW. This is not required in this instance. However, it is noted that an AHIP already applies to the wider Riverlands Golf Course site, in relation to works already approved under the earlier DAs by the NSW Land and Environment Court, and the requirements of that AHIP still apply to that land and must be adhered to. The ACHAR makes a number of recommendations that need to be followed while work progresses, particularly including the need for the preparation of an Unexpected Finds Protocol to ensure any unexpected finds that may occur during works can be appropriately protected and dealt with. Conditions of consent will reflect this.

SECTION 4.14 ASSESSMENT UNDER THE EP&A ACT, 1979**Consultation and Development Consent – Certain Bush Fire Prone Land**

Parts of the site on which the EIS proposal are proposed are mapped as being bushfire prone land and as such, Section 4.14 of the *Environmental Planning and Assessment Act 1979* ("the EP&A Act") is applicable. A Bushfire Report has not been completed for this project as a separate document, as the NSW Rural Fire Service (RFS) has indicated during the consultation period for the SEARs that it had no specific concerns regarding the proposed development relating to bushfire protection. It is also noted that the proposed development is not "integrated development" for the purposes of bushfire prone land under the Rural Fires Act, 1997, in accordance with Section 4.46 of the EP&A Act.

Regardless, the applicant has engaged Building Code & Bushfire Hazard Solutions Pty Limited to prepare a Bushfire Threat Assessment, to address the requirements of Planning for Bushfire Protection 2019. As the pathway will be constructed from materials that are either non-combustible (steel and concrete) and Fire-Reinforced Plastic (can be produced with varying levels of fire resistance), and as the pathway will be remote from residential development (which the PBP document is focused on), the threat of bushfire associated with the proposed development is minimal.

As a result, it is considered that the proposed development satisfactorily addresses the requirements of Section 4.14 of the EP&A Act.

SECTION 4.15 ASSESSMENT UNDER THE EP&A ACT, 1979

When determining this application, the relevant matters listed in Section 4.15 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 (CBLEP 2023),
- Canterbury Bankstown Development Control Plan 2023 (CBDCLP 2023),
- Canterbury Development Contributions Plan 2013 (Contributions Plan 2013).

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Requirement	Comment	Comply
Chapter 2 Vegetation in non-rural areas		
Note: Chapter 2 applies to the proposed removal of all non-exempt vegetation		
Note: As defined in Part 5A of the Local Land Services Act 2013 No51, 'Native vegetation' means any of the following types of plants native to New South Wales – <ul style="list-style-type: none"> • Trees (including any sapling or shrub or any scrub), • Understorey plants, • Ground cover • Plants occurring in a wetland. <p>A plant is native to New South Wales if it was established in New South Wales before European settlement (Does not extend to marine vegetation).</p>		
Section 2.1 Aims of Chapter		Y
a. to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and		Y
b. to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.		Y
Section 2.3 Land to which Chapter applies		Y
Section 2.6 Clearing that requires permit or approval		Y
a. A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.	See "Designated Development" assessment, above.	Y
b. A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.		
c. Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.		
d. Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.		
e. Subsection (4) extends to a condition that imposes an obligation on the person who clears		

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Requirement	Comment	Comply
the vegetation that must be complied with before or after the clearing is carried out.		
f. For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.		
See "Designated Development" assessment, above.		
It is considered that the development is consistent with the relevant provisions of Chapter 2 of the SEPP.		
Chapter 6 Water catchments		
Note: Chapter 6 applies to all developments proposed within the Georges River and Sydney Harbour water catchment areas (refer to Weave for catchment maps).		
<u>Section 6.1 Land to which Chapter applies</u>		Y
a. the Sydney Harbour Catchment,		N/A
b. the Georges River Catchment,		Y
<u>Section 6.6 Water quality and quantity</u>		
1. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—		
a. whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,	Neutral effect	Y
b. whether the development will have an adverse impact on water flow in a natural waterbody,	No adverse impact on water flow	Y
c. whether the development will increase the amount of stormwater run-off from a site,	Will not increase the amount of stormwater run off	Y
d. whether the development will incorporate on-site stormwater retention, infiltration or reuse,	Not applicable	N/A
e. the impact of the development on the level and quality of the water table,	Neutral impact	Y
f. the cumulative environmental impact of the development on the regulated catchment,	Neutral cumulative impact	Y
g. whether the development makes adequate provision to protect the quality and quantity of ground water.	Neutral impact	Y
2. Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—		
a. the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and	Neutral effect	Y
b. the impact on water flow in a natural waterbody will be minimised.	Impact on water flow will be minimal	Y
<u>Section 6.7 Aquatic ecology</u>		
1. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—		
a. whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,	No impact	Y

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Requirement	Comment	Comply
b. whether the development involves the clearing of riparian vegetation and, if so, whether the development will require— i. a controlled activity approval under the <u>Water Management Act 2000</u> , or ii. a permit under the <u>Fisheries Management Act 1994</u> ,	No clearing of riparian aquatic/marine vegetation. Development is integrated development and requires a controlled activity approval	Y
c. whether the development will minimise or avoid— i. the erosion of land abutting a natural waterbody, or ii. the sedimentation of a natural waterbody,	The development will have minimal impacts on erosion and/or sedimentation	Y
d. whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,	N/A	N/A
e. whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,	Not required in this instance	N/A
f. if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.	Additional measures are not required	N/A
2. Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—		
a. the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,	Impacts will be kept to the minimum necessary to allow for the development to be carried out	Y
b. the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,	N/A	N/A
c. if a controlled activity approval under the <u>Water Management Act 2000</u> or a permit under the <u>Fisheries Management Act 1994</u> is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,	DECCEW GTAs provided on 21 Nov 2025 – to be included as conditions of consent	Y
d. the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,	Erosion will be minimised	
e. the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.	N/A	N/A
Section 6.8 Flooding		Y
1. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.		

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Requirement	Comment	Comply
2. Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—		
a. if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or	No release of pollutants from any flood	N/A
b. have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	No adverse impact on floodwaters	N/A
Section 6.9 Recreation and public access		Y
1. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider—		
a. the likely impact of the development on recreational land uses in the regulated catchment, and	Works are a requirement of a Planning Agreement to provide public infrastructure to allow better access to the foreshore, and will have minimal impacts	Y
b. whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.		Y
2. Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—		
a. the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,	See above	Y
b. new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,	New points of public access will be stable and safe	Y
c. if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.	Once works are completed, the land will be dedicated to Council	Y
Section 6.10 Total catchment management		
In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.	No adverse environmental impacts anticipated	N/A
Section 6.11 Land within 100m of natural waterbody		
In deciding whether to grant development consent to development on land within 100m of a natural waterbody in a regulated catchment, the consent authority must consider whether—		
a. the land uses proposed for land abutting the natural waterbody are water-dependent uses, and	Riverside Pathway	Y

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Requirement	Comment	Comply
b. conflicts between land uses are minimised.	Minimised	Y
Section 6.17 Heavy and hazardous industries		N/A
1. This section applies to— a. development for the purposes of potentially hazardous industry or potentially offensive industry, and b. development for the purposes of heavy industrial storage establishments or heavy industries.		N/A
2. Development consent must not be granted to development to which this section applies unless the consent authority is satisfied— a. the development includes adequate measures to contain water that is at risk of contamination as a result of the development, and b. approvals have been obtained, or are obtainable, to undertake bush fire hazard reduction work required on the site.		N/A
3. Development for the purposes of heavy industrial storage establishments or heavy industries is prohibited on land in a regulated catchment if the development is carried out— a. on flood liable land, or b. within 40m of a natural waterbody or watercourse, or c. on a floodway.		N/A
It is considered that the development is consistent with the relevant provisions of Chapter 6 of the SEPP.		

State Environmental Planning Policy (Resilience and Hazards) 2021

This State Environmental Planning Policy 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 a 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 wider development of the former Riverlands Golf Course site included the approval of DA-370/2020 for Bank Stabilisation Works along the eastern bank of the Georges River. As part of that DA, the issue of land contamination and remediation were assessed and resulted in the preparation of a Remediation Action Plan to deal with the remediation of identified points of land contamination across the site. The RAP lists remediation requirements required to be undertaken in order for the land (on which the Shared Pathway is proposed) to be suitable for public recreational use. These works need to be completed before the Bank Stabilisation Works approved under DA-370/2020 can be signed off and dedicated to Council.

It is recommended that a condition of consent be imposed on the subject application, requiring evidence of final sign off from the site auditor that the recommendations of

the RAP for DA-370/2020 have been implemented, prior to the issue of an occupation certificate for the Shared Path. As a result, the site can be considered suitable for its intended use as a publicly accessible shared pathway and therefore be consistent with State Environmental Planning Policy (Resilience and Hazards) 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021	
Clause	Comply
Division 17 Subdivision 2 Development in or adjacent to road corridors and road reservations	Y
Comment: Clauses 2.119, 2.121 and 2.122 are relevant	
Clause 2.119 deals with development with a frontage to a classified road. The proposal has a frontage to a classified road (being the M5). An assessment against the provisions of Clause 2.119 follows below:	
<p>(1) The objectives of this section are—</p> <p>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</p> <p>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p> <p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <p>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p>The proposed Shared Path development will pass underneath the M5 roadway, as the M5 spans the Georges River.</p> <p>As a result, the development does not compromise the effective and ongoing operation of and function of the M5. No vehicular access is proposed or possible from the Shared Path onto the M5. The Shared Path is not a type of development that is sensitive to traffic noise or vehicle emissions, and the passage of the Shared Path under the M5 provides protection to users of the path from vehicle noise.</p> <p>As such, the proposed Shared Path development complies with Clause 2.119 of the SEPP.</p>
<p>Clause 2.121 deals with excavation in or immediately adjacent to corridors, and specifically refers at subclause (1) to penetrations of ground to a depth at least 3m below ground level existing on land that is the road corridor of the M5 (at (1)(p)), which the development does not include.</p> <p>Clause 2.122 deals with traffic-generating development, of which the shared pathway is not of a relevant size or capacity.</p> <p>On the basis of the above, the matter was not required to be referred to Transport for NSW</p>	

State Environmental Planning Policy (Transport and Infrastructure) 2021

under either Clause 2.121 or 2.122.

Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)

The following clauses of the Canterbury Bankstown Local Environmental Plan 2023 were taken into consideration, and an assessment summary follows in the table below:

- 1.3 – Land to which this plan applies,
- 2.2 – Zoning of Land to which this plan applies,
- 2.3 – Zone objectives and land use table,
- 5.21 – Flood planning,
- 5.23 – Public bushland,
- 6.1 – Acid sulfate soils,
- 6.2 – Earthworks,
- 6.4 – Biodiversity,
- 6.5 – Riparian land and watercourses,
- 6.6 – Limited development on foreshore area, and
- 6.17 – Development at Riverlands Golf Course.

Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)			
Provision	Requirement	Proposal	Comply
1.3 Land to which plan applies	Area within the Land Application Map	The EIS area is located within the Land Application Map referred to in Clause 1.3 of the CBLEP 2023	Y
2.2-2.3 Zoning	The land, being subject of this development application is zoned SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation and R2 Low Density Residential	The proposed development is permitted with consent -see below	Y
5.21 Flood Planning	Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to	The flooding assessment submitted with the application is considered to have demonstrated that the proposed development is consistent with the relevant provisions of Clause 5.21	Y

Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)			
Provision	Requirement	Proposal	Comply
	<p>manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>		
5.23 Public Bushland	<p>(2) Development that will disturb, or is reasonably likely to disturb, public bushland is permitted with development consent.</p> <p>(3) Development consent must not be granted to development that will disturb, or is reasonably likely to disturb, public bushland unless the consent authority is satisfied of the following—</p> <p>(d) the disturbance of the bushland is essential for a purpose in the public interest,</p> <p>(e) there is no reasonable alternative to the disturbance,</p> <p>(f) the development minimises the amount of bushland to be disturbed,</p> <p>(g) the development includes measures to remediate the disturbed bushland.</p>	As per the Designated Development assessment above, the disturbance to public bushland is considered to be essential for a purpose in the public interest and is minimized to the greatest extent possible to still facilitate the proposal	Y
6.1 Acid Sulfate Soils	Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the	A condition of consent requires an Acid Sulfate Soils Management Plan to be prepared prior	Y

Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)			
Provision	Requirement	Proposal	Comply
	Acid Sulfate Soils Manual and has been provided to the consent authority.	to works commencing. The Acid sulfate soil plan shall be provided to Council prior to works commencing.	
6.2 Earthworks	Before granting consent to development including earthworks, the following must be considered: (a) drainage patterns and soil stability (b) the likely future use or redevelopment of the land, (c) quality of the fill or the soil to be excavated, or both, (d) effect of development on existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposed earthworks are considered acceptable and consistent with this clause.	Y
6.4 Biodiversity	See "Designated Development" assessment, above		Y
6.5 Riparian Land and watercourses	(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider— (a) whether the development is likely to have an adverse impact on the following— (i) the water quality and flows within the watercourse, (ii) aquatic and riparian species, habitats and ecosystems of the watercourse, (iii) the stability of the bed and banks of the watercourse, (iv) the free passage of fish and other aquatic organisms within or along the watercourse, (v) the future rehabilitation of the watercourse and riparian areas, and (b) whether the development is likely to increase water extraction from the watercourse, and	The proposed works are considered likely to have a minimal impact on riparian land and adjoining watercourses, and has been proposed so as to minimise or mitigate the impacts of the development	Y

Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)			
Provision	Requirement	Proposal	Comply
	<p>(c) appropriate measures to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or</p> <p>(b) if a significant adverse environmental impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise the impact.</p>		
6.6 Limited development on foreshore area	<p>(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—</p> <p>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,</p> <p>(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).</p> <p>(3) Development consent must not be granted under this clause unless the consent authority is satisfied that—</p> <p>(a) the development will contribute to achieving the objectives for the zone in which the land is located, and</p> <p>(b) the appearance of a proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and</p> <p>(c) the development will not cause environmental harm, including—</p> <p>(i) pollution or siltation of the waterway, or</p> <p>(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or</p> <p>(iii) an adverse effect on drainage</p>	<p>The proposed works seek to construct a publicly accessible walkway and cycleway (Shared Path) as a result of a Planning Agreement between Council and the developer of the former Riverlands Golf Course site.</p> <p>The proposed development will achieve the objectives of the zone, be compatible with the surrounding area and minimise environmental harm</p>	Y

Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)			
Provision	Requirement	Proposal	Comply
	<p>patterns, and</p> <p>(d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and</p> <p>(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and</p> <p>(f) the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and</p> <p>(g) for development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and</p> <p>(h) sea level rise or change of flooding patterns as a result of climate change has been considered.</p>		
6.17 Development at the Riverlands Golf Course	<p>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied of the following—</p> <p>(a) the development is consistent with the low density residential scale and character of the surrounding area,</p> <p>(b) the development will not significantly impact on the efficiency and safety of the surrounding road network,</p> <p>(c) the development of the site integrates with the road, pedestrian and cycle networks of the surrounding established Milperra neighbourhood area,</p> <p>(d) the development, including lots created by the development, will be compatible with the topography of the site and integrate with the landform, vegetation and landscape of the site,</p> <p>(e) the development is appropriate given the environmental capabilities</p>	The proposed works are a requirement of the Planning Agreement between the landowner and Council. The delivery of these works is considered to be of benefit to the wider community and, as proposed, meets the specific requirements of Clause 6.17 of the CBLEP 2023	Y

Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)			
Provision	Requirement	Proposal	Comply
	<p>of, and environmental constraints that affect, the site including flood risks, land contamination, acid sulfate soils and bush fire risks,</p> <p>(f) the development will protect the cultural heritage values of the site and the scenic values of the surrounding waterways and riparian and biodiversity corridors,</p> <p>(g) the development will protect and conserve the ecological communities and areas on the site,</p> <p>(h) adequate provision has been made for protecting and conserving hollow bearing trees on the site,</p> <p>(i) adverse impacts of stormwater on the site, or caused by stormwater runoff on adjoining properties, native vegetation, wetlands or waterways, are properly managed or mitigated,</p> <p>(j) lots created by the development will be compatible with the stormwater management measures on the site.</p>		

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of the Canterbury Bankstown Local Environmental Plan 2023. A discussion on the zoning of the land and the permissibility of the development follows:

Zoning and Permissibility

The sites on which the shared pathway is proposed to be constructed are variously zoned as follows:

- SP2 Road Infrastructure Facility
- RE1 Public Recreation
- RE2 Private Recreation
- R2 Low Density Residential.

The development is described as *“the construction of a publicly accessible shared cycleway and pedestrian access path along the Georges River, including elevated sections, and a bridge...”*.

For the purpose of defining the development, the closest possible definition in the CBLEP 2023 is “recreation area”, which is defined as follows:

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

A pathway to service pedestrians and cyclists, including bridges suspended over waterways, are all structures that would be considered ancillary to a recreation area, as opposed to being classified as a 'recreation area' itself.

In accordance with the Land Use Table in the CBLEP 2023, a recreation area is permissible in the RE1, RE2 and R2 zones.

In the SP2 zone, the following development is permissible:

Aquaculture; Roads; The purpose shown on the Land Zoning Map [in this case, "Road Infrastructure Facility"], including any development that is ordinarily incidental or ancillary to development for that purpose.

In this instance, a pathway to service pedestrians and cyclists, is considered to be development that is ordinarily incidental or ancillary to development for the purpose of a Road Infrastructure Facility.

On the basis of the above, the proposed development is considered to be permissible in all of the relevant zones.

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

There are no draft environmental planning instruments that are applicable to the proposed development.

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

Chapter 2.2 – Flood Risk Management

The development site is affected by flooding, ranging from medium to high stormwater inundation as well as medium to high riverine flooding.

While Chapter 2.2 of the CBDP 2023 applies, there are no specific controls that relate to footpaths or cycleways or the ancillary aspects of the proposal.

Chapter 2.3 – Tree Preservation Order

Chapter 2.3 of the Canterbury Bankstown Development Control Plan 2023 (CBDP 2023) provides controls that relate to the protection of trees. The trees proposed to be impacted under this application are considered to be 'prescribed trees' under the CBDP 2023 as a prescribed tree is defined as, amongst other things, all trees,

regardless of size, listed as Vulnerable or Endangered or a component of an Endangered Ecological Community listed under the Biodiversity Conservation Act 2016.

The removal of the prescribed trees has been assessed in the submitted BDAR which has been reviewed by Council's Environmental Planner. The review of the BDAR found that subject to conditions, the removal of the prescribed trees can be supported.

Chapter 11.5 – Former Riverlands Golf Course site

Chapter 11.5 includes specific development controls that inform the redevelopment of the former Riverlands Golf Course site. These controls were critical in the assessment of the previous DAs that were ultimately approved by the NSW Land and Environment Court. The development controls specifically mention the need for public access along the foreshore, and the need for development to be undertaken in such a way as to preserve the particular environmental qualities for the site. It is considered that the proposed development meets the requirements of these development controls, and their objectives.

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

The delivery of the Shared Pathway is a requirement of an existing Planning Agreement between Canterbury-Bankstown Council and Mirvac.

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

The proposed development is not inconsistent with the applicable provisions of the Environmental Planning and Assessment Regulation, 2021.

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

While the EIS proposal will have an impact on Coastal Wetlands and the associated biodiversity of the ecosystems, it is considered that this is worthy of support, when taking into consideration the positive impacts that the wider development will have.

The Planning Agreement for the wider re-development of the former Riverlands Golf Course requires these works to be done. The provision of the Shared Pathway will open up a heretofore inaccessible part of the George's River foreshore and provide the nearby homeowners (both of the continuing redevelopment of the former RGC and the wider population of Milperra, as well as the whole community in general) a community asset that serves as an extension of existing pedestrian and shared paths that would improve connectivity and safety for active transport / recreation users. It will improve connectivity and safety for pedestrians and cyclists by delivering a vital link along the eastern foreshore of the Georges River between the M5 Motorway and the Vale of Ah Reserve.

It is considered that the proposal has taken appropriate steps to either avoid, minimise or mitigate the biodiversity impacts.

Given the above, it is considered that the proposed development is worthy of support taking into consideration its likely impacts.

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

It is considered that the site is suitable for the proposed development.

Submissions [section 4.15(1)(d)]

The application was advertised and notified for a period of twenty-eight (28) days, from 17 April to 15 May 2024. No submissions were received.

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

It is considered that the proposed development, being the delivery of an item required to be provided as a public asset as part of a voluntary planning agreement and that has appropriately considered whether biodiversity impacts can either be avoided or minimised, is in keeping with the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979*. The assessment above has found that the proposed development is worthy of support, subject to the conditions attached to this report.

RECOMMENDATION

It is recommended that Development Application DA-1524/2023 be APPROVED subject to Conditions of Consent in Attachment 2.

CONDITIONS OF CONSENT

These consent conditions have been imposed after taking into account the matters for consideration in determining a development application pursuant to s4.15 and in accordance with s4.17 of the Environmental Planning and Assessment Act 1979.

GENERAL CONDITIONS

No.	Condition				
1.	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.				
	Approved plans				
	Plan number	Revision number	Plan title	Drawn by	Date of plan
	PC0-01	J	Site Key Plan	egis	06/11/25
	PC0-02	G	General Notes & Legend		06/11/25
	PC1-11	H	Erosion and Sediment Control Plan Sheet 1 of 3		28/01/24
	PC1-12	F	Erosion and Sediment Control Plan Sheet 2 of 3		01/08/24
	PC1-13	G	Erosion and Sediment Control Plan Sheet 3 of 3		01/11/24
	PC1-15	G	Erosion and Sediment Control Details		01/11/24
	PC1-91	F	Site Context Plan		01/08/24
	PC2-01	K	General Arrangement Plans and Longitudinal Section MF-10 sheet 1 of 15		07/08/25
	PC2-02	J	General Arrangement Plans and Longitudinal Section MF-10 sheet 2 of 15		11/04/25
	PC2-03	G	General Arrangement Plans and Longitudinal Section MF-10 sheet 3 of 15		07/08/25
	PC2-04	F	General Arrangement Plans and Longitudinal Section MF-10 sheet 4 of 15		01/11/24
	PC2-05	F	General Arrangement Plans and Longitudinal Section MF-10 sheet 5 of 15		01/11/24
	PC2-06	F	General Arrangement Plans and Longitudinal Section MF-10 sheet 6 of 15		01/11/24
	PC2-07	F	General Arrangement Plans and Longitudinal Section MF-10 sheet 7 of 15		01/11/24
	PC2-08	G	General Arrangement Plans and Longitudinal Section MF-10 sheet 8 of 15		11/04/25
	PC2-09	G	General Arrangement Plans and Longitudinal Section		27/11/25

		MF-10 sheet 9 of 15		
PC2-10	G	General Arrangement Plans and Longitudinal Section MF-10 sheet 10 of 15		11/04/25
PC2-11	F	General Arrangement Plans and Longitudinal Section MF-10 sheet 11 of 15		01/11/24
PC2-12	F	General Arrangement Plans and Longitudinal Section MF-10 sheet 12 of 15		01/11/24
PC2-16	J	General Arrangement Plans and Longitudinal Section MF-20 sheet 1 of 2		07/08/25
PC2-17	H	General Arrangement Plans and Longitudinal Section MF-20 sheet 2 of 2		28/01/24
PC2-50	I	Turning Path Layout Plan		06/11/25
PC3-10	H	Shared Path Typical Sections		07/08/25
PC3-80	C	Civil Work Details		13/02/23
Landscape Plans – see Condition 27				
Landscape approved documents				
Ref number	Revision number	Document title	Prepared by	Date of plan
22/046	3 - Final	Environmental Impact Statement	Keylan	15/11/23
19126RP6	4	Riverlands Waterfront Reserve – Shared Pathway Biodiversity Development assessment Report	Cumberland Ecology	29/08/2025
ACHAR_240614	4	Riverlands Foreshore DA Milperra ACHAR	artefact	31/01/2025
J002189 ASSMP Milperra 2.0	2.0	Acid Sulfate Soils Management Plan	SESL Australia	11/11/2019
	3	Aboricultural Impact Assessment	Temporal Tree Management	02/10/2025
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 (see also Condition 3, below).				
Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.				
2.	Design Amendments			
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:				
a. Delete reference to City of Sydney linemarking. Linemarking to be in accordance				

	<p>with AS 1742.9 Manual of Uniform Traffic Control Devices Part 9: Bicycle Facilities. Centreline marking to be included with combined bike + pedestrian symbol and direction arrows</p> <p>b. Change footpath splays to 1500x1500mm (or 2500mm radius) instead of 1200x1200mm. 1500x1500mm approximates a standard 2500mm radius curve for bicycles at corners.</p> <p>c. Gutter bridges or drainage pipe systems required to drain local depression from 756 to 775, 1572 to 1581, to avoid localised trapped points and prevent water overtopping footpath. Some of the local depressions are lower than the nearest sag point on the footpath and it is likely that ponding will occur at these localised trapped points particularly during frequent rainfall events, if this change is not made to the plans.</p>															
	1.102.S															
	Condition reason: To ensure the orderly development of land.															
3.	<p>Compliance with Approved Biodiversity Development Assessment Report (BDAR)</p> <p>The development must be carried out in strict accordance with the measures, commitments, and recommendations contained in the approved Biodiversity Development Assessment Report (BDAR), prepared by Cumberland Ecology (SLR) dated 29 August 2025.</p> <p>All biodiversity management actions, including but not limited to mitigation measures, offsets, ongoing management requirements must be implemented in full and maintained for the life of the development or as otherwise specified in the BDAR.</p> <p>In the event of any inconsistency between the approved BDAR and any other approved documents including plans, the BDAR prevails. In the event of any inconsistency with the approved BDAR and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure compliance with the relevant requirements of the <i>Biodiversity Conservation Act 2016</i>.</p>															
4.	<p>Additional Signage Requires a Separate Application</p> <p>A separate application shall be submitted to Council before the erection of any additional signage unless the proposed signage is "exempt development" in accordance with the relevant legislation.</p>															
	1.201															
	Condition reason: To protect and enhance the amenity of the development site and the occupants of adjoining sites.															
5.	<p>Heritage Reports</p> <p>The development shall be undertaken in accordance with the heritage reports listed in the table below. Should works uncover any matters or items that alter previous assumptions made about the site with regard to heritage, all works shall cease immediately and the applicant's heritage consultant shall report the find to Council and implement the appropriate procedures recommended in the heritage reports listed in the table below.</p> <table><tr><th colspan="5">Approved documents</th></tr><tr><th>Ref number</th><th>Revision number</th><th>Document title</th><th>Prepared by</th><th>Date</th></tr><tr><td>ACHAR_240614</td><td>4</td><td>Riverlands Foreshore DA Milperra ACHAR</td><td>artefact</td><td>31/01/2025</td></tr></table> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>	Approved documents					Ref number	Revision number	Document title	Prepared by	Date	ACHAR_240614	4	Riverlands Foreshore DA Milperra ACHAR	artefact	31/01/2025
Approved documents																
Ref number	Revision number	Document title	Prepared by	Date												
ACHAR_240614	4	Riverlands Foreshore DA Milperra ACHAR	artefact	31/01/2025												

GENERAL TERMS OF APPROVAL

6.	<p>DCCEEW-Water Group Condition TC-G001</p> <p>Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Climate Change, Energy, the Environment and Water-Water Group, and obtained, for a controlled activity approval under the <i>Water Management Act 2000</i>.</p> <p>Condition reason: To ensure compliance with the relevant requirements of the <i>Water Management Act 2000</i>.</p>
7.	<p>DCCEEW-Water Group Condition TC-G004</p> <p>A- This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA-1524/2023 provided by Council to Department of Climate Change, Energy, the Environment and Water-Water Group.</p> <p>B- Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Climate Change, Energy, the Environment and Water-Water Group, must be notified in writing to determine if any variations to the GTA will be required.</p> <p>Condition reason: To ensure compliance with the relevant requirements of the <i>Water Management Act 2000</i>.</p>
8.	<p>DCCEEW-Water Group Condition TC-G005</p> <p>A. The application for a controlled activity approval must include the following plan(s):</p> <ul style="list-style-type: none"> • Site Plans • Detailed civil construction plans • Construction watercourse crossing design plans • Erosion and sediment control plans • Construction stormwater drainage outlet plan • Vegetation management plan • Landscape plan. <p>B. The plan(s) must be prepared in accordance with Department of Climate Change, Energy, the Environment and Water-Water Group 's guidelines located on the website https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines</p> <p>Condition reason: To ensure compliance with the relevant requirements of the <i>Water Management Act 2000</i></p>
9.	<p>DCCEEW-Water Group Condition SCHEDULE 1</p> <p>The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Climate Change, Energy, the Environment and Water-Water Group for integrated development associated with IDAS-2025-10359 as provided by Council:</p> <ul style="list-style-type: none"> • Environmental Impact Statement dated 15/11/2023 by Keylan • General Arrangement Plan and Longitudinal Section – Mf10 Sheet 1 to 15, DRW PC2-01 to PC2-15 by Egis • Civil Works Details DRW PC3-80 Rev E dated 1/8/2024. <p>Condition reason: To ensure compliance with the relevant requirements of the <i>Water Management Act 2000</i>.</p>

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

10.	<p>Development Contributions, Section 7.12</p> <p><u>Development Contributions of \$33,620.53 must be paid for this development before the issue of any construction certificate.</u> The contributions are levied and applied under the Canterbury Bankstown Local Infrastructure Contributions Plan 2022 and Section 7.12 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.</p> <p><u>Indexing of the contribution amount to be paid:</u> 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><u>No construction certificate is to be issued and no construction is to commence until payment of development contributions.</u> 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 don't proceed with your development.</u></p> <p style="text-align: right;">2.102</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
11.	<p>Payment of Fees</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> <ol style="list-style-type: none"> Levies Bonds Contributions inspection fees <p style="text-align: right;">2.103.S</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
12.	<p>Long Service Levy</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 Calculator at https://longservice.force.com/bci/s/levy-calculator. Payment must be made via the Long Service Levy Portal at https://www.longservice.nsw.gov.au.</p> <p style="text-align: right;">2.104.S</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
13.	<p>Submit Plans to Sydney Water</p> <p>The Council approved plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) will affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.</p> <p>Refer to www.sydneywater.com.au/tapin for Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then</p>

	<p>'Building Plan Approvals' or call 13000 TAPIN™.</p> <p>Sydney Water must issue either a Building Plan Assessment letter which states that the application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.</p> <p style="text-align: right;">2.202.S</p>								
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>								
14.	<p>Mobility Access</p> <p>The Shared Pathway must be designed and constructed to provide access and facilities for people with a physical disability in accordance with the Building Code of Australia.</p> <p>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.</p> <p style="text-align: right;">2.208</p>								
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>								
15.	<p>Erosion and Sediment Control Plan</p> <p>Before the issue of a construction certificate, the consent holder is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:</p> <ul style="list-style-type: none">a. Council's development control plan,b. the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), andc. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). <p>The consent holder must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.</p> <p style="text-align: right;">2.211.S</p>								
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>								
16.	<p>Offset Requirements - Ecosystem credit retirement conditions</p> <ul style="list-style-type: none">(i) Prior to issue of a construction certificate the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.(ii) The requirement to retire credits in this condition may be satisfied by either the purchase and retirement of credits or payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).(iii) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to the consent authority prior to the issue of a construction certification. <p>Table 1 - Ecosystem credits required to be retired – like for like</p> <table><tr><th>Impacted plant community type</th><th>Number of ecosystem credits</th><th>IBRA subregion</th><th>Offset trading group</th></tr><tr><td>PCT 1232 [4028]</td><td>14</td><td>Cumberland, or Any IBRA subregion that is within 100 kilometres of the outer edge of the</td><td>Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East</td></tr></table>	Impacted plant community type	Number of ecosystem credits	IBRA subregion	Offset trading group	PCT 1232 [4028]	14	Cumberland, or Any IBRA subregion that is within 100 kilometres of the outer edge of the	Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East
Impacted plant community type	Number of ecosystem credits	IBRA subregion	Offset trading group						
PCT 1232 [4028]	14	Cumberland, or Any IBRA subregion that is within 100 kilometres of the outer edge of the	Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East						

			impacted site.	Corner Bioregions
	PCT 835 [4024]	2	Cumberland, or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions.
	PCT 849 [3320]	5	Cumberland, or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Cumberland Plain Woodland in the Sydney Basin Bioregion.
	PCT 920 [4091]	3	Cumberland, or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Mangrove Forests in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion.
Condition reason: To ensure compliance with the relevant requirements of the <i>Biodiversity Conservation Act 2016</i> .				
17.	Offset Requirements – Species credit retirement conditions			
	(i) Prior to the issue of a construction certificate the class and number of species credits in Table 2 must be retired to offset the residual biodiversity impacts of the development.			
	(ii) The requirement to retire credits outlined in this condition may be satisfied by either the purchase and retirement of credits or payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator (BAM-C).			
	(iii) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 requirements must be provided to the consent authority prior to the issue of a construction certification.			
	Table 2 - Species credits required to be retired			
	Impacted species credit species	Number of species credits	IBRA subregion	
	<i>Litoria aurea</i>	1	Any in NSW	
	<i>Myotis macropus</i>	25	Any in NSW	
Condition reason: To ensure compliance with the relevant requirements of the <i>Biodiversity Conservation Act 2016</i> .				
18.	Acid Sulfate Soils management plan			
	All recommendations made in the acid sulfate soil management plan dated 11 November 2019 prepared by SESL Australia must be implemented for the duration of the works. All works must be carried out under the supervision of a suitably qualified environmental consultant. Any change made to the site that will or is likely to impact the recommendations of the acid sulfate soil management plan will require a further assessment and is to be provided to Council prior to the issue of a Construction Certificate			
Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.				
19.	Retaining Walls			
	Retaining walls, cut and fill and/or soil batter shall comply with the details in the approved plans. Any changes to the approved plans will require approval via a			

	<p>Modification Application under Section 4.55 of the <i>Environmental Planning and Assessment Act, 1979</i>.</p> <p>As a general rule, future modification applications relating to any changes to approved retaining walls and/or cut and fill will be assessed as follows:</p> <p>Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be proposed within the development site. Note, filling of the site needs specific approval from Council.</p> <p>a. The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020. Plans and details prepared and signed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 are to be submitted to Council before the works commence.</p> <p>b. All work associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.</p> <p style="text-align: right;">2.301</p>
	<p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
20.	<p>Apply for Work Permit for Engineering Works</p> <p>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:</p> <p>a. Repair of any damage to the public road including the footway occurring during building works, and</p> <p>b. 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.</p> <p>Note: Council is required to prepare a site survey and design in order to determine the necessary information. The consent holder should make application and payment for the Work Permit at least twenty-one (21) days before the information being required and before the issue of the construction certificate. The Work Permit must be approved before any works commencing within the Council Road Reserve or on Council's assets.</p> <p style="text-align: right;">2.302</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
21.	<p>Works Requiring a Work Permit</p> <p>As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the <i>Roads Act 1993</i> and/or Section 68 of the <i>Local Government Act 1993</i>, Council requires the consent holder to obtain a Works Permit and or a Roadway / Footpath Building Occupation Permit before the 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:</p> <p>A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS</p> <p>WORKS REQUIRING A 'WORKS PERMIT'</p> <p>a. Dig up, disturb, or clear the surface of a public footway or public road,</p> <p>b. Remove or interfere with a structure or tree (or any other vegetation) on a public</p>

	<p>footway or public road,</p> <p>c. Connect a road (whether public or private) to a classified road,</p> <p>d. Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,</p> <p>e. Install utilities in, under or over a public road,</p> <p>f. Pump water into a public footway or public road from any land adjoining the public road,</p> <p>g. Erect a structure or carry out a work in, on or over a public road,</p> <p>h. Require a work zone on the public road for the unloading and or loading of vehicles,</p> <p>i. Pump concrete from within a public road,</p> <p>j. Stand a mobile crane within a public road,</p> <p>k. Store waste and recycling containers, skips, bins and/or building materials on any part of the public road,</p> <p>l. The work is greater than \$25,000, and</p> <p>m. Demolition is proposed.</p> <p>The consent holder 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.</p> <p>The consent holder 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, before commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.</p> <p style="text-align: right;">2.304</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
22.	<p>Finished surface levels</p> <p>Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on relevant construction certificate plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.</p> <p style="text-align: right;">2.305</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
23.	<p>Stormwater Drainage</p> <p>Stormwater drainage from the proposed development shall be designed to comply with Council's Canterbury-Bankstown Development Control Plan 2023 and Development Engineering Standards Guide requirements. A final detailed stormwater drainage system 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. 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 the above stated Council DCP and guide, and the relevant Australian Standards.</p> <p style="text-align: right;">2.306</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
24.	<p>Traffic Management Plan</p> <p>Before the issue of any construction certificate for this development, the consent holder 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.</p>

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 construction 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 construction and excavation materials shall be by the shortest practical route to the nearest "State Road", 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.** The consent holder shall nominate the routes for approval by Council before commencement of any work on the site. All vehicles are to enter the on-street Works Zone adjacent to the site in a forward direction. U-turn and right-turn movements into the site, are generally not permitted.

An Agreement to Council's satisfaction, signed by the consent holder/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site and for local roads along the transportation routes shall be lodged with Council before release of any Construction Certificate. All damage must be rectified upon completion of work.

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 before the commencement of any works on the construction site.

In addition, a TfNSW (formerly 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.

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Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.

25.	<p>Construction Site Management Plan</p> <p>Before the issue of a construction certificate, a Construction Site Management Plan (CSMP) must be prepared and approved by the certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Provisions for public safety; c. Pedestrian and vehicular site access points and construction activity zones; d. Details of construction traffic management including: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; e. Details of bulk earthworks to be carried out; f. The location of site storage areas and sheds; g. The equipment used to carry out works; h. The location of a garbage container with a tight-fitting lid; i. Dust, noise and vibration control measures; j. The location of temporary toilets; k. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p style="text-align: right;">2.401</p> <p>Condition reason: To provide and maintain orderly and safe areas for vehicular and pedestrian movement / parking.</p>
26.	<p>Waste Management Plan</p> <p>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:</p> <p>The plan must be prepared</p> <ul style="list-style-type: none"> a. in accordance with: <ul style="list-style-type: none"> 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— <ul style="list-style-type: none"> 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. <p>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.</p> <p style="text-align: right;">2.502</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>

27.	<p>Landscaping Plan</p> <p>Landscaping shall be installed in accordance with the approved landscape plans, listed below, subject to any amendments required by the conditions contained in this determination notice, or the reports approved in Condition 1. Plans LA-000, LA-001, LA-100, LA-101, LA-102, LA-103, LA-104, LA-105, LA-106, LA-200, LA-300, LA-400, LA-401, LA-402 and LA-SPEC, all Revision C No. 3, dated 21.10.24, prepared by Paterson Design Studio</p> <p style="text-align: right;">2.701</p> <p>Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.</p>
28.	<p>Council's Tree Management Order</p> <p>Approval in accordance with Council's Tree Management Order (TMO) is granted to lop or remove only those trees identified to be lopped or removed on the approved plans and/or so identified to be lopped or removed in the Arboricultural Impact Assessment Report in Condition 1. If not indicated on the approved plans, separate approval must be obtained to prune or remove trees on adjoining properties or other trees located on the site. A person(s) who contravenes or causes or permits the TMO to be breached shall be guilty of an offence and liable for prosecution.</p> <p style="text-align: right;">2.801</p> <p>Condition reason: To ensure compliance with the relevant requirements of the <i>Biodiversity Conservation Act 2016</i> and the relevant Canterbury Bankstown policy.</p>
29.	<p>Tree Removal: On site</p> <p>Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees as indicated below. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000. The Construction Certificate Plans must be consistent with the following:</p> <ul style="list-style-type: none"> a) Approval is granted for the removal of the trees indicated in the amended Arboricultural Impact Assessment prepared by Temporal Tree Management, dated 2 October 2025 Revision 3: <ul style="list-style-type: none"> i. Prescribed trees proposed to be removed. ii. Dead, Removed, Fallen, Non-Prescribed trees. iii. Any tree/s where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling. iv. Any tree species listed under clause 2.5 of Canterbury Bankstown Development Control Plan 2023 Chapter 2.3 – Tree Management. b) All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016). c) All other vegetation not specifically identified above, and prescribed by Chapter 2.3 of the DCP, is to be retained and protected from construction damage and pruning. d) No other native trees or other native vegetation (including shrubs and other understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed without the prior consent of Council and in accordance with Council's Tree Management Order. <p>Condition reason: To ensure compliance with the relevant requirements of the <i>Biodiversity Conservation Act 2016</i> and the relevant Canterbury Bankstown policy.</p>
30.	<p>Trees to be Retained and Protected: On-site</p> <p>The Construction Certificate Plans must be consistent with the following:</p> <ul style="list-style-type: none"> a) All trees indicated as prescribed trees to be retained in the Arboricultural Impact Assessment prepared by Temporal Tree Management, dated 2 October 2025 Revision 3 shall be retained and protected from damage throughout the development works. b) This consent does not allow for the pruning or removal of trees on adjacent or adjoining properties.

	Condition reason: To ensure compliance with the relevant requirements of the <i>Biodiversity Conservation Act 2016</i> and the relevant Canterbury Bankstown policy.
31.	Appointment of Project Arborist
	<ul style="list-style-type: none"> a) A Project Arborist shall be engaged prior the issue of the Construction Certificate to provide arboricultural advice and monitor compliance with the protection measures. b) The Project Arborist shall have a minimum qualification equivalent (using the Australian Qualifications Framework) of NSW TAFE Certificate Level 5 or above in Arboriculture.
	Condition reason: To ensure compliance with the relevant requirements of the <i>Biodiversity Conservation Act 2016</i> and the relevant Canterbury Bankstown policy.
32.	Tree Protection Plan
	<ul style="list-style-type: none"> a) Prior to the issue of a Construction Certificate the Project Arborist shall prepare a Tree Protection Plan to the satisfaction of Council for all works associated with the project. Noting that affectation to trees may be due to construction traffic and not directly related to the actual construction works associated with the development. b) The Tree Protection Plan shall provide tree sensitive methods and tree protection measures for all works within Tree Protection Zones including grade alterations, stone work, drainage infrastructure or construction traffic. c) If any trees to be retained and protected are threatened by excavation, construction or other site works through accidental omission or unforeseen circumstances, the works in this location shall cease immediately and Council is to be notified immediately in writing so that this issue can be resolved, before such work is continued.
	Condition reason: To ensure compliance with the relevant requirements of the <i>Biodiversity Conservation Act 2016</i> and the relevant Canterbury Bankstown policy.
33.	Tree Protection Measures to be Shown on Construction Drawings
	<ul style="list-style-type: none"> a) The tree protection measures contained in the Arboricultural Impact Assessment prepared by Temporal Tree Management, dated 2 October 2025 Revision 3 and approved Tree Protection Plan shall be clearly shown on all the Construction Certificate drawings. b) A Compliance Certificate shall be prepared by the Project Arborist outlining that Construction Certificate drawings are in compliance with the supplied Arboricultural Impact Assessment prepared by Temporal Tree Management, dated 2 October 2025 Revision 3, approved Tree Protection Plan and relevant Conditions of Consent. c) The Construction Certificate drawings showing the tree protection measures must be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.
	Condition reason: To ensure compliance with the relevant requirements of the <i>Biodiversity Conservation Act 2016</i> and the relevant Canterbury Bankstown policy.
34.	Construction Environmental Management Plan (CEMP)
	<p>Prior to the issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) is to be prepared to manage environmental impacts during construction. The CEMP is to include a Biodiversity Management Sub- plan which includes:</p> <ul style="list-style-type: none"> • A description of the measures and timeframes that would be implemented for: <ul style="list-style-type: none"> ○ Protecting vegetation and fauna habitat outside the approved disturbance areas. ○ Managing the remnant vegetation and fauna habitat on site. ○ Minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development. ○ Minimising the impacts on fauna on site and implementing fauna management protocols. ○ Avoiding the removal of hollow bearing trees during spring to avoid the main breeding period for hollow dependant fauna. ○ Rehabilitating and revegetating temporary disturbance areas with species that

	<p>are indigenous to the area.</p> <ul style="list-style-type: none"> ○ Maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse and the enhancement of the rehabilitation of the site, and ○ Controlling weeds, feral pests and pathogens. <ul style="list-style-type: none"> ● A program to monitor and report on the effectiveness of mitigation measures. ● Details of who is responsible for monitoring, reviewing and implementing the plan. <p>All mitigation measures described in the Biodiversity Development Assessment Report must be fully implemented and documented. This includes (but is not limited to):</p> <ul style="list-style-type: none"> ● Delineation of clearing limits ● Tree protection measures ● Sedimentation control ● Pathogen management ● Pre-clearance survey ● Staging of clearing, and ● Weed management. <p>Following completion of clearing works, a report is to be prepared for council detailing the outcomes of the pre-clearing inspections and clearing supervision documenting compliance with all mitigation measures.</p> <p>GIS layers are to be provided to council detailing location of all relocated logs and hollows to allow for future monitoring.</p> <p>Condition reason: To ensure compliance with the relevant requirements of the <i>Biodiversity Conservation Act 2016</i> and the relevant Canterbury Bankstown policy.</p>
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BEFORE BUILDING WORK COMMENCES

35.	<p>Certifier details</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"> 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, 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, 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, d. the consent holder, if not carrying out the work as an owner-builder, has: <ol style="list-style-type: none"> 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 i. notified the principal certifier of the appointment, and ii. 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
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	<p>work,</p> <p>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.</p> <p style="text-align: right;">3.202</p>
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
36.	<p>Site Audit Statement</p> <p>Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement is to be obtained from a NSW EPA Accredited Site Auditor. The Site Audit Statement must confirm that the site has been remediated in accordance with the relevant approved Remediation Action Plans associated with Determination Notice No. DA-370/2020 and that the site is suitable for the proposed use. Conditions on the Site Audit Statement must form part of the consent.</p> <p>Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and approved by Council prior to the issue of a Site Audit Statement.</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
37.	<p>Temporary fence or hoarding</p> <p>A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured.</p> <p>Where the work is located within 3.6m of a public place, then a Type A or Type B hoarding must be constructed appropriate to the work proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval before the commencement of building work/s.</p> <p style="text-align: right;">3.204</p> <p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
38.	<p>WC temporary toilet facilities on site</p> <p>Before the commencement of work, the consent holder must provide a temporary on-site toilet if access to existing toilets on site is not adequate/available. Temporary on-site toilet facilities must be installed and be adequately maintained throughout the construction period.</p> <p style="text-align: right;">3.206</p> <p>Condition reason: To ensure compliance with the relevant New South Wales legislation.</p>
39.	<p>Install Erosion control</p> <p>Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).</p> <p style="text-align: right;">3.207</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
40.	<p>Soil and water management warning sign</p> <p>Council's warning sign for Soil and Water Management must be displayed throughout the construction period at the most prominent point of the site, visible to both the street and site.</p> <p style="text-align: right;">3.208</p> <p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>

41.	<p>Sign with principal certifier details</p> <p>A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:</p> <ol style="list-style-type: none"> showing the name, address and telephone number of the principal certifier for the work, and showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the work site is prohibited. <p>Any such sign is to be maintained while the building work or demolition work is being carried out and must be removed when the work has been completed.</p> <p>Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p> <p style="text-align: right;">3.209.P</p> <p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
42.	<p>Tree protection measures</p> <p>Before the commencement of any site work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan and/or any other plan approved as part of this determination notice, are in place.</p> <p style="text-align: right;">3.801.S</p> <p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>
43.	<p>Establishment of Tree Protection Zone (TPZ) Fencing</p> <ol style="list-style-type: none"> Tree protection fencing shall be established at the perimeter of the Tree Protection Zones of the prescribed trees to be retained as detailed within in the Arboricultural Impact Assessment prepared by Temporal Tree Management, dated 2 October 2025 Revision 3. All retained native vegetation located outside of the works site identified in the approved plans are to be protected during development of the site by a temporary fence. Tree protection measures shall be established in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. Tree protection fencing shall be constructed of chain wire mesh 1.8 metres high supported by steel posts. The fences must be erected prior to works commencing and be able to exclude vehicles and all building materials from impacting on the native vegetation. The fences shall not be removed or altered, and are to remain in place for the duration of the site works. A durable, weather resistant sign identifying the fenced Tree Protection Zone shall be placed on each side of the protection fence and be visible from within the development site. The sign shall be of a similar design, layout and type size as Appendix C, Australian Standard 4970-2009 Protection of trees on development sites. The sign shall clearly show: <ol style="list-style-type: none"> The Development Consent number; and The name and contact phone number of the Project Arborist & Site Foreman. The Project Arborist shall prepare a Compliance Certificate outlining that the tree protection measures have been installed as per the Construction Certificate drawings (showing tree protection measures) and approved Tree Protection Plan and be submitted to the Principal Certifying Authority prior to the commencement of site works.

Condition reason: To protect the natural environment of the development site and adjoining lands.

DURING BUILDING WORK

44. Procedure for Critical Stage Inspections	<p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p style="text-align: right;">4.101.S</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
45. Works in accordance with Building Code of Australia (BCA)	<p>Building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).</p> <p style="text-align: right;">4.201.P</p> <p>Condition reason: Prescribed condition - EP&A Regulation clause 98(1)(a).</p>
46. Affixing of signage	<p>The construction and fixing of any signage is to be carried out in accordance with details prepared by a suitably qualified practising structural engineer, in accordance with the structural provisions of the Building Code of Australia (BCA).</p> <p style="text-align: right;">4.202</p> <p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
47. Hours of Work	<p>Site work must only be carried out between the following times –</p> <ol style="list-style-type: none"> 7.00 am and 5.00 pm on Monday to Saturday. No construction is to be carried out at any time on a Sunday or a public holiday. <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p style="text-align: right;">4.204.S</p> <p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
48. Noise and Vibration	<p>While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved documentation.</p> <p>Where no noise and vibration management plan is approved under this consent, the certifier is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the site work is being carried out.</p> <p style="text-align: right;">4.205.S</p> <p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
49. Surveys by a registered surveyor	<p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <ol style="list-style-type: none"> All footings / foundations in relation to the site boundaries and any registered and proposed easements. At other stages of construction – any marks that are required by the principal certifier. <p style="text-align: right;">4.206.S</p>

	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
50. Civil and Hydraulic engineering works	All civil and hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction. 4.301
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
51. Stormwater drainage system	The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the principal certifier. Should the consent holder encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, then they must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at their own expense. 4.302
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
52. Planning Agreement	Works approved under this determination notice shall be undertaken in accordance with, and at all times remain consistent with, the provisions of the relevant Planning Agreement. Any requirement for a bond, or provision of a maintenance schedule, or any other requirement specified in the relevant Planning Agreement must be completed in accordance with the terms of the relevant Planning Agreement. Works shall not progress beyond any hold points specified in the relevant Voluntary Planning Agreement. Sign off from Council of the satisfaction of any relevant Voluntary Planning Agreement Hold Point shall be provided to the Certifying Authority before works can continue.
	Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.
53. Responsibility for Changes to Public Infrastructure	While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority. 4.307.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.
54. Excavated safety	All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the consent holder must, at their own expense: a. Protect and support the building, structure or work from possible damage from the excavation, and b. Where necessary, underpin the building, structure or work to prevent any such damage.

	<p>This consent condition does not apply if the consent holder owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p>The owner of any affected buildings is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.</p> <p style="text-align: right;">4.308</p>
	<p>Condition reason: To ensure compliance with the relevant Australian Standard and National Construction Code.</p>
55.	<p>Shoring and adequacy of adjoining properties</p> <p>If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the consent holder must, at their own expense —</p> <ol style="list-style-type: none"> Protect and support the building, structure or work from possible damage from the excavation, and Where necessary, underpin the building, structure or work to prevent any such damage. <p>This condition does not apply if the consent holder owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p style="text-align: right;">4.309.P</p>
	<p>Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
56.	<p>Retaining walls</p> <p>If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Should it be required, separate approval must be obtained for retaining walls.</p> <p style="text-align: right;">4.310</p>
	<p>Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.</p>
57.	<p>Waste management</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> all waste management must be undertaken in accordance with the waste management plan, and upon disposal of waste, records of the disposal must be compiled and provided to , detailing the following: <ol style="list-style-type: none"> The contact details of the person(s) who removed the waste The waste carrier vehicle registration The date and time of waste collection A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill The address of the disposal location(s) where the waste was taken The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.</p> <p style="text-align: right;">4.502.S</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>

58. Comply with Waste management plan	
The requirements of the submitted Waste Management Plan shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following:	
<ul style="list-style-type: none"> a. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997; and b. All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997; and c. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW; and d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it; and e. Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/ details are also to be kept of person removing the waste; and f. All materials and resources that are to be stored on site during construction works are contained on the site; and g. The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses; and h. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works. 	
	4.503
Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.	
59. No Stockpiling	
There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.	
	4.605
Condition reason: To ensure compliance with the relevant New South Wales legislation.	
60. Implementation of the site management plans	
While site work is being carried out:	
<ul style="list-style-type: none"> a. the measures required by the construction site management plan (where approved) and the erosion and sediment control plan must be implemented at all times, and b. a copy of these plans must be kept on site at all times and made available to council officers upon request. 	
	4.701.S
Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.	
61. Tree protection during work	
While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:	
<ul style="list-style-type: none"> a. the construction site management plan (where approved) under this consent, b. the relevant requirements of AS 4970 Protection of trees on development sites, 	

	<p>c. Council's relevant development control plan (in force as at the date of determination of this consent) and</p> <p>d. any arborist's report approved under this consent.</p> <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p> <p style="text-align: right;">4.807.S</p>
	<p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>
62.	<p>Tree protection</p> <p>All work carried out on or around protected trees during demolition, clearing and construction shall comply with Australian Standard AS 4373 – 'Pruning of amenity trees' and Australian Standard AS 4970 – 'Protection of trees on development sites'. Site specific conditions relating to tree protection shall take precedence over this requirement.</p> <p style="text-align: right;">4.806</p>
	<p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>
63.	<p>Threatening of trees</p> <p>If any trees to be retained and protected are threatened by demolition, building or other site works through accidental omission or unforeseen circumstances, the approving authority is to be notified immediately in writing before such work is continued so that this issue can be resolved.</p> <p style="text-align: right;">4.810</p>
	<p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>
64.	<p>Tree Protection Measures</p> <p>a) All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site and provided to Project Arborist and Principal Certifying Authority as requested.</p> <p>b) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zones.</p> <p>c) No vehicular access or construction activity shall be carried out within the fenced Tree Protection Zones unless specifically allowed for by this consent.</p> <p>d) The Project Arborist shall monitor any works within the Tree Protection Zones.</p> <p>e) Any alterations to the tree protection measures or tree sensitive methods must have prior approval from the Project Arborist.</p> <p>f) Tree roots shall not be damaged and soil shall not be compacted during works within the Tree Protection Zones.</p> <p>g) Tree sensitive methods to the satisfaction of the Project Arborist shall be used for excavation works within the Tree Protection Zones.</p> <p>h) If tree roots within the Tree Protection Zones are exposed during approved works, roots with a diameter less than 50mm can be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 50mm in diameter are to be assessed by the Project Arborist. Where required by the Project Arborist, changes to the design and methodology may be required to ensure the trees are not adversely impacted.</p> <p>Condition reason: To protect the natural environment of the development site and adjoining lands.</p>
65.	<p>Planting within Tree Protection Zones</p> <p>a) Imported soil mixes within the Tree Protection Zones shall be limited to a depth of 75mm. The soil mix shall be a coarse-graded, sandy material to ensure adequate gaseous and water infiltration.</p>

	<p>b) New planting within the Structural Root Zones shall be of a small container size to ensure no roots greater than 25mm are severed during the plant installation works.</p> <p>c) Mattocks and similar digging instruments shall not be used within the Tree Protection Zones.</p> <p>d) Planting holes within Tree Protection Zones shall be dug carefully by hand with a garden trowel, or similar small tool and not damage roots greater than 25mm in diameter.</p>
	Condition reason: To protect the natural environment of the development site and adjoining lands.
66.	Arborists Documentation and Compliance Checklist
	<p>a) The Project Arborist shall provide Compliance Certification to the Principal Certifying Authority outlining that all tree protection measures relevant to this consent have been complied with. Documentation for each site visit shall include:</p> <ol style="list-style-type: none"> Record of the condition of trees to be retained throughout the development works; Review of the records of the induction process including tree protection requirements; Compliance with tree protection measures and conditions of consent; Details of excavation works, root pruning and the use of tree sensitive methods within the Tree Protection Zones; Recommended actions to improve site conditions and rectification of non-compliance.
	Condition reason: To protect the natural environment of the development site and adjoining lands.
67.	In situ habitat
	Where possible, all fallen trees, logs, leaf litter, rocks and other debris are to be retained in situ on site as habitat and to maintain soil stability and structure.
	Condition reason: To protect the natural environment of the development site and adjoining lands.
68.	Exotic Species
	<p>Invasive exotic perennial grass species listed in the Final Determination of the NSW Scientific Committee for the key threatening process 'Invasion of native plant communities by exotic perennial grasses' should not be sown within the development site. Sterile cover crops should be sown if necessary to stabilise exposed surfaces, and native grasses or non-invasive exotic grasses should be sown to provide the final vegetative cover in these areas if required.</p> <p>No exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee for the key threatening process 'Invasion of native plant communities by exotic perennial grasses', shall be introduced, planted, sown or laid for landscaping or other purpose (including residential lawns). These species include:</p> <ul style="list-style-type: none"> • <i>Cenchrus ciliaris</i> (Buffel Grass), • <i>Hyparrhenia hirta</i> (Coolatai Grass), • <i>Eragrostis curvula</i> (African Lovegrass), • <i>Nassella neesiana</i> (Chilean Needlegrass), • <i>Nassella trichotoma</i> (Serrated Tussock), • <i>Agrostis capillaris</i> (Browntop Bent), • <i>Andropogon virginicus</i> (Whisky Grass), • <i>Chloris gayana</i> (Rhodes Grass), • <i>Cortaderia</i> spp. (Pampas Grasses), • <i>Ehrharta erecta</i> (Panic Veldgrass), • <i>Melinis minutiflora</i> (Molasses Grass), • <i>Panicum repens</i> (Torpedo Grass),

	<ul style="list-style-type: none"> • <i>Paspalum urvillei</i> (Vasey Grass), • <i>Cenchrus clandestinus</i> syn. <i>Pennisetum clandestinum</i> (Kikuyu), • <i>Phalaris aquatica</i> (Phalaris), • <i>Setaria sphacelata</i> (South African Pigeon Grass), • <i>Sporobolus fertilis</i> (Giant Parramatta Grass), • <i>Sporobolus natalensis</i> (Giant Rats Tail Grass), • <i>Urochloa mutica</i> (Para Grass).
	Condition reason: To protect the natural environment of the development site and adjoining lands.
69.	Erosion and Sediment control measures Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised. In accordance with the approved soil and water management plans, and the latest edition of "Managing Urban Stormwater (Soils and Construction)" commonly known as "The Blue Book" by Landcom, Measures shall be adopted, to prevent eroded soil or soil laden water from leaving any part of the construction site. All measures shall be installed prior to the commencement of site surface disturbance and, where necessary, modified as the project continues. The function and integrity of the measures shall be cleaned after each storm event and maintained at all times.
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
70.	Discovery of relics and Aboriginal objects - Unexpected Finds Protocol Works shall at all times be carried out in accordance with the requirements and recommendations of the Aboriginal Cultural Heritage Assessment Report (ACHAR) listed in Condition 1. An Unexpected Finds Protocol shall be prepared to cover situations while site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: <ol style="list-style-type: none"> a. the work in the area of the discovery must cease immediately; b. the following must be notified: <ol style="list-style-type: none"> i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Site work may recommence at a time confirmed in writing by: <ol style="list-style-type: none"> a. for a relic – the Heritage Council; or b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. In this condition: "relic" means any deposit, artefact, object or material evidence that: <ul style="list-style-type: none"> • relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and • is of State or local heritage significance; and "Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

4.901.S

	Condition reason: To ensure the protection of objects of potential significance during works.
71. Adjacent Council Pipe	Any disturbance or damage caused to Council's drainage pipes within the site shall be repaired by Council at the consent holder's expense. The consent holder shall notify Council of such damage immediately after it occurs, and of any pre-existing damage before commencement of work within the site.
	Condition reason: To ensure works undertaken are carried out in a safe manner in accordance with relevant policies.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

72. Occupation certificate	The occupation or use of the structures must not commence unless an occupation certificate has been issued. <div style="text-align: right;">5.201</div>
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
73. Works-as-executed plans	To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans (in both hard and soft copies - AutoCAD, CivilCAD, Civil 3D, 12D or any other commercially used program), certified by a Registered Surveyor shall be submitted to and accepted by Council in writing, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate. The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Subdivision Works Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans. Note that this condition requires the provision of Work-as-Executed Plans for all works approved under this Determination Notice
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.
74. Acid Sulfate Soils	Prior to the issue of a Subdivision Works Compliance Certificate, the supervising environmental consultant must certify in writing to Council that the management of acid sulfate soil was undertaken in accordance with the plan referred to in Conditions 1 and 17.
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
75. Remedial Action Plan	Evidence of final sign off from the site auditor that the recommendations of the Remedial Action Plan approved under DA-370/2020 have been implemented, shall be provided to the Certifier prior to the issue of an occupation certificate for the Shared Path.
	Condition reason: To ensure compliance with the relevant New South Wales legislation.
76. Path certification	A report as prepared by a registered surveyor must be submitted to the principal certifier verifying that the reduced level (RL) of the finished floor level, measured at 200m intervals along the pathway, conform with the approved plans. <div style="text-align: right;">5.203</div>
	Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.

77.	Preservation of survey marks
	<p>Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:</p> <ol style="list-style-type: none"> no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure. <p style="text-align: right;">5.204.S</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
78.	Completion of Public Utility Services
	<p>Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.</p> <p style="text-align: right;">5.207.S</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
79.	Work Permit Compliance required
	<p>An occupation certificate must not be issued until all conditions relating to demolition, building and subdivision works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).</p> <p style="text-align: right;">5.301</p>
	<p>Condition reason: To ensure the development is built and remains consistent with approved plans and documentation.</p>
80.	Repair of infrastructure
	<p>Before the issue of an occupation certificate:</p> <ol style="list-style-type: none"> any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent. <p style="text-align: right;">5.302.S</p>
	<p>Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.</p>
81.	Removal of Waste Upon Completion
	<p>Before the issue of an occupation certificate:</p> <ol style="list-style-type: none"> all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the waste management plan, and written evidence of the waste removal must be provided to the satisfaction of the principal certifier. <p style="text-align: right;">5.503.S</p>
	<p>Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.</p>
82.	Completion of Landscape and Tree Works
	<p>Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.</p>

	5.701.S
	Condition reason: To protect the natural environment of the development site and adjoining lands and to ensure the development is built and remains consistent with approved plans and documentation.
83.	Design of lighting
	Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282 – 'The Control of the Obtrusive Effects of Outdoor Lighting'.
	5.907
	Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites and to ensure compliance with the relevant Australian Standard and National Construction Code.

OCCUPATION AND ONGOING USE

84.	Maintenance of wastewater and stormwater treatment device
	During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).
	7.303.S
	Condition reason: To protect existing public and private infrastructure and building works during demolition, construction and ongoing use of the development.

- END -



PEER REVIEW OF ASSESSMENT OF DA-1524/2023

Construction of a Publicly Accessible Shared Cycleway and Pedestrian
Access Path and Associated Works at 67 Auld Ave, 41 & 77 Keys Pde,
1 Luderick Ave, 40 Prescott Pde & 265 Horsley Road, Milperra

Peer Review of DA Assessment - DA-567/2024
Shared Cycleway and Pedestrian Path

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DOCUMENT INFORMATION

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Peer Review of Assessment of Development Application
67 Auld Ave, 41 & 77 Keys Pde, 1 Luderick Ave, 40 Prescott Pde & 265 Horsley Road, Milperra

1.0 Executive Summary

The Planning Hub has been engaged by Canterbury-Bankstown Council to undertake an independent peer review of Council's assessment of Development Application DA-1524/2023 which seeks consent for the Construction of a publicly accessible shared cycleway and pedestrian access path along the Georges River, including elevated sections, and a bridge over mangroves and the northern creek, and ancillary works at 67 Auld Ave, 41 & 77 Keys Pde, 1 Luderick Ave, 40 Prescott Pde & 265 Horsley Road, Milperra (previously known as 40 & 56 Prescott Pde, 67, 67A, 90 & 100 Auld Ave & 265 Horsley Road, Milperra)

The site is zoned RE1 Public Recreation, RE2 Private Recreation, R2 Low Density Residential, and SP2 Infrastructure: Road Infrastructure Facility pursuant to the Canterbury-Bankstown Local Environmental Plan 2023 and is located within Milperra Locality. As the site is owned by Council and relates to designated development, the Development Application is required to be referred to the Canterbury-Bankstown Local Planning Panel for determination, in accordance with Section 9.1 of the *Environmental Planning and Assessment Act 1979* and the 'Local Planning Panel Directions – Development Applications' (Schedule 2, Clause 1(a) & Clause 4(a)).

This independent peer review has been commissioned in accordance with Council's 'Council-Related Development Application Policy,' pursuant to Section 66A of the *Environmental Planning and Assessment Regulation 2021*.

Council's Assessment Report and accompanying Notice of Determination recommend the approval of DA-1524/2023, subject to conditions of consent.

This independent peer review has found Council's assessment of DA-1524/2023 to be satisfactory. The Development Application is generally consistent with the matters for consideration at Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and the recommended conditions of consent adequately address the matters raised in Council's Assessment Report. Council's recommendation for the approval of DA-1524/2023 is therefore supported.

Peer Review of Assessment of Development Application
67 Auld Ave, 41 & 77 Keys Pde, 1 Luderick Ave, 40 Prescott Pde & 265 Horsley Road, Milperra

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Peer Review of Assessment of Development Application
67 Auld Ave, 41 & 77 Keys Pde, 1 Luderick Ave, 40 Prescott Pde & 265 Horsley Road, Milperra

2.0 Introduction

The Planning Hub has been engaged by Canterbury-Bankstown Council to undertake an independent peer review of Council's assessment of Development Application DA-1524/2023 which seeks consent for the Construction of a publicly accessible shared cycleway and pedestrian access path along the Georges River, including elevated sections, and a bridge over mangroves and the northern creek, and ancillary works at 67 Auld Ave, 41 & 77 Keys Pde, 1 Luderick Ave, 40 Prescott Pde & 265 Horsley Road, Milperra (previously known as 40 & 56 Prescott Pde, 67, 67A, 90 & 100 Auld Ave & 265 Horsley Road, Milperra)

Council's Assessment Report and accompanying Notice of Determination recommend the approval of DA-1524/2023, subject to conditions of consent. This independent peer review has been commissioned in accordance with Council's 'Council-Related Development Application Policy,' pursuant to Section 66A of the Environmental Planning and Assessment Regulation 2021.

The following matters have been considered to determine the adequacy of Council's assessment of the Development Application (DA) and the subsequent recommendation for approval:

- The relevant matters listed in section 4.15 of the *Environmental Planning and Assessment Act 1979*;
- The findings and recommendations of Council's Assessment Report; and
- The recommended conditions of consent.

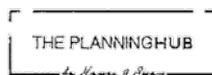
2.1 Background

The subject site was previously known as 40 & 56 Prescott Pde, 67, 67A, 90 & 100 Auld Ave & 265 Horsley Road, Milperra. The development site is an irregular allotment that contains existing established vegetation located generally along the eastern bank of the Georges River. The surrounding development consists of similar natural vegetation, and adjoins Council-owned land to the north, known as the Vale of Ah, and is located in close proximity to the currently underway redevelopment of R2-zoned land where the construction of single dwellings and dual occupancy developments is occurring.

On 16 June 2022, DA-1107/2019 was approved by the NSW Land and Environment Court as part of the wider development of the former Riverlands Golf Course site, the existing twenty-seven (27) lots that made up the Riverlands Golf Course site as defined in the Canterbury Bankstown Local Environmental Plan 2023 were subdivided into six (6) new lots that better aligned with the future re-development works. The associated subdivision certificate was approved by Council on 28 March 2025, some 12 months after the subject Development Application was lodged with Council.

Following the registration of the subdivision certificate, the development site is now known as:

- 67 Auld Ave, Milperra (Lot 4, DP 1261511), currently zoned RE1 Public Recreation (this part of the site is an elongated 20m wide lot that adjoins the Georges River to the west);
- 41 and 77 Keys Pde, Milperra (Lots 2 & 3, DP 1261511), currently zoned RE2 Private Recreation (being two undeveloped sites that are not subject to any approved works);



Peer Review of Assessment of Development Application
67 Auld Ave, 41 & 77 Keys Pde, 1 Luderick Ave, 40 Prescott Pde & 265 Horsley Road, Milperra

- 40 Prescott Pde, Milperra (Lot 5 DP 731859), currently zoned RE1 Public Recreation (an existing, Council-owner lot adjacent to the M5 Motorway that has a small frontage to the Georges River);
- 1 Luderick Ave (Lot 1 DP 271266), currently zoned R2 Low Density Residential (part of the residential site where the development of dual occupancies and dwellings is currently underway); and
- 265 Horsely Rd Milperra (Lot 30 DP 827142), being the part of the site that sits below the existing M5 Motorway, which is currently zoned SP2 Infrastructure: Road Infrastructure Facility

The subject application (DA-1524/2023) was subsequently lodged with Council on 15 March 2024 seeking consent for the Construction of a publicly accessible shared cycleway and pedestrian access path along the Georges River, including elevated sections, and a bridge over mangroves and the northern creek, and ancillary works at 67 Auld Ave, 41 & 77 Keys Pde, 1 Luderick Ave, 40 Prescott Pde & 265 Horsley Road, Milperra (previously known as 40 & 56 Prescott Pde, 67, 67A, 90 & 100 Auld Ave & 265 Horsley Road, Milperra).

The application was advertised and notified for a period of twenty-eight (28) days, from 17 April to 15 May 2024. No submissions were received during the notification period.

Three separate requests for additional information letters were issued by Council on 1 October 2024, 28 March 2025, and 9 July 2025. The additional information requested in the letters included matters in relation to the following:

- Biodiversity
- Remediation of Land
- Development Engineering/Assets comments
- Continuation of Shared Pathway to Auld Avenue/Vale of Ah
- Additional Properties and Owners Consent
- Updated Plans and documentation

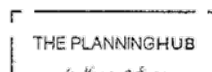
Following received of additional information, Council's Assessment Report and the recommended conditions of consent are based on the most recent set of documentation and information received during the assessment of the application.

As the site is owned by Council and relates to designated development, the Assessment Report correctly asserts that the DA is required to be referred to the Canterbury-Bankstown Local Planning Panel for determination, in accordance with Section 9.1 of the *Environmental Planning and Assessment Act 1979* and the 'Local Planning Panel Directions – Development Applications', Schedule 2, Clause 1(a) & 4(a).

3.0 Assessment Against Relevant Acts

Council's Assessment Report accurately identifies the following acts as applying to the site and development:

- *Biodiversity Conservation Act, 2016*
- *Coastal Management Act, 2016*



Peer Review of Assessment of Development Application
67 Auld Ave, 41 & 77 Keys Pde, 1 Luderick Ave, 40 Prescot Pde & 265 Horsley Road, Milperra

- *Water Management Act, 2000*
- *National Parks and Wildlife Act, 1974*
- *Environmental Planning and Assessment Act (Section 4.14)*

3.1 Biodiversity Conservation Act 2016 and Coastal Management Act 2016

Council's assessment of the proposal against the Biodiversity Conservation Act 2016 and Coastal Management Act 2016 is deemed to be adequate. Specifically, Council's Environmental Planner has reviewed the submitted BDAR as well as the overall proposal and determined the methodology of the report, and the recommendations contained within, to be sound and worthy of support, citing the relevant sections of the BC Act 2016 and the EPBC 1999 Act. Furthermore, the proposed and assessed impacts on the TEC's are supported based on the information contained within the submitted BDAR and conditions recommended in the accompanying Notice of Determination.

3.2 Water Management Act 2000

Council's assessment of the proposed development against the provisions of Section 91 (Activity Approval) of Water Management Act 2000 is deemed to be adequate acknowledging the application nominated integrated development in accordance with section 4.46 of the Environmental Planning and Assessment Act, 1979.

Suitable conditions have been recommended as part of the Notice of Determination incorporating the General Terms of Approval issued by the Department of Climate Change, Energy, the Environment and Water (DECCEW) – Water Group.

3.3 National Parks and Wildlife Act, 1974

Council's assessment of the proposed development against the relevant provisions of National Parks and Wildlife Act 1976 is considered to be adequate. The proposed development is not considered to be integrated development in accordance with Section 90 of the *National Parks and Wildlife Act, 1974* or section 4.46 of the Environmental Planning and Assessment Act, 1979 and an Aboriginal Heritage Impact Permit (AHIP) is not required as the proposed works do not require any Aboriginal objects to be either destroyed, damaged or defaced.

Suitable conditions have been recommended acknowledging the recommendations of the Aboriginal Cultural Heritage Assessment Report (ACHAR) and the AHIP that already applies to the wider Riverlands Golf Course site as approved under DA-1107/2019.

3.4 Environmental Planning and Assessment Act 1979 (Section 4.14)

Council's assessment of the proposed development against the provisions of Section 4.14 (Consultation and development consent—certain bush fire prone land) of Environmental Planning and Assessment Act 1979 is deemed to be adequate.

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4.0 Section 4.15(1) Assessment

Council's Assessment Report accurately identifies the following environmental planning instruments, development control plans, codes and policies as applying to the site and development:

- *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 (CBLEP 2023)*
- *Canterbury Bankstown Development Control Plan 2023 (CBDP 2023)*
- *Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)*

A detailed assessment of the development against the relevant provisions of each of the above is provided in the Assessment Report.

4.1 The Provisions of Any Environmental Planning Instrument

4.1.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Council's assessment of the proposed development against the provisions of Chapter 6 (Water catchments) of State Environmental Planning Policy (Biodiversity and Conservation) 2021 is deemed to be adequate. Suitable conditions have been recommended

4.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Council's assessment of the proposed development against the provisions of Section 4.6 (Contamination and remediation to be considered in determining development application) of State Environmental Planning Policy (Resilience and Hazards) 2021 is deemed to be adequate.

Note - In accordance with Section 2.7(2) of the SEPP, the proposed development is declared to be designated development as it involves development within areas mapped as "coastal wetlands" on the Coastal Wetlands and Littoral Rainforests Area Map.

4.1.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Council's assessment of the proposed development against the provisions of Section 2.119 (Development with frontage to classified road) is deemed to be adequate.

4.1.4 Canterbury-Bankstown Local Environmental Plan 2023

Council's assessment of the proposed development against the relevant provisions of the Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023) is deemed to be adequate.

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4.2 The Provisions of Any Draft Environmental Planning Instrument

No Draft Environmental Planning Instrument is applicable to the site or development.

4.3 The Provisions of Any Development Control Plan

4.3.1 Canterbury-Bankstown Development Control Plan 2023

Council's assessment of the proposed development against the relevant provisions of the Canterbury-Bankstown Development Control Plan 2023 (CBDP 2023) is deemed to be adequate.

4.4 The Provisions of Any Planning Agreement or Draft Planning Agreement

Council assessment report acknowledges that the delivery of the Shared Pathway is a requirement of an existing Planning Agreement between Canterbury-Bankstown Council and Mirvac. Council's assessment of the proposed development against the relevant provisions of the agreement is deemed to be adequate.

4.5 The Regulations

Council's assessment of the proposed development against the relevant provisions of the Environmental Planning and Assessment Regulation 2021 is deemed to be adequate.

4.6 The Likely Impacts of the Development

Council's assessment of the likely impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality is deemed to be adequate. The recommended conditions of consent would satisfactorily manage the impacts of the development.

4.7 The Suitability of the Site for the Development

Council's assessment of the suitability of the site for the proposed development is deemed to be adequate.

4.8 Any Submissions made in Accordance with this Act or the Regulations

The DA has been correctly advertised in accordance with Council's Community Participation Plan (CPP) and Section 8 of the EP&A Regulations which requires a minimum exhibition period of 28 days for Council-related development/ designated development.

The DA was advertised for a period of 28 days from 17 April 2024 and 14 May 2024. No public submissions were received within the advertising periods.

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4.9 The Public Interest

Council's assessment of the public interest is deemed to be adequate.

5.0 Adequacy of Council's Process and Assessment

Council's assessment of the application is deemed to be adequate having regard to the following:

- The DA has been advertised for the minimum 28-day period in accordance with Council's CPP and EP&A Regulations.
- The DA has been peer reviewed by an external consultant in accordance with Council's 'Council-Related Development Application Policy,' pursuant to Section 66A of the Regulation.
- A satisfactory assessment of the development against the provisions of Section 4.15(1) of the Act has been provided in the Assessment Report.
- The DA has been correctly identified as requiring referral to the Canterbury-Bankstown Local Planning Panel for determination in accordance with Section 9.1 of the Act and the 'Local Planning Panel Directions – Development Applications', Schedule 2, Clause 1(a) & 4(a).

6.0 Adequacy of the Recommended Conditions of Consent

A review of the Notice of Determination has been undertaken and the recommended conditions of consent are considered to adequately mitigate and manage the proposed development and its associated impacts on the site and surrounding locality.

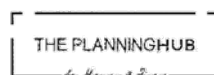
7.0 Conclusion

The Planning Hub has been engaged by Canterbury-Bankstown Council to undertake a peer review of Council's assessment of Development Application DA-1524/2023 which seeks consent for the Construction of a publicly accessible shared cycleway and pedestrian access path along the Georges River, including elevated sections, and a bridge over mangroves and the northern creek, and ancillary works at 67 Auld Ave, 41 & 77 Keys Pde, 1 Luderick Ave, 40 Prescott Pde & 265 Horsley Road, Milperra (previously known as 40 & 56 Prescott Pde, 67, 67A, 90 & 100 Auld Ave & 265 Horsley Road, Milperra)

The following matters were taken into consideration as part of this peer review:

- The relevant matters listed in section 4.15(1) of the *Environmental Planning and Assessment Act 1979*;
- The findings and recommendations of Council's Assessment Report; and
- The recommended conditions of consent.

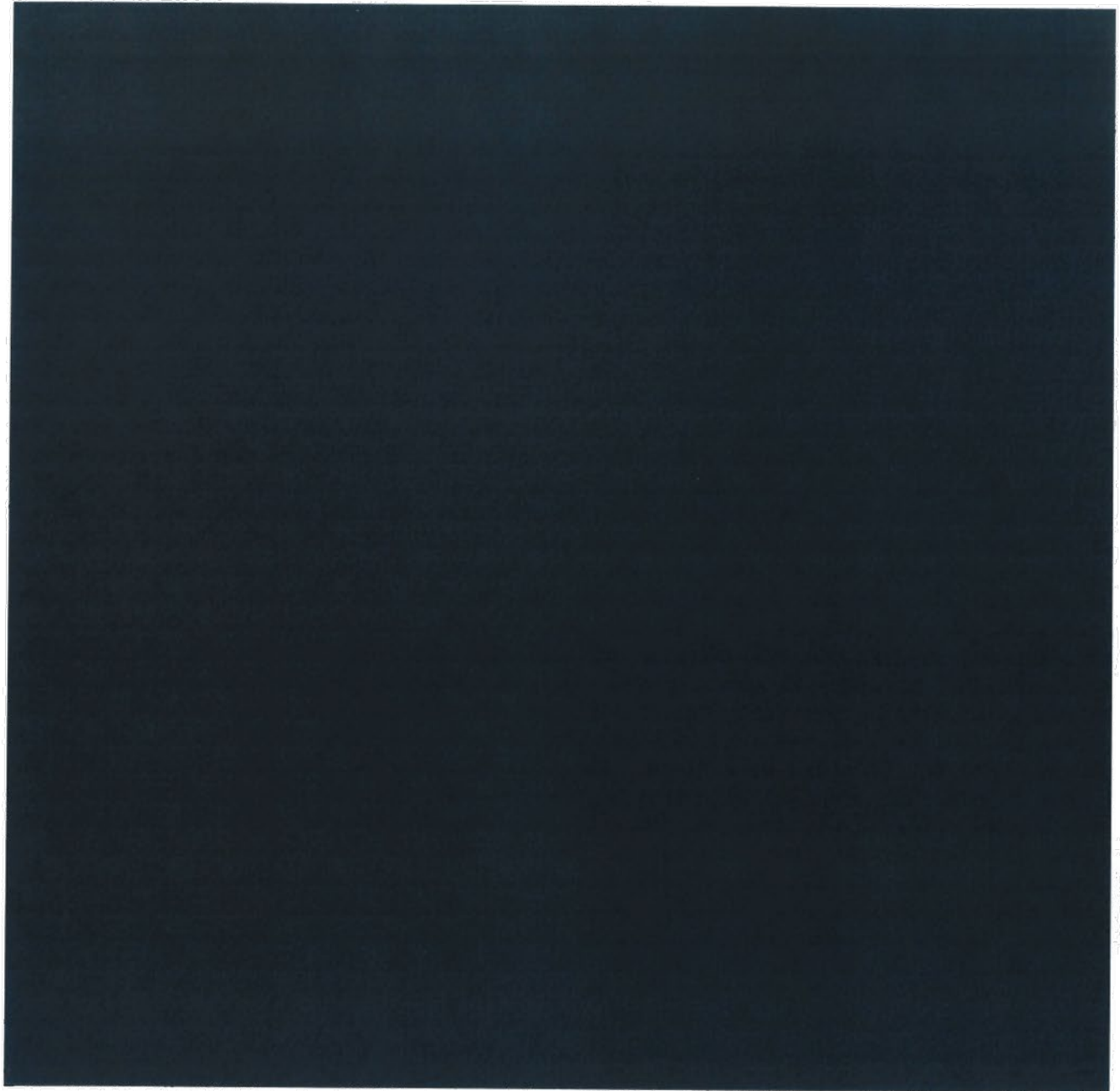
The peer review has found the following:



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- The DA has been advertised for the minimum 28-day period in accordance with Council's CPP and EP&A Regulations.
- The DA has been peer reviewed by an external consultant in accordance with Council's 'Council-Related Development Application Policy,' pursuant to Section 66A of the Regulation;
- A satisfactory assessment of the development against the provisions of Section 4.15(1) of the Act has been provided in the Assessment Report.
- The DA has been correctly identified as requiring referral to the Canterbury-Bankstown Local Planning Panel for determination.
- The recommended conditions of consent are considered to adequately mitigate and manage the proposed development and its associated impacts on the site and surrounding locality.

Subject to the above, Council's recommendation for the approval of DA-1524/2023 is supported.



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