

CANADA BAY LOCAL
ENVIRONMENTAL PLAN 2013
(AMENDMENT NO 20)

LSPS PLANNING PROPOSAL

May 2020

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Introduction

This planning proposal seeks to amend the Canada Bay Local Environmental Plan (CBLEP) 2013. It commences the implementation of the Canada Bay Local Strategic Planning Statement (LSPS), giving effect to the Eastern Sydney District Plan. Council intends to implement the LSPS as a series of planning proposals, this being the first.

The proposed CBLEP amendments relate to:

- Diversity of apartment sizes
- Affordable Housing
- Minimum lot sizes for boarding houses
- Aircraft noise
- Environmentally Sensitive Land
- Objectives for HOB and FSR
- Sydney Water sites
- Housekeeping matters

The planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and addresses the requirements cl 3.8 (3) of the EP&A Act 'on the preparation of planning proposals under section 3.33 to give effect to the district strategic plan'. It is also in accordance with relevant Department of Planning, Industry and Environment Guidelines including "A Guide to Preparing Local Environmental Plans" and "A Guide to Preparing planning proposals".

Part 1 - Objectives or Intended Outcomes

The objective of the planning proposal is to amend the Canada Bay Local Environmental Plan 2013 (CBLEP) to give effect to the Eastern City District Plan: to commence the process of implementing Council's Local Strategic Planning Statement (LSPS), and to make various housekeeping amendments.

Detailed objectives and the intended outcomes of the planning proposals are as follows:

Objectives

- Increase housing choice and diversity.
- Increase provision of affordable housing.
- Ensure boarding houses are consistent with local character and provide adequate amenity.
- Manage and mitigate aircraft noise impacts.
- Protect land of high biodiversity value.
- Strengthen objectives for Height of Building and Floor Space Ratio controls.
- Ensure operational Sydney Water sites are appropriately zoned.
- Correct errors and inconsistencies in CBLEP 2013.

Intended Outcomes

- New developments deliver an expanded range of apartment sizes.
- New developments deliver a proportion of dwellings that are affordable to medium, low, and very low income families.
- Boarding houses are limited to only areas where there is good amenity.
- New developments that are impacted by aircraft noise are designed to ameliorate the impacts.
- Environmentally sensitive land is protected from development impacts.
- HOB and FSR objectives reduce ambiguity when applying Clause 4.6 of the LEP.
- Sydney Water sites are zoned to reflect their operational purposes.
- Errors and inconsistencies are corrected to improve legibility and accuracy.

Part 2 - Explanation of Provisions

Each of the proposed amendments to the Canada Bay Local Environmental Plan 2013 is explained in detail below.

1. Diversity of apartment sizes

Proposal

The planning proposal seeks to amend the CBLEP 2013 to introduce a new clause (refer below) into Part 6 Additional Local Provisions of the LEP, to increase diversity and choices of apartment sizes, in accordance with Action 5.4 of Council's LSPS.

Background and rationale

Council's Local Housing Strategy (LHS) found that, whilst 88% of new demand for dwellings in the LGA by 2026 is likely to be for apartments, 20% of apartments are occupied by families with children (refer Figure 15 Key implications of major findings, pg 40-41). Whilst Council is focusing on facilitating low rise medium density developments around centres that possess good access to infrastructure and services, there is a need to ensure supply of a wide range of apartment types. It is therefore important that some emphasis is given to providing both larger and smaller apartments, in addition to providing more medium density opportunities where possible.

LHS Policy Direction: Encourage the development of low rise medium density developments around centres that possess good access to infrastructure and services. Where this is not possible, encourage the development of larger apartments of three or more bedrooms, whilst also ensuring the need for studio and one-bedroom apartments is met.

It is proposed that there be a requirement that residential flat buildings and mixed use developments that include shop top housing, of at least 10 dwellings, provide at least 20% of the dwellings as self-contained studio dwellings or one-bedroom dwellings, and at least 20% of the dwellings as 3 or more bedroom dwellings.

This following table includes examples of the proposed dwelling requirement:

Total number of dwellings	Minimum number of self-contained studio dwellings or one-bedroom dwellings	Minimum number of 3 or more bedroom dwellings
10	2	2
11	2	2
12	2	2
13	3	3
14	3	3
15	3	3

Plain English explanation of the changes sought

Council is seeking to make changes to the LEP that achieve the following objectives:

- (a) Ensure the provision of a mix of dwelling types in residential flat buildings and provide housing choice for different demographics, living needs and household budgets; and
- (b) Promote development that accommodates the needs of a range of household sizes.

The changes will only apply to residential flat buildings and mixed use development that includes shop top housing, and only if the development includes at least 10 dwellings.

The changes will have the effect that:

- (a) at least 20% of the total number of dwellings are self-contained studio dwellings or one-bedroom dwellings, or both, and
- (b) at least 20% of the total number of dwellings are 3 or more bedroom dwellings.

2. Affordable housing

Proposal

The Planning Proposal seeks to amend the CBLEP 2013 to include a new clause (refer below) that will require new development to provide affordable housing. This is in accordance with Actions 2.1, 5.1 and 5.5 of Council's LSPS. The proposed new clause will identify where and how the affordable housing contribution would apply.

The intent of the draft provision is that development for residential purposes identified within urban renewal areas in the City of Canada Bay must contribute towards affordable housing based on the following rate:

- **Rhodes East Affordable Housing Contribution Area:** 5% of the total Gross Floor Area that is to be used for residential uses
- **Parramatta Road Corridor:**
 - **Kings Bay Affordable Housing Contribution Area** - 4% of the total Gross Floor Area that is to be used for residential uses
 - **Burwood Affordable Housing Contribution Area** - 4% of the total Gross Floor Area that is to be used for residential uses
 - **Homebush Affordable Housing Contribution Area** - 4% of the total Gross Floor Area that is to be used for residential uses (except for 3 King St and 176 George Street in Concord West where 5% of any additional Gross Floor Area that is to be used for residential uses applies).
- **160 Burwood Road, Concord Affordable Housing Contribution Area** - 5% of the total Gross Floor Area that is to be used for residential uses.

The Planning Proposal also seeks to include new maps to identify land that the Affordable Housing Contribution clause will apply to (refer Part 4, section 3 below and [Appendix A](#)).

City of Canada Bay Affordable Housing Policy Review

Council has also undertaken a review of the Canada Bay Affordable Housing Policy to support the planning proposal. The review, included at [Attachment – CCBC Affordable Housing Policy Review](#), is required under the Gateway determination for the planning proposal (Condition 1b). The condition required that, prior to exhibition, Council undertake and include a review of the 'rental lifting strategy' in Council's Affordable Housing Policy in relation to the principles in Schedule 2 of *State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes)* (SEPP 70).

The review recommended that the Affordable Housing Policy be revised to:

1. Ensure consistency with Clause 10 of SEPP 70 (the principles in Schedule 2), having regard to the review.
2. Clarify that the scope of the Policy is provision of subsidised and community rental housing managed for very low, low and moderate income households.
3. Clarify that the Policy aims to assist local residents and/or local employees on very low, low to moderate weekly incomes to access affordable rental housing in the Local Government Area.
4. Amend the eligibility criteria and setting of rent to remove references to the National Rental Affordability Scheme (NRAS) for future affordable housing.
5. Move references to NRAS to a separate section that would apply only to properties remaining under the NRAS and which will cease to be active when the NRAS ceases operation for Council properties.

The review also recommended that Council undertake a separate financial sustainability assessment of how Council-owned affordable housing units can be operated and managed to provide for the needs of very low, low and moderate income households in a way that is financially sustainable. The assessment will inform amendments to the Policy.

Draft Affordable Housing Contribution Scheme (AHCS)

A draft Affordable Housing Contribution Scheme (AHCS) has also been prepared to support the statement of intent for the affordable housing contribution scheme and is included as [Attachment – Draft Affordable Housing Contribution Scheme](#). The draft AHCS sets out how, where, and at what rate development contributions will be collected by the Council for affordable housing. It includes the evidence base supporting the need for affordable housing and provides operational details including how to calculate contributions and in what form contributions are to be made.

Background and rationale

In Sydney over the last 20 years, a growing population combined with a decrease in average household size has led to an increase in the demand for housing. This demand has exceeded the supply of new dwellings and has contributed to increased housing costs, which affects the ability of very low to moderate income households to live in large parts of the City, including desirable locations such as the City of Canada Bay.

Within Canada Bay, the redevelopment of land at Rhodes East and in the Parramatta Road Corridor is likely to place further pressure on property values. Unless there is intervention to support the provision of designated affordable housing, urban renewal is likely to push existing high purchase prices and rents further out of reach of many households.

There is currently demand for 5,058 social and affordable housing dwellings within Canada Bay. This is expected to grow by approximately 770 dwellings to 2026 and up to 1,997 additional dwellings between 2016 and 2036. When added to current demand, this results in a total demand of 7,056 dwellings by 2036 (i.e. 14% of all dwellings in Canada Bay).¹

SEPP 70

Section 7.32 of the Environmental Planning and Assessment Act (EP&A Act) allows Council to levy contributions for affordable housing if a State Environmental Planning Policy (SEPP) identifies a need for affordable housing in the LGA.

In April 2018, SEPP 70 – Affordable Housing (Revised Schemes) was amended to apply to the City of Canada Bay. The SEPP now applies to all Councils in the Greater Sydney Region.

Under Section 7.32(3)(b) of the EP&A Act, any condition imposed on a development consent must be authorised by a Local Environmental Plan (LEP) and be in accordance with an affordable housing contribution scheme for dedications or contributions set out in, or adopted by, the LEP.

Draft Canada Bay LSPS and Local Housing Strategy

The draft Canada Bay LSPS sets out a land-use vision that includes housing affordability and includes actions requiring Council to address affordable housing, as follows:

- Action 2.1 of the draft LSPS includes Council's intention for 5% of new housing to be provided as affordable housing in the Rhodes Peninsula.
- Action 5.1 of the draft LSPS states that an Affordable Housing Contribution Scheme will be prepared for the Parramatta Road Corridor.
- Action 5.5 requires a minimum of 5 per cent of the Gross Floor Area of new development to be dedicated as affordable housing for: Planned Precincts; Parramatta Road Corridor precincts; and where there is an increase in density arising from a planning proposal. It also states that 'an affordable housing contribution plan is required before the rezoning of above precincts/sites.'

The LSPS minimum affordable housing requirement of 5% for renewal precincts is an aspirational target based on Council's understanding of feasibility across the LGA, but is dependent on detailed viability testing for individual precincts as part of the AHCS.

As required by NSW Government, Council has undertaken viability testing, and has found that a 5% contributions levy was viable for some of the locations tested, but not for the Parramatta Road Corridor precincts. Instead a 4% contributions levy was found to be viable in the Corridor. The AHCS will be reviewed on an annual basis and if there is sufficient evidence of a change in viability, Council will be seeking to increase the contribution rate for the Parramatta Road Corridor in line with the 5% LSPS target.

Council's adopted Local Housing Strategy supports the LSPS, providing an evidence base and the following vision for Affordable Housing in Canada Bay:

Affordability of housing will be addressed through the requirement for major redevelopment sites to provide affordable housing that can be managed by community housing providers. This will allow key workers and households on low-moderate incomes to live within the City of Canada Bay, and retain social and economic diversity.

Plain English explanation of the changes sought

Council is seeking to make changes to the LEP that achieve the following objectives:

- (a) Ensure that affordable housing is provided to mitigate the impact on housing affordability for very low to moderate income households; and

¹ SGS Economics and Planning for City of Canada Bay Council (2019) Canada Bay Housing Strategy.

- (b) Recognise affordable housing as critical social infrastructure necessary to support economic and social functions of commercial, retail and community uses.

The changes will only apply to land indicated on the proposed Affordable Housing Contribution Scheme Map.

The changes will have the effect that new development in each location in the Affordable Housing Contribution Scheme Map makes a contribution to Council, to the amount prescribed in the Affordable Housing Contribution Scheme.

The contribution will be to the monetary value of:

- (a) as prescribed for each location in the Affordable Housing Contribution Scheme, a percentage of the total gross floor area that is intended to be used for residential purposes; or
- (b) where permitted by the Affordable Housing Contribution Scheme, a percentage of any **additional** floor area created by the development that is intended to be used for residential purposes.

The floor area of any excluded development will not be included as part of the total floor area for the purposes of calculating the contribution. Excluded development is:

- (a) exempt development;
- (b) non-residential floorspace (unless identified as adaptable floor space under the scheme);
- (c) residential accommodation that is less than 200 square metres of gross floor area;
- (d) residential accommodation that is used to provide affordable housing or public housing;
- (e) community facilities, schools, public roads or public utility undertakings;
- (f) development on land in Zone IN1 General Industrial; and
- (g) refurbishment or repair of a building that results in additional residential floorspace of less than 100 sqm.

The contribution can be in the form of either:

- (a) dedication of one or more dwellings (each having a total floor area of not less than 50 square metres), with any remainder gross floor area being paid as a monetary contribution; or
- (b) as a monetary contribution calculated in accordance with the City of Canada Bay Affordable Housing Contribution Scheme, which will be made available on Council's website after adoption by Council.

A contribution will be required to be made whether the floor area was in existence before, or is created after, the making of the LEP, or whether or not the floor area concerned replaces a previously existing area. Demolition of a building, or a change in the use of the land, will not be grounds for any refund.

3. Minimum lot size for boarding houses

Proposal

The Planning Proposal seeks to introduce a minimum lot size and street frontage for boarding houses in low density areas. The intention is to ensure consistency with local character and adequate amenity for existing and new residents by restricting new boarding houses in the R2 Low Density Residential zone to lots in excess of 800sqm and with a minimum street frontage of 20m. This is in accordance with Action 7.8 of Council's LSPS and Council resolution of 3 December 2019.

Background and rationale

Under the *SEPP (Affordable Rental Housing) 2009* (ARHSEPP), boarding houses are currently permissible in R1-R4 zones and B1, B2 and B4 zones, with the additional requirement that boarding houses in R2 zone must be within an accessible area. Boarding houses are also only permissible if the design of the development is compatible with the character of the local area.

However, beyond requiring that a consent authority must give consideration to whether the design of the development is compatible with the character of the local area, the SEPP does not include a test or criteria for testing local character.

Council has experienced significant boarding house development in the R3 Medium Density Residential zone that is inconsistent with the character of the medium density areas. Whilst to date there has been only minimal boarding house development in the R2 Low Density Residential zone, the proposal aims to minimise boarding houses in low density areas that are inconsistent with the character of the areas to avoid the erosion of local character.

Council is therefore seeking to preclude boarding houses on smaller lots in the R2 zone and restrict this land use outcome to larger lots in the zone. This will thus ensure that the built form and character (bulk, scale, granularity, architectural character and streetscape) of any potential new boarding house

development is more likely to be consistent with the character of the local area, pursuant to the limitation under the ARHSEPP of no more than 12 boarding rooms on land in the R2 zone. Further, it will assist in the provision of adequate setbacks, private open space and landscaped area, driveways and vehicle manoeuvring areas to minimise the impact on the amenity of existing and new residents.

Council recently commissioned a Low Rise Medium Density Review to examine the implications of the commencement of *SEPP (Exempt and Complying Development Codes) 2008* (Low Rise Medium Density Housing Code). Whilst the focus of the review was medium density development as complying development, the review also recommended that the LEP be amended to “include a minimum lot size of 800m² for Boarding Houses in the R2 Low Density Residential zone” to *Create vibrant places that respect local heritage and character (Priority 7)*. The proposal to require a 20m minimum street frontage was a recommendation of Council’s Local Planning Panel. The Panel’s concern was to ensure that narrow and deep sites are not developed as boarding houses, which would result in a narrow, deep and relatively bulky built form that is inconsistent with the prevailing built form.

The 800sqm minimum lot size would bring boarding houses in the Canada Bay LGA into alignment with the minimum lot size for detached dual occupancies in the R2 Low Density Residential zone and multi dwelling housing and residential flat buildings in the R3 Medium Density zone. It should also be noted that other LEPs include similar controls, but with a larger minimum lot size and street frontage requirement.

Given the limited amount of boarding house development in the R2 Low Density zone, the proposed 800 sqm site size limit would not have a significant impact on the provision of this type of development in the LGA. Further, this proposal will not limit the overall development of other forms of low rise medium density development, such as dual occupancies and terraces, given that Council’s LSPS aims to investigate the prioritisation of dual occupancies and terraces in areas identified as housing diversity investigation areas.

City Futures Research Centre Research Report

A recent report by the City Futures Research Centre for SSROC (June 2019) found that the ARHSEPP is not facilitating boarding houses that are affordable housing under the definition in the SEPP. It is instead facilitating fast-tracked “micro-apartments” for students and younger workers who would normally occupy mainstream studio apartments.

Council will experience significant uplift to 2036, which will overwhelmingly comprise apartment development in planned precincts and renewal corridors. Council’s LHS has identified a need for housing diversity, particularly terraces and dual occupancy housing, larger (3 or more bedrooms) apartments and affordable housing. Council is seeking to address this need by:

- requiring a mix of apartment sizes in apartment developments;
- requiring affordable housing provision in the Parramatta Road Corridor and Rhodes East planned precincts; and
- investigating housing diversity delivery in areas with good access to rail stations, in which medium-density terrace and dual occupancy housing, and boarding houses, will be permissible and feasible.

Additional market-delivered “micro-apartments” in low density residential areas would exceed the demand for this typology and does not address the need for other housing typologies.

Local Housing Strategy

Council’s LHS has found that over the next 20 years, 25 to 34 year olds will remain the dominant age group in the LGA and that young professionals in this age category will continue to highly value access to public transport and employment. It is therefore important to ensure that affordable dwellings are appropriately located for this demographic.

Council’s LSPS proposes to concentrate future housing intensification in the vicinity of existing and future rail stations. This will comprise a diversity of apartment types within centres and medium density housing within adjacent housing investigation areas. This is intended to ensure a future supply of smaller and more affordable dwellings where there is good public transport access and to preserve the character of existing low density areas that have a distinctive local character. The provision of “micro-apartments” in low density residential areas, particularly areas that have a distinctive local character, is contrary to Council’s LSPS.

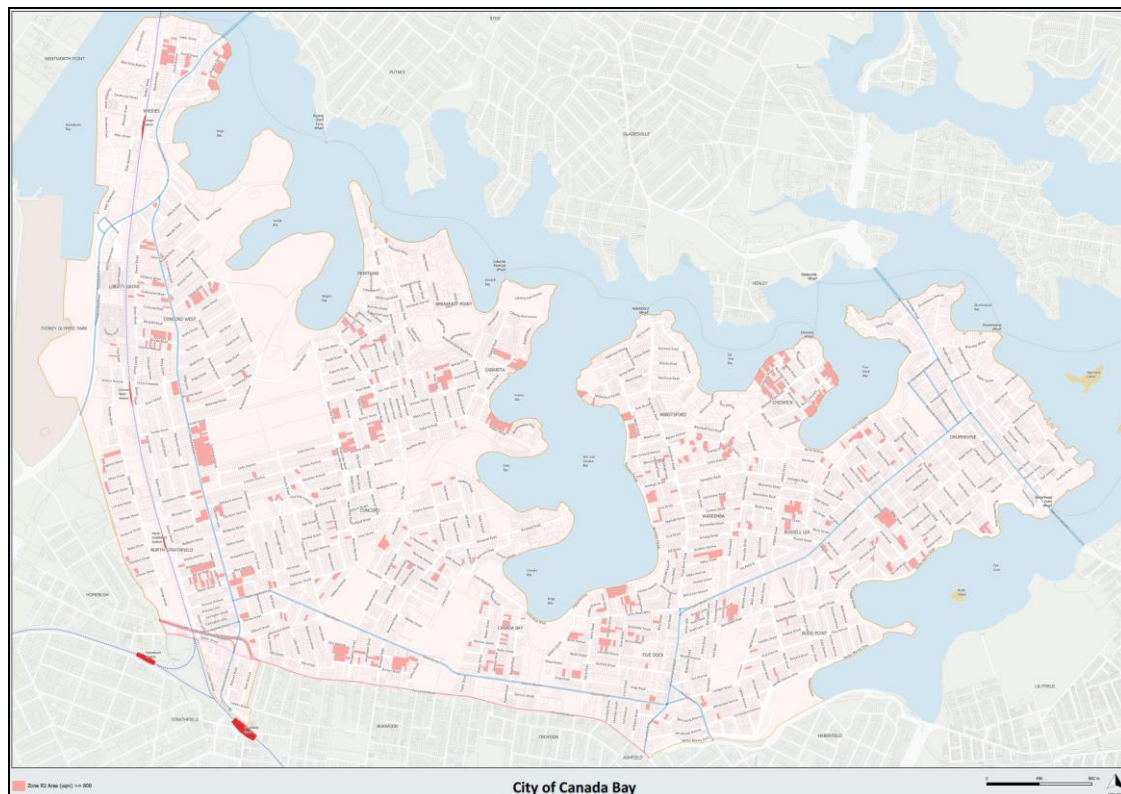


Figure 2: Lots of 800sqm area or greater in R2 Low Density residential zone

Plain English explanation of the changes sought

Council is seeking to make changes to the LEP that achieve the following objectives:

- (a) Ensure that boarding houses in R2 Low Density Residential zone are consistent with the prevailing low-density scale and character; and
- (b) Achieve adequate setbacks, private open space and landscaped area, driveways and vehicle manoeuvring areas to minimise adverse impacts on existing neighbourhoods.

The changes will have the effect that boarding houses in the Low Density Residential zone are limited to sites of a sufficient size (at least 800 sqm) and with a sufficiently wide street frontage (at least 20m) to prevent the development of bulky buildings, including on deep and narrow lots.

4. Aircraft noise

Proposal

The Planning Proposal seeks to amend the CBLEP 2013 to introduce a new clause to address aircraft noise and to ameliorate the impacts of noise on affected residents and businesses. This is in accordance with a Sydney Airport Draft Master Plan 2039 Acoustic Review that Council commissioned in October 2018 ([Attachment – Sydney Airport Draft Master Plan 2039 Acoustic Review](#)).

Background and rationale

The Sydney Airport Master Plan 2039 sets out the strategic direction for the development of Sydney Airport to ensure it can accommodate growth forecast to occur over the next 20 years. It was finalised in April 2019.

In November 2018, Council engaged GHD to undertake an acoustic review of the Sydney Airport Draft Master Plan 2039 and the revised ANEF 2039. The recommendations of the review were to:

- Amend the CBLEP 2013 to include a new clause Development in areas subject to aircraft noise. The recommended clause is similar to Clause 6.8 Leichhardt LEP 2013, Clause 6.5 Marrickville LEP 2011, Clause 7.17 Sydney LEP 2012 and Clause 6.9 Botany Bay LEP 2013.
- Amend the Canada Bay DCP to include development controls in relation to Aircraft Noise, to ensure compliance with AS2021-2015.

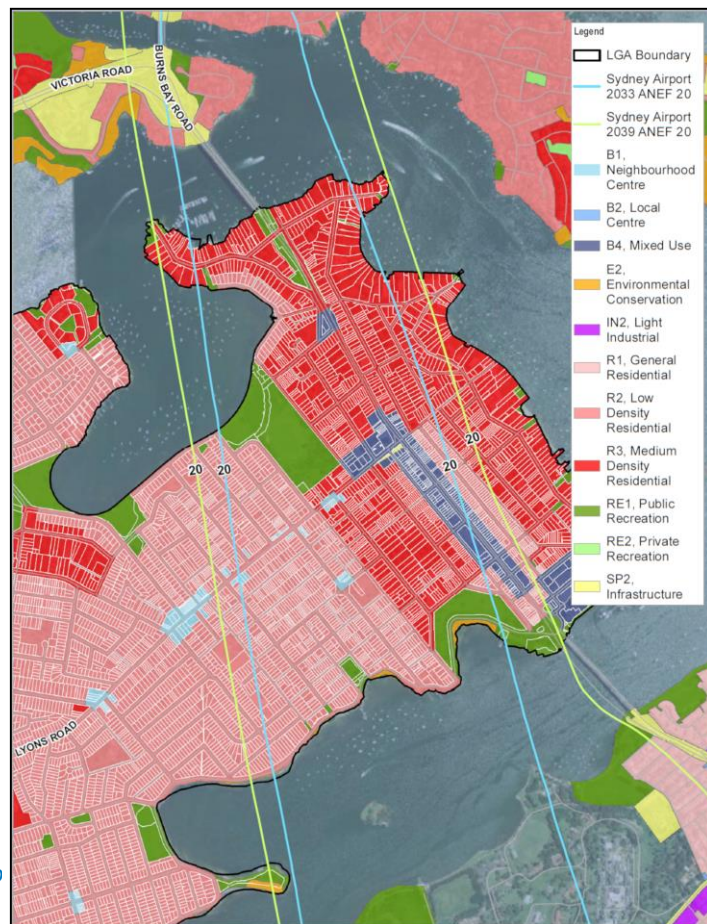


Figure 3: ANEF 2039 map

Plain English explanation of the changes sought

Council is seeking to make changes to the LEP that achieve the following objectives:

- Prevent certain noise sensitive developments from being located within the Sydney (Kingsford-Smith) Airport flight paths; and
- Assist in minimising the impact of aircraft noise by requiring appropriate noise attenuation measures in noise sensitive buildings.

The changes will relate to development that is within a noise exposure contour of 20 or greater of the Australian Noise Exposure Forecast (ANEF) Contour Map for the Kingsford Smith Airport prepared by the Department of the Commonwealth responsible for airports.

The changes will require the consent authority to consider all of the following when assessing a development application within the relevant area:

- if the development will increase in the number of dwellings or people affected by aircraft noise;
- the location of the development in relation to the criteria in Table 2.1 (Building Site Acceptability Based on ANEF Zones) of AS 2021—2015;
- if the development can meet the indoor design sound levels in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) of AS 2021—2015.

5. Environmentally Sensitive Land

Proposal

The Planning Proposal seeks to amend the CBLEP 2013 to protect and enhance bushland and biodiversity, including iconic species and priority corridors. This is in accordance with Action 14.2 of Council's LSPS. It seeks to do this by:

- replacing the term "terrestrial biodiversity" with "environmentally sensitive" in objectives of Zone SP2 Infrastructure and clause 6.3 terrestrial Biodiversity;

- expanding the area of land currently zoned E2 Environmental Conservation to include land that contains critical habitat (Endangered Ecological Communities) (Refer to Part 4, section 6 below and [Appendix B](#)); and
- expanding the Environmentally Sensitive Land map to include land currently zoned E2 Environmental Conservation and land that contains critical and supporting habitat (Refer to Part 4, section 6 below and [Appendix C](#)).

Background and rationale

Council's LSPS includes the following Priorities and Actions:

Priority 13 - Protect and improve the health and enjoyment of the Parramatta River Catchment and waterways.

Action 13.3 - Map and reference key habitat areas and priority corridors for iconic species in the Parramatta River catchment within Council's LEP.

Priority 14 - Protect and enhance bushland and biodiversity.

Action 14.2 - Review the land use zones and environmental controls in the Canada Bay Local Environmental Plan and Development Control Plan to ensure that significant remnant habitats are retained to protect endangered flora and fauna, and improve habitat connectivity.

Canada Bay Biodiversity Framework 2019

Council's recently completed Biodiversity Framework was developed to guide biodiversity conservation outcomes for the LGA and provide an evidence-based justification for revising Council's land use planning controls to protect and enhance environmentally sensitive land (ESL) and corridors.

The Biodiversity Framework (refer to [Attachment – Biodiversity Framework August 2019](#)) is underpinned by the OEH SEED database ², plus independent validation by the biodiversity consultants. It identifies threatened and migratory species, and critical, significant and supporting habitats. These are translated into habitat management priorities and actions, including the following:

- 1.2 Improve vegetation within critical habitat/ priority areas that are considered to have opportunities for connectivity.
- 2.2: Protect foreshores, significant wetlands and Coastal Saltmarsh.
- 2.3: Restore the ecological function of high priority waterways and wetlands.
- 3.3: Measurable increase in habitat coverage within and adjacent to identified priority corridors.

To achieve the above priorities and actions, the Framework recommends Council's LEP be amended to include critical habitats, wetlands and priority areas in land zoned E2, or identified as Terrestrial Biodiversity. The consultant has produced a Biodiversity map series of threatened and endangered species to support the proposed mapping changes (refer to [Attachment - Current Biodiversity Maps; Attachment - Amended Biodiversity Maps](#)).

Council has adopted the following approach to proposing mapping changes:

- Existing E2 Environmental Conservation zoned land and ESL land is not proposed to be amended.
- Proposed rezoning of land to E2 is limited to Reserves on Council or Crown land that contains critical habitat.
- The conservative approach to rezoning of land to E2 is off-set by a more generous approach to identifying new ESL, which includes Council, Crown and private land that contains critical habitat plus a buffer zone of approximately 25m width.

² <https://datasets.seed.nsw.gov.au/dataset/the-native-vegetation-of-the-sydney-metropolitan-area-oeh-2016-vis-id-4489>

Table: E2 zone changes arising from Biodiversity Framework recommendations		
	Land identified for protection by the Biodiversity Framework	Land identified for protection by the Biodiversity Framework plus buffer zone consisting of land within approx. 25m of E2 zone
Council or Crown land – Reserves	<ul style="list-style-type: none"> • Zoned E2 • Included on ESL map 	<ul style="list-style-type: none"> • Zoned E2 • Included on ESL map
Council or Crown land – Sportfields	<ul style="list-style-type: none"> • Zoned E2 • Included on ESL map 	<ul style="list-style-type: none"> • Included on ESL map
Private land	<ul style="list-style-type: none"> • Included on ESL map 	<ul style="list-style-type: none"> • Included on ESL map

This approach will achieve protection of, and connectivity between, areas of high biodiversity values, particularly where links can occur on Council and Crown land, and with and along the foreshore.

Plain English explanation of the changes sought

Council is seeking to make changes to the LEP that achieve the objective of protecting and enhancing environmentally sensitive land.

The changes will have the effect that all references to “biodiversity” and “terrestrial biodiversity” are amended to be consistent with the term “environmentally sensitive”.

6. HOB and FSR objectives

Proposal

The Planning Proposal seeks to amend the CBLEP 2013 to amend the objectives of the Height of Building (HOB) and Floor Space Ratio (FSR) planning controls. The planning proposal seeks to expand and strengthen the objectives to reduce ambiguity when assessing development applications and reduce the application of Clause 4.6 Exceptions to development standards of the LEP.

Background and rationale

Clause 4.6 of the Standard Instrument LEP allows Councils to assume the Secretary’s concurrence to vary development standards if the development does not exceed a numerical development standard by more than 10%. Numerical development standards include maximum Height of Building and Floor Space Ratio controls. Councils are also required to report all variations approved under assumed concurrence to the DPIE on a quarterly basis.

When applying Clause 4.6, the assessment of development applications that exceed the numerical standards relies on ensuring the objectives of the development standard are satisfied. In practice, it is often difficult and time consuming for Councils to assess if the development standard variation is justified if the objectives are ambiguous or open-ended. This can result in often time-consuming assessment processes and unsatisfactory outcomes where the basis for the assessment may not be clear.

The Canada Bay LEP currently includes objectives for HOB and FSR development controls that, if strengthened and tightened, would result in shorter assessment timeframes for relevant DAs and produce outcomes that are clearer and more transparent. The following proposed amended Clauses are consistent with Council’s LSPS and would not result in reduced development potential in the LGA.

Proposed new Clauses:

4.3 Height of buildings

(1) The objectives of this clause are as follows—

- ~~(a) to ensure that buildings are compatible with the desired future character in terms of building height and roof forms;~~
- ~~(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.~~
- (a) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the streetscape and public space,
- (b) to establish limits on the overall height of development to preserve the environmental amenity of residential development, neighbouring properties and public spaces in terms of visual and acoustic privacy, solar access and view sharing,

- (c) to establish appropriate transition in scale between medium and high density centres and adjoining lower density and open space zones to protect local amenity, and
- (d) to encourage buildings that are designed to respond sensitively to the natural topography.

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- ~~(a) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,~~
- ~~(b) to provide a suitable balance between landscaping and built form,~~
- ~~(c) to minimise the effects of bulk and scale of buildings.~~
- (a) to ensure that buildings are compatible with the bulk, scale, siting, streetscape and desired future character of the locality,
- (b) to provide a suitable balance between landscaping and built form,
- (c) to minimise any overshadowing and loss of privacy to neighbouring properties and to maximise solar access and amenity for public places, and
- (d) to manage the visual impact of development when viewed from public places, including the Parramatta River.

7. Sydney Water sites

Proposal

The Planning Proposal seeks to amend the CBLEP 2013 to rezone several sites owned and operated by Sydney Water from residential to SP2 Infrastructure by amending the relevant zoning maps (refer Part 4, section 8 below and Appendix B).

Site	Lot	DP	Current zoning	Proposed zoning
33 Harris Road, Five Dock	1	1177282	R3	SP2
89A Henley Marine Drive, Rodd Point	2	180962	R2	SP2
1 Melrose Road, Abbotsford	25	270127	R3	SP2
Teviot Avenue, Abbotsford	10	1241863	R3	SP2
24W Westbourne Street, Drummoyne	B	396119	R3	SP2
32 Wymston Parade, Wareemba	96	6743	R2	SP2
Bortfield Drive, Chiswick	1	614437	R3	SP2
Bortfield Drive, Chiswick	10	238796	R3	SP2
8 Burns Crescent, Chiswick	11	1175282	R2	SP2
33B Byrne Avenue, Russell Lea	101	774790	R2	SP2
33B Byrne Avenue, Russell Lea	17	8867	R2	SP2
33B Byrne Avenue, Russell Lea	18	8867	R2	SP2
8A Durham Street, Concord	66	243992	R2	SP2

Background and rationale

Sydney Water has approached Council with a request to rezone several land parcels owned by Sydney Water from residential to SP2 Infrastructure.

Sydney Water has recently undertaken a review of its property portfolio. The review identified sites that contain permanent operational infrastructure that is critical to servicing of the existing population and future population growth in the Canada Bay LGA. The Agency is seeking to have the permanent nature of these infrastructure assets recognised and protected by rezoning the subject sites to SP2 Infrastructure.

The proposed SP2 Infrastructure zone will:

- Better reflect the permanent and ongoing need for the land and existing assets to provide vital water and sewerage infrastructure;
- Provide clarity to the local community about the current and intended use of the land;
- Be consistent with Canada Bay LEP 2013 SP2 Infrastructure Zone objectives to provide for infrastructure and related uses; and
- Confirm the land use is intended to support population growth within the LGA, providing services and infrastructure to meet peoples changing needs (consistent with Canada Bay's draft LSPS).

8. Housekeeping amendments

The Planning Proposal seeks to amend the CBLEP 2013 to correct various errors and anomalies that have arisen in recent years.

8.1 Heritage Items land

The Planning Proposal seeks to amend the CBLEP 2013 to correct a number of heritage listings, which have arisen due to, for example, recent land subdivision. The corrections are proposed to be corrected by amending relevant maps (refer Part 4, section 9.1 below and [Appendix E](#)) and updating **Schedule 5 Environmental Heritage** of the LEP to:

- Change reference and mapping for Item I23 - 54a Blackwall Point Road, Chiswick (Part Lots 100 and 101, DP 1158696) to 54 Blackwall Point Road, Chiswick (SP 91803)
- Change reference and mapping for Item I545 - 19–21 Tennyson Road, Breakfast Point (Lot 91, DP 270347) to 15 Tennyson Road, Breakfast Point (Lot 6, DP 280052)
- Change reference and mapping for Item I353 – 40 Moore Street, Drummoyne (Lots 52 and 53, DP 980) to 40 Moore Street, Drummoyne (Lot 53, DP 980)

Heritage Item I23 – This item currently includes 54 and 54a Blackwall Point Road, Chiswick (Part Lots 100 and 101, DP 1158696). The land has been recently subdivided and the heritage listing needs to be amended to include only 54 Blackwall Point Road, as 54a Blackwall Point Road, Chiswick, has no heritage significance. The Lot / DP also needs to be amended to SP 91803.

Heritage Item I545 – This item currently includes 2, 11, 15, 17, 50, 58 Woodlands Avenue, Breakfast Point. The land has been recently subdivided and the heritage listing needs to be amended to include only 15 Woodlands Avenue, Breakfast Point, as 2, 11, 17, 50, 58 Woodlands Avenue, Breakfast Point have no heritage significance. Also the address and Lot / DP number is incorrectly cited as 19-21 Tennyson Road (Lot 91, DP 270347) and needs to be amended to 15 Woodlands Avenue, Breakfast Point (Lot 6, DP 280052).

Heritage Item I353 – This item currently includes 40 Moore Street, Drummoyne (Lot 52 and 53 in DP 980). The heritage significance applies to the original house on Lot 53. The heritage listing needs to be amended to include only Lot 53, as a new dwelling has been recently approved for Lot 52, which has no heritage significance.

Proposed amended clause **Schedule 5 Environmental Heritage**:

Chiswick	AWI office building	54A Blackwall Point Road	Part Lots 100 and 101, DP 1158696 SP 91803	Local	I23
Breakfast Point	AGL Plumbers' Workshop (former)	19-21 15 Tennyson Road	Lot 91, DP 270347 Lot 6, DP 280052	Local	I545
Drummoyne	House	40 Moore Street	Lots 52 and 53, DP 980	Local	I353

8.2 Roads and laneways and redundant Lots

The Planning Proposal seeks to amend the CBLEP 2013 to remove planning controls for a number of roads, laneways and redundant lots that are inconsistent with Council's general approach of applying no height or FSR controls to roads. The proposal is seeking to amend the relevant maps (refer Part 4, section 8.2 below and Appendices B, D-E)

The roads and laneways are:

- Laneway behind 70-92 Majors Bay Road, Concord
- Roads and properties removed by M4 on-ramp/off-ramp, North Strathfield

Site	Current zoning	Current FSR	Current height	Proposed zoning	Proposed FSR	Proposed height
Laneway, 70-92 Majors Bay Road, Concord	B4	1.8:1	11.0m	B4	Nil	Nil
M4 ramp, North Strathfield	R2, R3	0.5:1, Area 1	8.5m	SP2	Nil	Nil



Map - M4 ramp, North Strathfield

8.3 Additional Permitted Uses

The Planning Proposal seeks to amend the CBLEP 2013 to correct errors in Schedule 1 Additional Permitted Uses that relate to recent land subdivisions and changes made under translation to the Standard Instrument LEP.

8.3.1 2 Use of land at Breakfast Point

- (1) This clause applies to land at Breakfast Point, being Lots 46 and 87, DP 270347.
- (2) Development for the following purposes is permitted with development consent:
 - (a) retail premises,
 - (b) business premises.

The proposal seeks to:

- Remove reference to Lot 87 in DP 270347 from the clause as it no longer exists and has been developed for residential purposes; and
- Change text in clause heading to include reference to 123 Peninsula Drive.
- Change text in clause description to include reference to 123 Peninsula Drive.

Lot 46 remains and is known as 123 Peninsula Drive. It is a local heritage item (1382 known as Former AGL Blacksmiths' Shop).

Lot 87 was subject to a development application approval in 2013 for the construction of 6 two storey dwellings. In 2016, this lot was subdivided and is now known as Lot 1-7 in DP 286514, 97-99 Peninsula Drive, Breakfast Point.



Map – addresses and current land titles

Proposed amended clause **Schedule 1 Additional Permitted Uses:**

2 Use of land at 123 Peninsular Drive, Breakfast Point

- (1) This clause applies to land at Breakfast Point, being Lots 46 ~~and 87~~, DP 270347.
- (2) Development for the following purposes is permitted with development consent:
 - (a) retail premises,
 - (b) business premises.

8.3.2 4 Use of certain land at Concord Oval, Concord

- (1) This clause applies to land at Concord Oval, Concord, being Part Lot 7077, DP 1123003, Lots 8 and 9, DP 719520, Lot 10, DP 7199520.
- (2) Development for the purposes of advertising structures, but only for the purposes of sponsorship advertising, is permitted with development consent.

The proposal seeks to:

- Remove references to all land parcels in this clause and replace with Lots 10-17 in DP 1226181.
- Change text in clause heading to include reference to 8 Gipps Street, Concord.
- Change text in clause description to include reference to 8 Gipps Street, Concord.

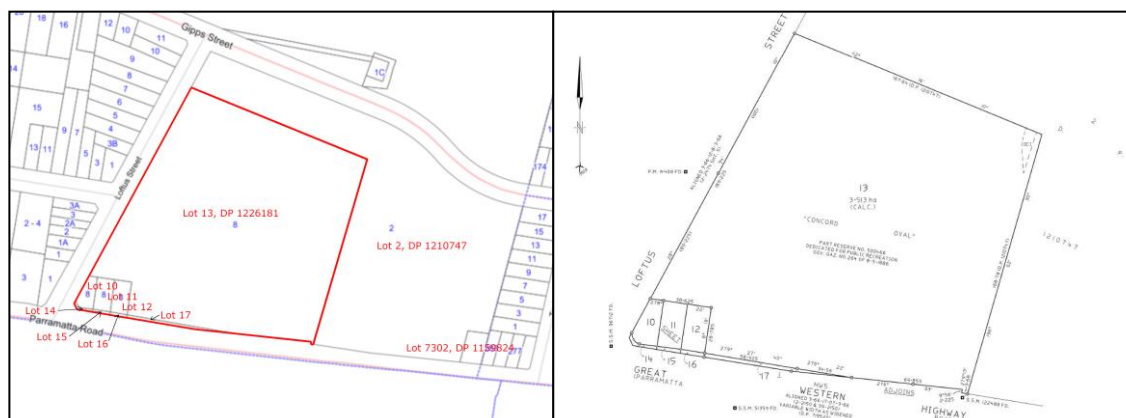
The four lots Part Lot 7077, DP 1123003, Lots 8 and 9, DP 719520, and Lot 10, DP 7199520 previously comprised both Concord Oval and the Cintra Park hockey field.

On 1 December 2010, a Crown Land conversion resulted in the subdivision of Part Lot 7077 and created Lot 7301 and 7302 in DP 1159824.

On 31 July 2015, for the purposes of acquisition under the Roads Act, Roads and Maritime Services (RMS) subdivided Lot 7301 in DP 1159824 into Lot 1 and 2 in DP 1210747.

On 22 November 2016, for the purposes of acquisition under the Roads Act, RMS further subdivided Lot 1 in DP 1210747 into Lots 10-17 in DP 1226181.

Lots 10-17 in DP 1226181 and Lot 13 in DP are now the lots that are occupied by Concord Oval.



Map – addresses and current land titles

Proposed amended clause **Schedule 1 Additional Permitted Uses:**

4 Use of certain land at Concord Oval, 8 Gipps Street, Concord

- (1) This clause applies to land at Concord Oval, 8 Gipps Street, Concord, being ~~Part Lot 7077, DP 1123003, Lots 8 and 9, DP 719520, Lot 10, DP 7199520-Lots 10-17 in DP 1226181.~~
- (2) Development for the purposes of advertising structures, but only for the purposes of sponsorship advertising, is permitted with development consent.

8.3.3 8 Use of certain land at 69 Renwick Street, Drummoyne

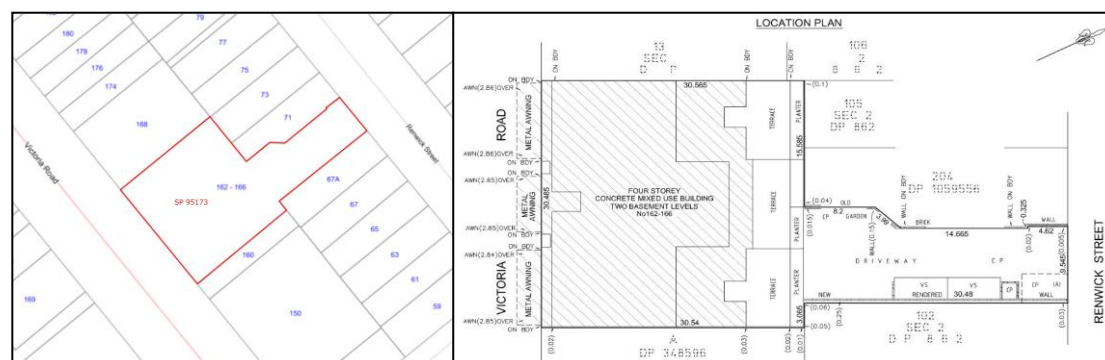
- (1) This clause applies to land at 69 Renwick Street, Drummoyne, being Lot 203, DP 059556.
- (2) Development for the purpose of a car park in association with the adjoining development at 162–166 Victoria Road, Drummoyne, is permitted with development consent.

The proposal seeks to:

- Remove reference to Lot 203 in DP 059556 and replace with Lot 0 in SP 95173.
- Change text in clause heading to remove reference to 69 Renwick Street and replace with 162-166 Victoria Road.
- Change text in clause description to remove reference to 69 Renwick Street and replace with 162-166 Victoria Road.
- Change text to remove references to carpark and adjoining development and insert vehicular access.

The clause permitted vehicular access to the development at 162-166 Victoria Road (former Drummoyne RSL) from Renwick Street, over Lot 203.

The subject Lot has been recently developed and amalgamated with the adjacent Lots at 162-166 Victoria Road, Drummoyne. The development is now known as SP 95173. The original Lot 203 is now common property (CP in the image below) known as Lot 0 in SP 95173.



Map – addresses and current land titles

Proposed amended clause **Schedule 1 Additional Permitted Uses:**

8 Use of certain land at ~~69 Renwick Street~~ 162-166 Victoria Road, Drummoyne

- (1) This clause applies to land at ~~69 Renwick Street~~ 162-166 Victoria Road, Drummoyne, being ~~Lot 203, DP 1059556~~ Lot 0, SP 95173.
- (2) Development for the purpose of ~~a car park in association with the adjoining development at 162-166 Victoria Road, Drummoyne~~, vehicular access is permitted with development consent.

8.3.4 9 Use of certain land at 30-34 St Georges Crescent, Drummoyne

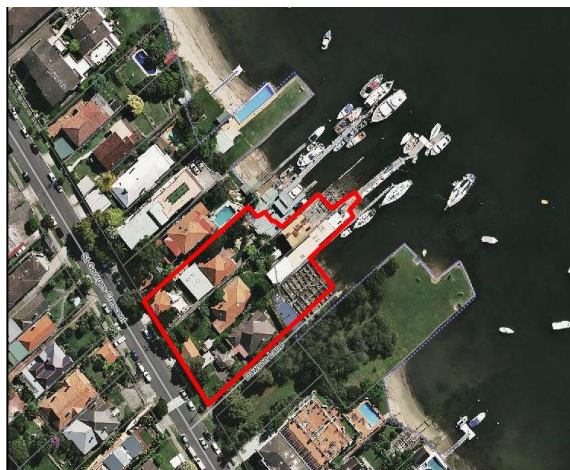
- (1) This clause applies to land at 30-34 St Georges Crescent, Drummoyne, being Lot 66, DP 3859, Lot 1, DP 869786, Lot 1, DP 864334 and Lot 1, DP 1018805.
- (2) Development for the purpose of marinas is permitted with development consent.

The proposal seeks to:

- Remove reference to Lot 66, DP 3859, Lot 1, DP 869786, and Lot 1, DP 1018805 and replace with SP 93695, Lot 2 DP 1213145, Lot 1 DP 938005, Lot 1 DP 1220625 and Lot 2 DP 1220625.
- Change text in clause heading to remove reference to 30-34 St Georges Crescent and replace with 32-34 St Georges Crescent.
- Change text in clause description to remove reference to 30-34 St Georges Crescent and replace with 32-34 St Georges Crescent.

The land was originally occupied by detached buildings towards the St Georges Crescent frontage, and a marina to the rear.

The land has been redeveloped, which included changes to the structures on the land and alterations to the marina. Subdivision has also occurred. The land now comprises the land parcels Lot 1 DP 938005, Lot 1 DP 1220625, Lot 2 DP 1220625, and Lot 2 DP 1213145, SP 93695.



Aerial view of original residential development.



Aerial view of redevelopment.



Land Zoning (Map Sheet LZN_006) and existing land titles

Proposed amended clause **Schedule 1 Additional Permitted Uses:**

9 Use of certain land at ~~30~~ 32-34 St Georges Crescent, Drummoyne

- (1) This clause applies to land at ~~30~~ 32-34 St Georges Crescent, Drummoyne, being ~~Lot 66, DP 3859, Lot 1, DP 869786, Lot 1, DP 864334 and Lot 1, DP 1018805, SP 93695, Lot 2, DP 1213145, Lot 1, 938005, Lot 1, DP 1220625 and Lot 2, DP 1220625.~~
- (2) Development for the purpose of marinas is permitted with development consent.

8.3.5 11 Use of certain land at Bevin Avenue, Five Dock

- (1) This clause applies to land at Bevin Avenue, Five Dock, being Lot 1, DP 860469.
- (2) Development for the following purposes is permitted with development consent if the use is associated with the adjacent Canada Bay Club:
 - (a) car parks,
 - (b) serviced apartments.

The proposal seeks to:

- Remove reference to Lot 1, DP 860469 and replace with Lot 1 in DP 1204491.
- Change text in clause description to insert street number of 13 Bevin Avenue.
- Change text in clause heading to insert street number of 13 Bevin Avenue.

Prior to 2015 the lot comprised a carpark associated with the Canada Bay Club.

In 2013 development approval was granted to demolish the two dwellings to the east and extend the carpark. The consolidation of lots was registered in 2015 as Lot 1 in DP 1204491, known as 13 Bevin Avenue Five Dock.



Aerial view - previous and current



Map – addresses and current land titles

Proposed amended clause **Schedule 1 Additional Permitted Uses:**

11 Use of certain land at 13 Bevin Avenue, Five Dock

- (1) This clause applies to land at 13 Bevin Avenue, Five Dock, being Lot 1, ~~DP 860469 DP 1204491~~.
- (2) Development for the following purposes is permitted with development consent if the use is associated with the adjacent Canada Bay Club:
 - (a) car parks,
 - (b) serviced apartments.

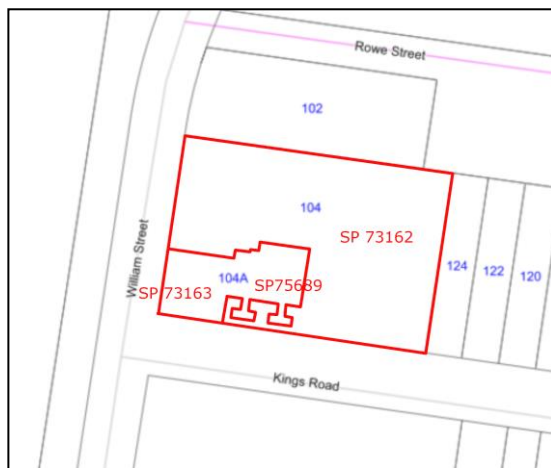
8.3.6 13 Use of certain land at 104 William Street, Five Dock

- (1) This clause applies to land at 104 William Street, Five Dock, being SP 73162 and SP 73163.
- (2) Development for the following purposes is permitted with development consent:
 - (a) commercial premises,
 - (b) light industries.

The proposal seeks to:

- Change text in clause heading to include reference to 104A.
- Change text in clause description to include reference to 104A.

This property is currently known as 104 William Street (SP 73162), 104 William Street (SP75689) and 104A William Street (SP 73163).



Map – addresses and current land titles

Proposed amended clause **Schedule 1 Additional Permitted Uses:**

13 Use of certain land at 104 and 104A William Street, Five Dock

- (1) This clause applies to land at 104 and 104A William Street, Five Dock, being SP 73162, ~~SP75689~~ and SP 73163.
- (2) Development for the following purposes is permitted with development consent:
 - (a) commercial premises,
 - (b) light industries.

8.3.5 14 Use of certain land at 49–51 Queens Road, Five Dock

- (1) This clause applies to land at 49-51 Queens Road, Five Dock, being Lot 1, DP 607226 and Lot 1, DP 738950.
- (2) Development for the purpose of office premises is permitted with development consent.

The proposal seeks to:

- Remove reference to Lot 1, DP 607226 and Lot 1, DP 738950 and replace with SP 83068.
- Add Medical centre as an additional permitted use.

The site was originally known as the land described in the above clause and contained a commercial building.

In 2007 development consent was granted for demolition and construction of a new commercial building. A strata subdivision for the new development was registered in 2010. The site is now known as SP83068.

In 2007 the site was zoned as 4b Industrial Local under the Drummoyne LEP 1986. The new development was approved as 'light industry'. The new Canada Bay Local Environmental Plan 2008 changed the zoning to IN1 General Industrial which was an equivalent zone to the 4b Industrial Local. As the CBLEP 2008 was a translation/consolidated LEP, Medical Centres were also permissible with consent in the industrial zone.

The CBLEP2013 defined a Medical centre as a type of Health services facility and a Health services facility (and therefore Medical centres) became prohibited within the IN1 zone. The medical facility currently on the site is deemed to be a suitable use.



Original commercial building

Map – addresses and current land titles

Proposed amended clause **Schedule 1 Additional Permitted Uses:**

14 Use of certain land at 49–51 Queens Road, Five Dock

- (1) This clause applies to land at 49-51 Queens Road, Five Dock, being ~~Lot 1, DP 607226 and Lot 1, DP 738950~~ **SP 83068**.
- (2) Development for the purpose of office premises **or a medical centre** is permitted with development consent.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

8.4. Housekeeping

Proposal

The Planning Proposal seeks to amend the CBLEP 2013 by making a housekeeping change to **Schedule 2 Exempt development** of the LEP, to delete exempt provisions where they are also contained within SEPP (Exempt and Complying) 2008:

- **Signage – business identification signs, Clause (2)**, which is similar to **Subdivision 4 Fascia signs** and **Subdivision 5 Under awning signs** in the SEPP.
- **Signage – public notices**, which is similar to **Subdivision 11 Temporary event signs** in the SEPP.
- **Signage – real estate signs**, which is similar to **Subdivision 12 Real estate signs** in the SEPP.

This is intended to remove duplication of controls for temporary signage and real estate signs. It will also clarify that this type of development is exempt development under the SEPP, noting that land owners permission will still be required.

Proposed amended **Schedule 2 Exempt development:**

Signage—business identification signs
(1) In residential zones—

- (a) maximum area—0.75m², and
 - (b) must only identify the approved use of the premises to which the sign is affixed and not promote products, and
 - (c) must not be illuminated or exhibit changing light and colour effects, and
 - (d) must not be erected on a heritage item or land within the curtilage of a heritage item.
- ~~(2) In business zones (for premises with an awning) awning fascia signs and under-awning signs must meet the following requirements—~~
- ~~(a) maximum height—0.3m,~~
 - ~~(b) maximum length—2.5m,~~
 - ~~(c) minimum clearance—2.7m above the footpath level,~~
 - ~~(d) minimum distance from any other under-awning sign—3m,~~
 - ~~(e) minimum setback—0.5m from the face of the kerb,~~
 - ~~(f) maximum—1 under-awning sign per business, and~~
 - ~~(g) must only identify the approved use of the premises to which the sign is affixed and not promote products, and~~
 - ~~(h) must not project above or below the awning or the return end of the fascia,~~
 - ~~(i) must not be illuminated in a way that causes light spill to impact on the amenity of any dwelling,~~
 - ~~(j) must not flash or exhibit changing light and colour effects,~~
 - ~~(k) must not be attached to a heritage item.~~

~~Signage—public notices~~

- ~~(1) Must be a temporary sign that relates to a religious, educational, cultural, social or recreational event.~~
- ~~(2) Must have the consent of the owner of the place or building on which it is displayed.~~
- ~~(3) Maximum area—3.5m².~~
- ~~(4) Must not include advertising of a commercial nature (except for the names of the event's sponsors to a maximum cumulative area of 1m²).~~
- ~~(5) Must not be illuminated or exhibit changing light or colour effects.~~
- ~~(6) Must not be displayed earlier than 28 days before the event.~~
- ~~(7) Must be removed within 7 days after the event ends.~~

~~Signage—real estate signs~~

- ~~(1) Maximum area—1.5m².~~
- ~~(2) Only 1 sign per site.~~
- ~~(3) Must advertise only that the premises or land is for sale, auction or lease.~~
- ~~(4) Must be removed within 7 days of the sale, auction or lease.~~
- ~~(5) Must not contain flashing or neon signage.~~

Part 3 - Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is consequential to Council's LSPS, which is supported by community consultation and several evidence-based strategic studies:

- Local Movement Strategy
- Employment and Productivity Strategy
- Social Infrastructure Strategy (Community Facilities)
- Social Infrastructure Strategy (Open Space & Recreation)
- Urban Tree Canopy Strategy
- Biodiversity Strategy

The Canada Bay LSPS was adopted by Council on 15 October 2019.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only means to achieve the intended outcome as amendments to CBLEP2013 are required.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Assessment Criteria

a) Does the proposal have strategic merit? Will it:

- *give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*
- *responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.*

The planning proposal has strategic merit and is consistent with the Greater Sydney Region Plan in that it will ensure:

- Greater Sydney's communities are culturally rich with diverse neighbourhoods (Objective 9).
- Housing is more diverse and affordable (objective 11).
- Exposure to natural and urban hazards are reduced (Objective 37).
- The coast and waterways are protected and healthier (Objective 25).
- Biodiversity is protected, urban bushland and remnant vegetation is enhanced (Objective 27).

It is further consistent with the Eastern City District Plan in that it will:

- Create and renew great places and local centres, and respect the District's heritage (Planning Priority E6).
- Provide housing supply, choice and affordability, with access to jobs, services and public transport (Planning Priority E5).
- Protect and improve the health and enjoyment of Sydney Harbour and the district's waterways (Planning Priority E14).
- Protect and enhance bushland and biodiversity (Planning Priority E15).

- Facilitate an Affordable Rental Housing Target Scheme following development of implementation arrangements (Action 17).

The planning proposal is also in accordance with Council's LSPS, which Council intends to submit to the Greater Sydney Commission for Assurance on 20 November 2019:

- **Diversity of apartment size** is in accordance with LSPS Action 5.4.
- **Affordable housing** is in accordance with LSPS Actions 2.1, 5.1 and 5.5.
- **Minimum lot size for boarding houses** is in accordance with LSPS Action 7.8.
- **Aircraft noise** responds to Council's Sydney Airport Draft Master Plan 2039 Acoustic Review.
- **Environmentally sensitive land** is in accordance with LSPS Action 14.2.
- **HOB and FSR objectives** responds to Council's intention to reduce the application of Clause 4.6 Exceptions to development standards.
- **Sydney Water sites** responds to a strategic request from the Agency and seek to have the permanent nature of infrastructure assets recognised and protected.

The planning proposal also responds to the changing demographic profile of the LGA, which is described and quantified in the Local Housing Strategy.

b) Does the proposal have site specific merit, having regard to the following?

- ***The natural environment (including known significant environmental values, resources or hazards) and***
- ***The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and***
- ***The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.***

The planning proposal has site specific merit in that:

- **Affordable housing** will be required in Rhodes and PRCUTS precincts and will be supported by individual affordable housing contributions schemes.
- **Minimum lot size for boarding houses** acknowledges the capacity of individual sites to support boarding house development without impacting or compromising the amenity of the adjoining sites and local area.
- **Aircraft noise** acknowledges the amended ANEF contours and impact on development.
- **Environmentally sensitive land** protects land that has been identified as having high biodiversity values.
- **Sydney Water sites** acknowledges the importance of protecting infrastructure to support the current and future population.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

In addition to consistency with Council's Local Strategic Planning Statement, the planning proposal is consequential to and consistent with Council's:

- **Community Strategic Plan – Your Future 2030 (CSP)**
The CSP identifies directions including developing a balanced housing mix; ensuring high quality housing and renewal; encouraging sustainable housing and design; as well as considering impact on the character of the area. The approach to achieving a balance between enhancing open spaces and vegetation, whilst also accommodating a diverse range of housing types is an important policy direction for Council.
- **Local Housing Strategy (2019)**
The Local Housing Strategy (LHS) quantitatively establishes that the residential uplift in the Rhodes and PRCUTS precincts will provide sufficient housing to meet the forecast population increase. The LHS also proposes housing diversity investigation areas to provide qualitative housing choices and affordable housing provisions to improve affordability.
- **Biodiversity Framework (2019)**
The Biodiversity Framework investigates and maps critical habitat and priority areas to protect critical habitat and waterways and create wildlife corridors. It identifies opportunities for Council planning controls to improve water quality and habitat value of urban waterways and greater inclusion of critical habitats, wetlands and priority areas, through zoning as E2 Environmental Conservation in the LEP and/or updating clauses, maps or overlays within the LEP and DCP.

Action 1.2 – Improve vegetation within critical habitat/ priority areas that are considered to have opportunities for connectivity.

Action 2.2 - Protect foreshores, significant wetlands and Coastal Saltmarsh.

Action 2.3 - Restore the ecological function of high priority waterways and wetland.

Action 3.3 - Measurable increase in habitat coverage within and adjacent to identified priority corridors.

These studies / strategies formed part of Council's LSPS, which Council intends to submit to the Greater Sydney Commission for Assurance on 20 November 2019.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes the planning proposal is generally consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs.

No.	SEPP Title	Consistency
1	Development Standards	Consistent.
19	Bushland in Urban Areas	5. Environmentally Sensitive Land map The planning proposal seeks to recognise and protect land that contains critical habitat for threatened and endangered species and is therefore consistent with the SEPP.
21	Caravan Parks	N/A
33	Hazardous and Offensive Development	N/A
36	Manufactured Home Estates	N/A
44	Koala Habitat Protection	N/A
47	Moore Park Showground	N/A
50	Canal Estate Development	N/A
55	Remediation of Land	N/A
64	Advertising and Signage	N/A
65	Design Quality of Residential Flat Development	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
70	Affordable Housing (Revised Schemes)	2. Affordable Housing The planning proposal contains provisions to require new housing in renewal areas to provide 4-5% of housing as affordable housing, in accordance with the affordable housing contribution scheme.
	SEPP (Aboriginal Land) 2019	N/A
	SEPP (Affordable Rental Housing) 2009	3. Minimum lot size for boarding houses The planning proposal seeks to restrict newly constructed boarding houses in the R2 zone to lots in excess of 800sqm and with a minimum 20m street frontage. This is intended to facilitate affordable housing that is of a high standard and that retains and enhances the character of the local area. To achieve this, affordable housing in the low density residential zone will be limited to lots that are of sufficient size to ensure adequate amenity for residents and neighbours. Development will also need to demonstrate consistency with the character

		<p>of the area.</p> <p>Council's LSPS aims to provide increased housing choices and affordability. Council is also progressing an affordable housing contribution scheme under SEPP 70 in the PRCUTS precincts. It therefore consistent with the SEPP.</p>
	SEPP (Building Sustainability Index: BASIX) 2004	<p>Subsequent future development applications would need to demonstrate design principles and objectives consistent with BASIX requirements.</p> <p>The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.</p>
	SEPP (Coastal Management) 2018	N/A
	SEPP (Concurrences) 2018	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
	SEPP (Educational Establishments and Child Care Facilities) 2017	N/A
	SEPP (Exempt and Complying Development Codes) 2008	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Gosford City Centre) 2018	N/A
	SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Infrastructure) 2007	<p>Consistent.</p> <p>The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.</p>
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A
	SEPP (Kurnell Peninsula) 1989	N/A
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A
	SEPP (Miscellaneous Consent Provisions) 2007	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Penrith Lakes Scheme) 1989	N/A
	SEPP (Primary Production and Rural Development) 2019	N/A
	SEPP (State and Regional Development) 2011	N/A
	SEPP (State Significant Precincts) 2005	N/A
	SEPP (Sydney Drinking Water Catchment) 2011	N/A
	SEPP (Sydney Region Growth Centres) 2006	N/A
	SEPP (Three Ports) 2013	N/A
	SEPP (Urban Renewal) 2010	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Vegetation in Non-Rural Areas) 2017	The planning proposal does not contain provisions that contradict or would hinder application of this

		SEPP.
	SEPP (Western Sydney Employment Area) 2009	N/A
	SEPP (Western Sydney Parklands) 2009	N/A
	SREP Title	Consistency
	Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	N/A
	Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	N/A
	Sydney Regional Environmental Plan No 16—Walsh Bay	N/A
	Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	N/A
	Sydney Regional Environmental Plan No 24—Homebush Bay Area	N/A
	Sydney Regional Environmental Plan No 26—City West	N/A
	Sydney Regional Environmental Plan No 30—St Marys	N/A
	Sydney Regional Environmental Plan No 33—Cooks Cove	N/A
	SREP (Sydney Harbour Catchment) 2005	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Council has undertaken a review to ensure the planning proposal is consistent with all relevant Section 9.1 Ministerial Directions. Relevant Directions are discussed in detail below:

Direction	Comments
2. Environment & Heritage	
2.1 Environment Protection Zones	<p>The planning proposal will not restrict the application of environmental protection planning controls.</p> <p>5. Environmentally Sensitive Land Map</p> <p>The planning proposal seeks to protect and conserve environmentally sensitive land, specifically key habitat areas and priority corridors for iconic species in the Parramatta River catchment.</p>
2.3 Heritage Conservation	<p>The planning proposal does not contain provisions that contradict or would hinder application of heritage conservation controls.</p> <p>The planning proposal seeks to correct land that, due to a recent subdivision of land, currently incorrectly identifies land as being subject to a heritage listing.</p>
2.6 Remediation of Contaminated Land	<p>The planning proposal is consistent with the <i>Contaminated Land Management Act 1997</i>.</p> <p>5. Environmentally Sensitive Land</p> <p>The Planning Proposal seeks rezone certain land to E2 Environmental Conservation. No land is within an investigation area within the meaning of the Contaminated Land Management Act 1997, or being rezoned for residential, educational, recreational or childcare purposes, or for the purposes of a hospital.</p>

	<p>Further, as the land is being rezoned for the purposes of environmental conservation, any disturbance to the land will be limited to topsoil capping or replenishment, and is therefore consistent with the <i>Contaminated Land Management Act 1997</i> clause 9 Need to maintain ecologically sustainable development.</p> <p>9. Sydney Water sites</p> <p>The planning proposal seeks to rezone certain land parcels from residential uses to SP2 Infrastructure. No land is within an investigation area within the meaning of the Contaminated Land Management Act 1997, or being rezoned for residential, educational, recreational or childcare purposes, or for the purposes of a hospital. The purpose of the rezoning is to ensure that the current operation of the sites as critical water infrastructure is protected, to ensure their ongoing operation.</p>
3. Housing, Infrastructure & Urban Development	
3.1 Residential Zones	<p>Council's LSPS proposes to concentrate future housing diversity and housing intensification activity within proposed housing diversity precincts in the vicinity of existing and planned rail stations.</p> <p>The planning proposal does not contain provisions that contradict or would hinder application of this direction.</p> <p>3. Minimum lot size for boarding houses</p> <p>The Planning Proposal seeks to enable development that responds sympathetically to the characteristics of low density areas within the LGA that do not have good access to public transport infrastructure.</p>
3.4 Integrating Land Use & Transport	<p>The planning proposal is consistent with the aims, objectives and principles of <i>Improving Transport Choice</i> and <i>The right Place for Business and Services</i>.</p> <p>3. Minimum lot size for boarding houses</p> <p>Council's LSPS proposes to concentrate future housing diversity and housing intensification activity within proposed housing diversity precincts in the vicinity of existing and planned rail stations.</p>
4. Hazard and Risk	
4.1 Acid Sulfate Soils	<p>The planning proposal is consistent with the Acid Sulfate Soils Planning Guidelines and the <i>Acid Sulfate Soils Manual (ASS Manual)</i>.</p>
5. Regional Planning	
5.10 Implementation of Regional Strategies	<p>The planning proposal is the first stage of a staged implementation of Council's LSPS. Council's LSPS was granted Assurance that it is consistent with the <i>Greater Sydney Region Plan</i> and <i>Eastern City District Plan</i> under Section 3.9(3A) of the EP&A Act by the Greater Sydney Commission on 25 March 2020.</p>
6. Local Plan Making	
6.1 Approval and Referral Requirements	<p>The planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.</p>
6.3 Site Specific Provisions	<p>The proposal is consistent with the <i>Eastern City District Plan</i>.</p> <p>1. Diversity of apartment size</p> <p>The Planning Proposal seeks to ensure that a diversity of apartment sizes are provided within new apartment developments that are over a specified total development capacity. This additional requirement is deemed necessarily to respond to the need established by the Canada bay Local Housing Strategy for more apartments that can accommodate families.</p> <p>4. Aircraft noise</p> <p>Whilst the Planning Proposal seeks to introduce additional provisions for development within the expanded 20 ANEF Contour (2039), the provisions are heads of consideration for Council intended to minimise adverse impacts on</p>

	development affected.
	5. Environmentally Sensitive Land Map <p>The Planning Proposal seeks amend the CBLEP 2013 to include additional controls that are deemed to be necessary to protect and conserve environmentally sensitive land, specifically key habitat areas and priority corridors for iconic species in the Parramatta River catchment.</p>
	8. Housekeeping amendments <p>8.1 The Planning Proposal seeks to remove heritage listing from properties that are not of heritage significance and to therefore remove unnecessarily restrictive site specific controls.</p>
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The planning proposal is consistent with the aims, objectives and provisions of A <i>Metropolis of Three Cities</i> and the <i>Eastern City District Plan</i> .

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposed changes seek to increase protection for critical habitat for threatened and endangered species.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed changes are minor or administrative in nature and are unlikely to result in any adverse environmental effects.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is seeking to address needed types of housing, whilst ensuring local amenity and character is preserved. The proposed changes are unlikely to result in any adverse social or economic effects.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

This proposal is unlikely to have any impacts on infrastructure provision.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of any relevant State and Commonwealth agencies will be sought through consultation following receipt of the Gateway Determination.

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

2. Affordable housing

Refer to Affordable Housing Scheme map sheets at [Appendix A](#)

5. Environmentally Sensitive Land maps

Refer to Land Zoning map sheets for amended E2 Environmental Conservation zone at [Appendix B](#)

Refer also to Environmentally Sensitive Land map sheets at [Appendix C](#)

7. Sydney Water sites

Refer also to Land Zoning map sheets at [Appendix B](#)

33 Harris Road, Five Dock (Lot 1, DP 1177282)



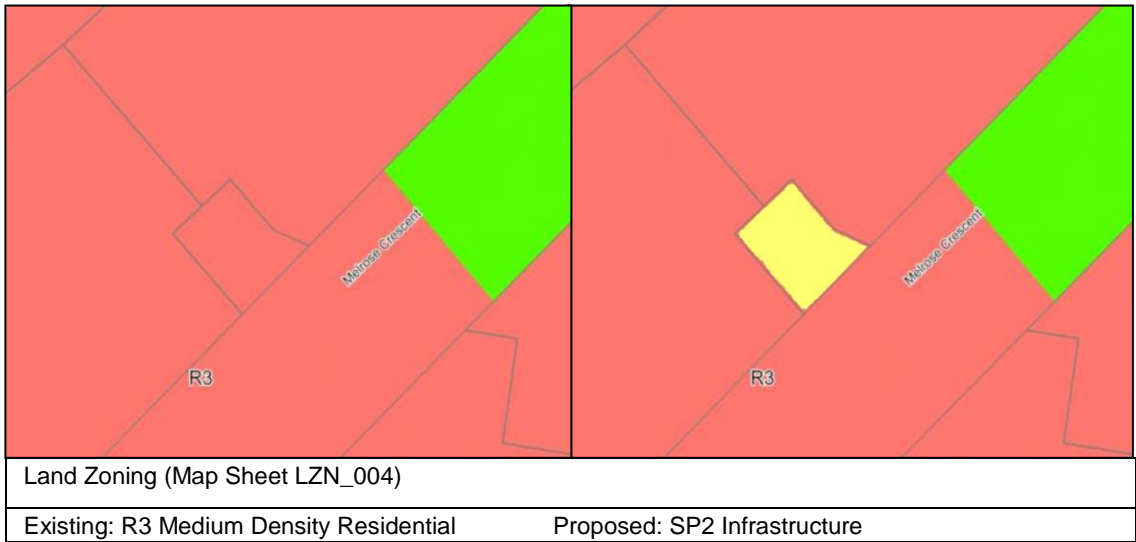
Land Zoning (Map Sheet LZN_005)	
Existing: R3 Medium Density Residential	Proposed: SP2 Infrastructure

89A Henley Marine Drive, Rodd Point (Lot 2, DP 180962)



Land Zoning (Map Sheet LZN_007)	
Existing: R2 Medium Density Residential	Proposed: SP2 Infrastructure

1 Melrose Road, Abbotsford (Lot 25, DP 270127)



Teviot Avenue, Abbotsford (Lot 10, DP 1241863)



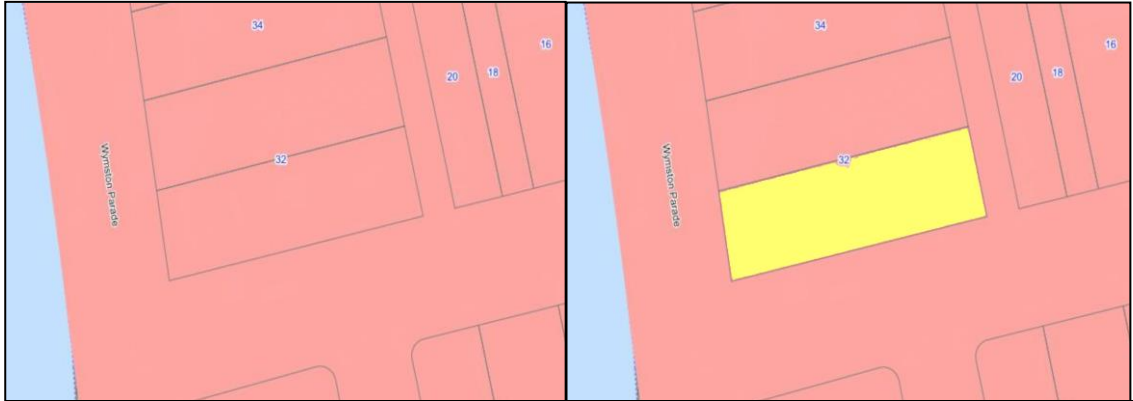
Land Zoning (Map Sheet LZN_004)	
Existing: R3 Medium Density Residential	Proposed: SP2 Infrastructure

24W Westbourne Street, Drummoyne (Lot B, DP 396119)



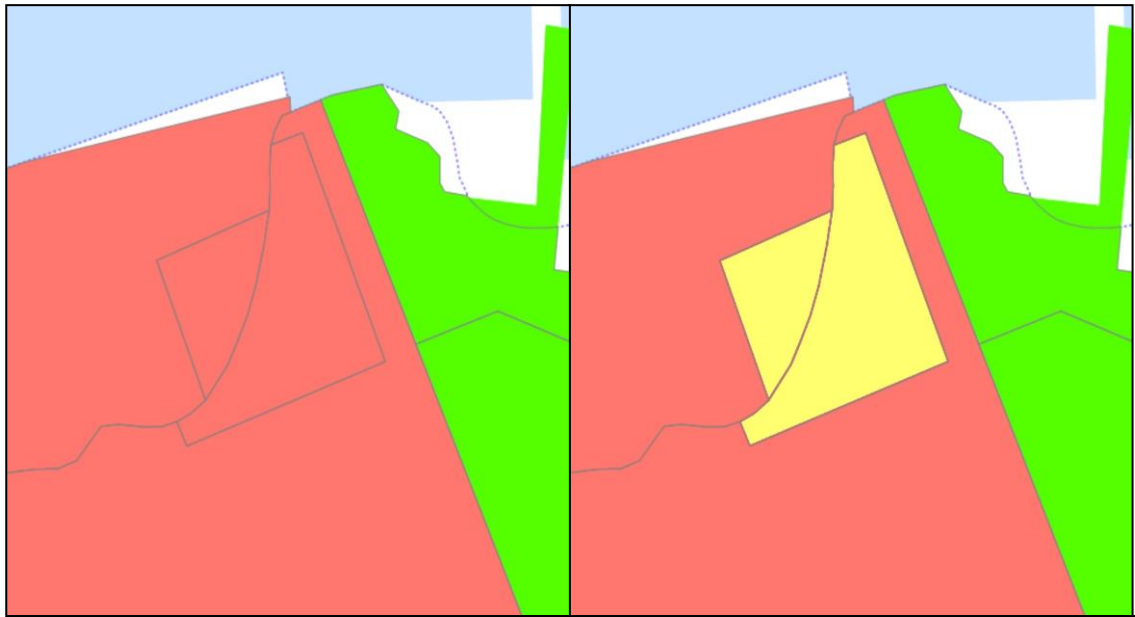
Land Zoning (Map Sheet LZN_006)	
Existing: R3 Medium Density Residential	Proposed: SP2 Infrastructure

32 Wymston Parade, Wareemba (Lot 96, DP 6743)



Land Zoning (Map Sheet LZN_004 and LZN_005)	
Existing: R2 Medium Density Residential	Proposed: SP2 Infrastructure

Bortfield Drive, Chiswick (Lot 1, DP 614437; Lot 10, DP 238796)



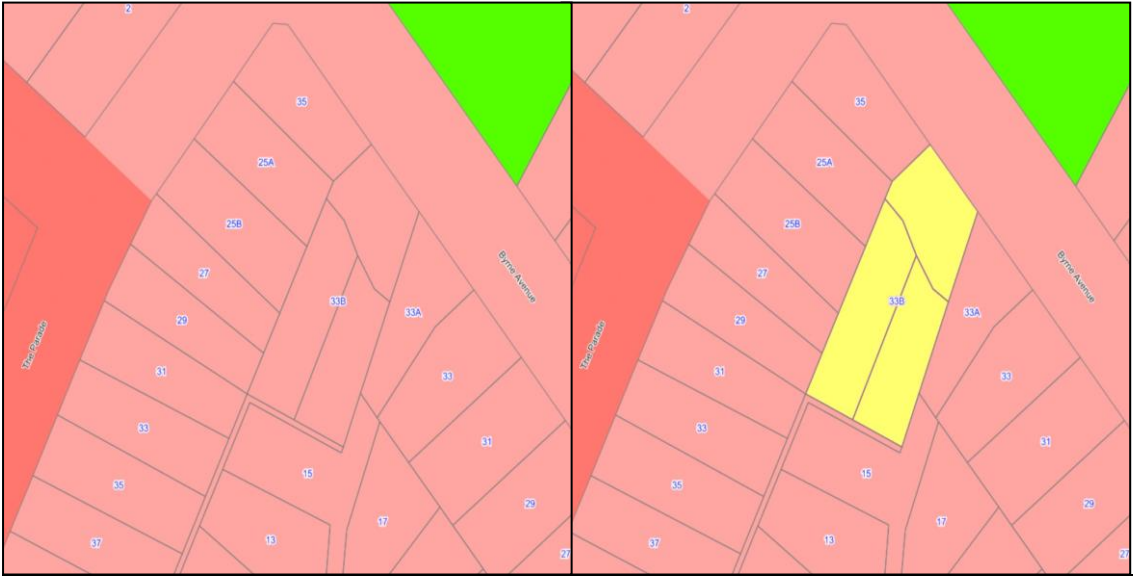
Land Zoning (Map Sheet LZN_006)	
Existing: R3 Medium Density Residential	Proposed: SP2 Infrastructure

8 Burns Crescent, Chiswick (Lot 11, DP 1175282)



Land Zoning (Map Sheet LZN_004)	
Existing: R2 Medium Density Residential	Proposed: SP2 Infrastructure

33B Byrne Avenue, Russell Lea (Lot 101, DP 774790; Lot 17, DP 8867; Lot 18, DP 8867)



Land Zoning (Map Sheet LZN_006)	
Existing: R2 Medium Density Residential	Proposed: SP2 Infrastructure

8A Durham Street, Concord (Lot 66, DP 243992)



Land Zoning (Map Sheet LZN_005)	
Existing: R2 Medium Density Residential	Proposed: SP2 Infrastructure

8. Housekeeping amendments

8.1 Heritage Items land

Refer also to Heritage map sheets at [Appendix F](#)

54 and 54a Blackwall Point Rd Chiswick



2, 11, 15, 17, 50, 58 Woodlands Ave Breakfast Point



Heritage (Map Sheet HER_004)

Existing Heritage Item: I545

Proposed Heritage Item: I545

40 Moore St Drummoyne



Heritage (Map Sheet HER_006)	
Existing Heritage Item: I353	Proposed Heritage Item: I353

8.2 Roads and laneways and redundant Lots

Refer also to Land Zoning map sheets at [Appendix B](#); Height of Buildings map sheets at [Appendix D](#); and Floor Space Ratio map series at [Appendix E](#).

Laneway, 70-92 Majors Bay Road, Concord



Land Zoning (Map Sheet LZN_002)	
Existing: B4 Mixed Use	Proposed: B4 Mixed Use (No change)



Height of Buildings (Map Sheet HOB_002)

Existing: L 11.0m

Proposed: Nil



Floor Space Ratio (Map Sheet FSR_002)

Existing: S4 1.8:1

Proposed: Nil

M4 ramp, North Strathfield



Land Zoning (Map Sheet LZN_003)

Existing: R3 Medium Density Residential

Proposed: SP2 Infrastructure



Height of Buildings (Map Sheet HOB_003)

Existing: I 8.5m

Proposed: Nil



Floor Space Ratio (Map Sheet FSR_003)

Existing: D, Area 0.5:1

Proposed: Nil

Part 5 - Community Consultation

It is intended to publicly exhibit the draft plan for a period of 8 weeks.

Council intends to consult with the following agencies in respect of the planning proposal:

- NSW Office of Water
- Greater Sydney Commission
- Office of Environment and Heritage
- NSW Environment Protection Authority
- NSW Office of Water
- Sydney Water
- Sydney Metro
- Sydney Airport Corporation
- Transport for NSW – Roads and Maritime
- Strathfield Council
- Burwood Council
- Cumberland City Council
- City of Ryde

Part 6 - Project Timeline

It is anticipated the planning proposal will take a minimum of 6 months to finalise. An indicative project timeline for this minimum period is provided below.

Action	Timeframe
Gateway Determination	28 April 2020
Exhibition Period (8 weeks)	28 May to 23 July 2020
Government Agency Consultation	28 May to 28 June (28 days)
Council Meeting	1 December 2020 *
Submission to the Department for drafting and finalisation	28 December 2020 *

* Dates are subject to approval from DPIE of Council's request for an extension of time to submit the planning proposal for finalisation from 28 October to 28 December 2020.