

## Appendix A – Proposed new clauses

Proposed new clause	Part 6 Additional Local Provisions 6.11 Developments in local character areas
Council's suggested new clause	<p>(1) <i>The objectives of this clause are:</i></p> <ul style="list-style-type: none"> <li>(a) <i>to recognise, support and protect neighbourhood character, cultural identity, and sense of place,</i></li> <li>(b) <i>to manage the impact of urban change on the desired future character,</i></li> <li>(c) <i>to ensure that new development retains and enhances the key character attributes that contribute to a precinct's existing local character, and</i></li> <li>(d) <i>to retain and enhance the landscape and streetscape character, where these are a recognised feature of the area.</i></li> </ul> <p>(2) <i>This clause applies to the following land:</i></p> <ul style="list-style-type: none"> <li>(a) <i>Land identified as "Local Character Area" on the <u>Local Character Area Map</u>.</i></li> </ul> <p>(3) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the Canada Bay Local Character Statements for Local Character Areas.</i></p>
Proposed new clause	Part 6 Additional Local Provisions 6.12 Diverse Housing
Council's suggested new clause	<p>(1) <i>The objectives of this clause are as follows:</i></p> <ul style="list-style-type: none"> <li>(a) <i>to ensure the provision of a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets,</i></li> <li>(b) <i>to promote development that accommodates the needs of a range of household sizes.</i></li> </ul> <p>(2) <i>This clause applies to development for the purposes of a residential flat building or a mixed use development that includes shop top housing but only if the development includes at least 10 dwellings.</i></p> <p>(3) <i>Development consent must not be granted to development to which this clause applies unless:</i></p> <ul style="list-style-type: none"> <li>(a) <i>at least 20% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are self-contained studio dwellings or one-bedroom dwellings, or both, and</i></li> <li>(b) <i>at least 20% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are 3 or more bedroom dwellings.</i></li> </ul>
Proposed new clause	Part 6 Additional Local Provisions 6.13 Contribution for purpose of affordable housing
Council's suggested new clause	<p>(1) <i>The clause applies to land as shown on the Affordable Housing Map.</i></p>

	<p>(2) <i>The objectives of this clause are as follows:</i></p> <ul style="list-style-type: none"> <li>(a) <i>to ensure that affordable housing is provided to mitigate the impact on housing affordability for very low to moderate income households; and</i></li> <li>(b) <i>to recognise affordable housing as critical social infrastructure necessary to support economic and social functions of commercial, retail and community uses.</i></li> </ul> <p>(3) <i>The consent authority may, when granting consent to the carrying out of development (other than development that is excluded development) on land mapped in its Affordable Housing Contribution Scheme, impose a condition requiring a contribution equivalent to the affordable housing contribution, being</i></p> <ul style="list-style-type: none"> <li>(a) <i>As prescribed for each location by the Affordable Housing Contributions Scheme, a percentage of the total gross floor area of the development that is intended to be used for residential purposes, or</i></li> <li>(b) <i>Where permitted by the Affordable Housing Contributions Scheme, a percentage of any additional floor area created by the development that is intended to be used for residential purposes.</i></li> </ul> <p>(4) <i>The floor area of any excluded development is not to be included as part of the total floor area of a development for the purposes of calculating the applicable affordable housing levy contribution.</i></p> <p>(5) <i>A condition imposed under this section must permit a person to satisfy the affordable housing levy contribution:</i></p> <ul style="list-style-type: none"> <li>(a) <i>by way of a dedication in favour of the Council of gross floor area comprising one or more dwellings (each having a total floor area of not less than 50 square metres) with any remainder being paid as a monetary contribution to the Council, or</i></li> <li>(b) <i>if the person so chooses, by way of a monetary contribution to the Council.</i></li> </ul> <p>(6) <i>The rate at which a monetary contribution is to be taken to be equivalent to floor area for the purposes of this clause is to be calculated in accordance with the City of Canada Bay Affordable Housing Contributions Scheme adopted by the Council xxxxxx 2019.</i></p> <p><b>Note:</b> <i>The Scheme is available from Council's website: <a href="http://www.canadabay.nsw.gov.au">www.canadabay.nsw.gov.au</a>.</i></p> <p>(7) <i>To avoid doubt:</i></p> <ul style="list-style-type: none"> <li>(a) <i>it does not matter whether the floor area, to which a condition under this clause relates, was in existence before, or is created after, the commencement of this clause, or whether or not the floor area concerned replaces a previously existing area, and</i></li> <li>(b) <i>the demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of any contribution.</i></li> </ul> <p>(8) <i>In this clause –</i></p>
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	<p><b>excluded development</b> means the following:</p> <ul style="list-style-type: none"><li>(a) exempt development</li><li>(b) Development for non-residential floorspace (unless identified as adaptable floor space under the scheme)</li><li>(c) development for the purposes of residential accommodation that will result in the creation of less than 200 square metres of gross floor area,</li><li>(d) development for the purposes of residential accommodation that is used to provide affordable housing or public housing,</li><li>(e) development for the purposes of community facilities, schools, public roads or public utility undertakings,</li><li>(f) development on land in Zone IN1 General Industrial.</li><li>(g) the demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of any contribution.</li></ul>									
<b>Proposed amended Clause</b>	<b>Part 4 Principal development standards</b> <b>4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings</b>									
Council’s suggested amended clause	<p>(1) <i>The objectives of this clause are as follows:</i></p> <ul style="list-style-type: none"><li>(a) <i>to achieve planned residential density in certain zones,</i></li><li>(b) <i>to ensure that boarding houses in Zone R2 Low Density Residential retain a low-density scale and character, and achieve adequate setbacks, private open space and landscaped area, driveways and vehicle manoeuvring areas.</i></li></ul> <p>(2) <i>Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table and only if the lot has a street frontage of at least 20.0m.</i></p> <table><tr><th><b>Column 1</b></th><th><b>Column 2</b></th><th><b>Column 3</b></th></tr><tr><td>.....</td><td></td><td></td></tr><tr><td>Boarding houses</td><td>Zone R2 Low Density Residential</td><td>800 square metres</td></tr></table>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	.....			Boarding houses	Zone R2 Low Density Residential	800 square metres
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.....										
Boarding houses	Zone R2 Low Density Residential	800 square metres								
<b>Proposed new clause</b>	<b>Part 6 Additional Local Provisions</b> <b>6.14 Development in areas subject to aircraft noise</b>									
Council’s suggested new clause	<p>(1) <i>The objectives of this clause are as follows—</i></p> <ul style="list-style-type: none"><li>(a) <i>to prevent certain noise sensitive developments from being located near the Sydney (Kingsford-Smith) Airport and its flight paths,</i></li><li>(b) <i>to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings.</i></li></ul> <p>(2) <i>This clause applies to development that-</i></p> <ul style="list-style-type: none"><li>(a) <i>is on land that is in an ANEF contour of 20 or greater, and</i></li></ul>									

	<p>(b) <i>the consent authority considers is likely to be adversely affected by aircraft noise.</i></p> <p>(3) <i>Before determining a development application for development to which this clause applies, the consent authority—</i></p> <p>(a) <i>must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and</i></p> <p>(b) <i>must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, and</i></p> <p>(c) <i>must be satisfied that suitable arrangements will be in place to ensure that the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015.</i></p> <p>(4) <i>In this clause:</i>  <b>ANEF contour</b> <i>means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Kingsford Smith Airport prepared by the Department of the Commonwealth responsible for airports.</i>  <b>AS 2021—2015</b> <i>means AS 2021—2015, Acoustics Aircraft noise intrusion—Building siting and construction.</i></p>
<b>Proposed amended Clause</b>	<b>Part 6 Principal development standards</b> <b>6.3 Environmentally Sensitive Land</b>
Council's suggested amended clause	<p><b>Zone SP2 Infrastructure</b></p> <p>1 Objectives of zone</p> <p>....</p> <ul style="list-style-type: none"> <li>• To ensure that works are compatible with and protect the <del>biodiversity values</del> <b>environmentally sensitive status</b> of the natural environment.</li> </ul> <p><b>1.3 <del>Terrestrial biodiversity</del> Environmentally Sensitive Land</b></p> <p>(1) <i>the objective of this clause is to maintain terrestrial biodiversity protect and enhance environmentally sensitive land by:</i></p>
<b>Proposed new Clause</b>	<b>Part 4 Principal development standards</b> <b>4.3 Height of buildings</b> <b>4.4 Floor space ratio</b>
	<p><b>4.3 Height of buildings</b></p> <p>(1) <i>The objectives of this clause are as follows—</i></p> <p>(a) <del>to ensure that buildings are compatible with the desired future character in terms of building height and roof forms;</del></p> <p>(b) <del>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.</del></p> <p>(a) <i>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,</i></p> <p>(b) <i>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,</i></p>

	<p>(c) <i>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</i></p> <p>(d) <i>to encourage buildings that are designed to respond sensitively to the natural topography.</i></p> <p><b>4.4 Floor space ratio</b></p> <p>(1) <i>The objectives of this clause are as follows—</i></p> <p><del>(a) <i>to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,</i></del></p> <p><del>(b) <i>to provide a suitable balance between landscaping and built form,</i></del></p> <p><del>(c) <i>to minimise the effects of bulk and scale of buildings.</i></del></p> <p>(a) <i>to ensure that buildings are compatible with the bulk, scale, siting, streetscape and desired future character of the locality,</i></p> <p>(b) <i>to provide a suitable balance between landscaping and built form,</i></p> <p>(c) <i>to minimise any overshadowing and loss of privacy to neighbouring properties and to maximise solar access and amenity for public places, and</i></p> <p>(d) <i>to manage the visual impact of development when viewed from public places, including the Parramatta River.</i></p>
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