

CANADA BAY LOCAL
ENVIRONMENTAL PLAN 2013
(AMENDMENT NO 20)

DRAFT LSPS PLANNING PROPOSAL

December 2019

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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:

- Local Character Areas
- 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

- Maintain and protect areas with recognised distinctive local character.
- 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

- Unique character of Local Character Areas is maintained.
- 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. Local Character Areas

Proposal

The planning proposal seeks to amend the CBLEP 2013 to introduce a new clause into Part 6 Additional Local Provisions of the LEP, or a new standard clause as agreed with the Department of Planning, Industry and Environment during the plan making process. This is in accordance with Action 7.2 of Council's LSPS, which is to introduce Local Character Areas.

The clause should refer to stand-alone Local Character Statements. The draft Local Character Statements will be exhibited with the draft LEP and include an assessment of the local character and a desired future character statement for each Local Character Area. Refer to [Attachment – Draft Local Character Statements](#).

The Planning Proposal seeks to include new maps designating the boundaries of each proposed Local Character Area (refer Part 4, section 1 below and [Appendix A](#)).

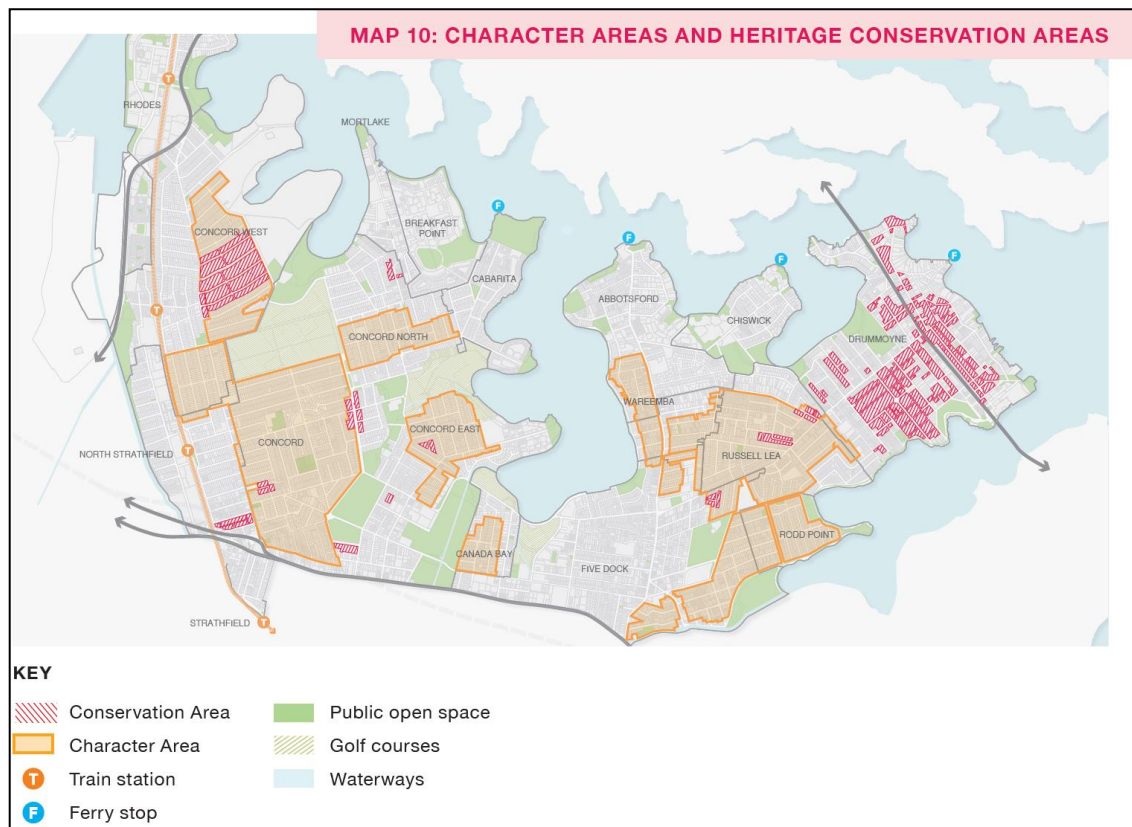


Figure 1: LSPS Map 10, Proposed Interim Local Character Areas

| | Precinct | Current residential zone | Current FSR | Current height |
|-----------------------------|----------|--------------------------|-------------------------|----------------|
| Concord West | CW | R2 | 0.5:1; Area 1 | 8.5m |
| Concord / North Strathfield | CNS | R2, R3 | 0.5:1; Area 1 | 8.5m |
| Concord North | CN | R2, B1 | 0.5:1; Area 1 | 8.5m |
| Concord East | CE | R2 | 0.5:1; Area 1 | 8.5m |
| Canada Bay | CB | R2 | 0.5:1; Area 1 | 8.5m |
| Wareemba | W | R2 | 0.5:1; Area 1 | 8.5m |
| Russell Lea | RL | R2, R3 | 0.5:1; Area 1; 1.0:1 | 8.5m |
| Croker Estate | CRE | R2 | 0.5:1; Area 1 | 8.5m |
| Five Dock North | FDN | R2 | 0.5:1; Area 1 | 8.5m |
| Five Dock | FD | R2 | 0.5:1; Area 1 | 8.5m |
| Rodd Point | RP | R2 | 0.5:1; Area 1; 1.0:1 | 8.5m |

Background and rationale

In 2009, Council undertook a comprehensive assessment of local character in the Canada Bay LGA, which was based on the original subdivision pattern and assessed the age, style and urban character of the subdivision precincts. This work formed the evidence-base for an addition to the Canada Bay DCP, Appendix E – Character Areas in August 2009.

In February 2017, Council adopted an amended DCP that removed Appendix E – Character Areas. This decision was made as it was apparent that Complying Development was undermining the established character of Character Areas and there were limited statutory mechanisms available to Council to protect local character outside of Heritage Conservation Areas.

The Greater Sydney Region Plan and Eastern City District Plan require Council to prepare a local housing strategy (LHS) that is consistent with the Principles for housing strategies, which include recognition of the distinctive and valued combination of characteristics that contribute to local identity.

The LHS is also required to be consistent with DPIE's *Local Housing Strategy Guideline – A step-by-step process for producing a local housing strategy 2018*. The Guideline states that opportunities to identify existing and desired future local character will be important considerations for the delivery of housing needs, noting though that good design outcomes should not preclude some additional housing in these areas.

Through its Health Check and Assurance process, the Greater Sydney Commission (GSC) has advised Council that “*LEP amendments to bring forward could focus on smaller amendments to introduce local character statements*” (Meeting notes of Assurance Phase 2: LSPS Health Check Meeting Notes, 3 April 2019). On 3 October 2019, Council met with the GSC for LSPS Phase 3 Assurance and Health Check. The GSC subsequently requested that Council amend LSPS Action 7.2 to add the following text:

Seek DPIE endorsement of interim local character statements as part of the endorsement of local housing strategy.

The Canada Bay LSPS sets out Council's vision for how the LGA will respond to significant residential growth, which Council's Local Housing Strategy (LHS) estimates at 3,800 dwellings to 2026 and 12,500 to 2036. The LSPS identifies areas that are designated for:

- change – Rhodes Planned Precinct and the Parramatta Road Corridor, which will provide for most of the housing demand and which will generally comprise high-density residential flat development;
- enhancement - areas to be investigated for encouraging and prioritising terraces and dual occupancies; and
- maintaining – Local Character Areas (LSPS Action 7.2 of the LSPS), which will be subsequently reviewed and refined (LSPS Action 7.3).

The Local Character Areas are evidence-based and previously formed part of Council's DCP. This LSPS Planning Proposal proposes to introduce Local Character Areas into the CB LEP 2013. These will be subsequently reviewed and refined in consultation with the community and form part of a planning proposal that Council intends to submit within 12-18 months' time. This approach is necessary due to the need to:

- comply with the significant time-constraints of the Government's *NSW Housing Affordability Strategy*, which requires Councils to submit a LSPS Planning Proposal for drafting prior to 30 June 2020;
- send a clear message to the community and industry that protecting local character is important and ensure that there is no further loss of identified unique local character by future development activity, especially in view of the high level of development activity that Council will experience in the next 20 years from the PRCUTS, Rhodes Planned Precinct, and Sydney Metro West;
- build the community's trust in the planning system with respect to the government's announcement of the *NSW Housing Affordability Strategy* in June 2017, which cited Government policy that Councils will be assisted to protect the character of important local areas while supporting housing supply;
- have Local Character Areas in place at the commencement of the Medium Density Housing Code on 1 July 2020; and
- inform any potential future development proposals of Council's intention to protect areas of local character from significant change.

The 2-stage approach is consistent with the following NSW government policies, plans and reports:

- On 1 June 2017, the Government's *NSW Housing Affordability Strategy* stated that *A new Planning Circular and Guidelines for preparing Local Housing Strategies will assist councils protect the character of important local areas while supporting housing supply.*
- *A Metropolis of Three Cities* (October 2017) required Councils to prepare housing strategies that respond to the principles for housing strategies and housing targets published in the District Plans (Action 3).
- *PS 18-001 respecting and enhancing local character in the planning system* (16 January 2018) states that *The Local Housing Strategy will identify any areas that have already been identified as having cultural or environmental significance and aim to identify areas of exceptional local character. Local Housing Strategies will need to find a balance between respecting and enhancing the local character of an area and identifying and accommodating the community's future housing, infrastructure and social needs ... Character can be reflected in a LEP ... through additional local provisions.*
- *Eastern City District Plan* requires Councils to comply with Principles for housing strategies, which include *Local character: recognising the distinctive and valued combination of characteristics that contribute to local identity.*
- *Local Housing Strategy Guideline* (October 2018) requires Councils to consider *Areas to be conserved and establishing future local character - Opportunities to identify existing and desired future local character will be important considerations for the delivery of housing needs. In association with this, councils will need to demonstrate an overall capacity to deliver enough and the right types of homes in the right locations.*
- *Low Rise Medium Density Housing Code Independent Review Report* (2019) by Roberta Ryan and Neil Selmon (prepared for the Minister for Planning) recommends that Councils be supported to introduce interim Special Local Character Areas to give them time to implement Final Special Local Character Areas before the Code takes effect.

Canada Bay Local Housing Strategy

The draft LSPS was informed by several draft technical studies commissioned by Council. The studies were informed by targeted key stakeholder engagement undertaken by each focus area consultancy from November 2018 to January 2019.

The Canada Bay Local Housing Strategy (LHS) is the primary technical study that informed the Local Character Areas.

The scope for the LHS was to:

- (a) Understand the type of housing that currently exists in the LGA;

- (b) Respond to constraints and opportunities associated with the delivery of new housing (feasibility, heritage, local character, environmental, employment and infrastructure) to achieve the requirements of the Eastern City District Plan;
- (c) Follow the process and reporting structure described in the Department of Planning, Industry and Environment's Local Housing Strategy Guideline.

The LHS included specific consideration of the Local Character and Place Guideline (Department of Planning and Environment 2019).

Key issues and opportunities identified by the LHS are:

Providing a balanced housing strategy is a direction set by Council's Community Strategic Plan

Council's community strategic plan identifies the following directions in relation to housing and character:

- developing a balanced housing mix;
- ensuring high quality housing and renewal;
- encouraging sustainable housing and design; and
- considering impact on the character of the area.

Delivering housing diversity whilst maintaining local character is an important policy direction for Council. It is clear that the local community's expectations are that the LGA's established areas of neighbourhood character are – if not preserved, then – at least respected by new development. Incremental medium-density development must therefore adhere to the height, scale and form of local streetscapes.

It is anticipated that some opportunity apartment developments will occur in major and local centres and State-planned urban renewal precincts around PRUTS, Rhodes East and potential Sydney Metro West Stations, which will accommodate the bulk of the dwelling demand.

The LHS further identified that:

- The LGA's relatively central and accessible location means that it may come under pressure to accommodate significant volumes of infill re-development that may change the valued character of existing residential neighbourhoods. So, it is important to plan well to ensure that the LGA considers the accommodation of growth in a manner that balances this with achieving other liveability objectives.
- Council's previous DCP character areas provide a basis for local character areas and have been given consideration in the development of the Local Housing Strategy. Nonetheless, further urban design studies should be undertaken to review and refine these areas and future character statements, in accordance with the Local Character and Place Guideline.
- The liveability of both existing and future residents needs to be retained. The City of Canada Bay possesses a broad range of pleasant residential neighbourhoods with a strong character. So whilst it will be important to ensure that adequate planning addresses accommodation of future population, existing residents and established character should be considered in a balanced approach to setting a dwelling target and housing strategy for Canada Bay.

Key findings from the background analysis included:

E. With such a high volume of apartments forecast, it will be important for council to manage amenity outcomes to ensure affected areas remain liveable for existing and future areas.

Policy Direction: Ensure that all new development adhere to and respect local character and streetscapes. This is particularly important for urban renewal precincts, where in some instances, there is a greater challenge given the volume of development expected.

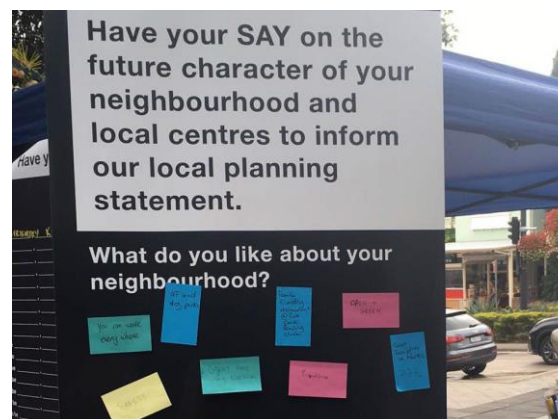
The relevant housing priorities and recommended action for the Local Character Areas is that:

- 6. All character areas be identified and protected, with sensitive infill development, as part of retaining a diversity of housing types and residential streetscapes.

Community consultation undertaken to support Local Character Areas

The draft LSPS was informed by the draft technical studies and wider community engagement undertaken from February to March 2019. The engagement built on feedback provided during the preparation of the Community Strategic Plan. Community engagement activities included drop-in sessions; delivery of

postcards to all homes in the LGA; and an online survey, resulting in 384 comprehensive surveys completed.



Community engagement pop-up event banner

What is it about your local area that defines it and make it special to you?



Wordle results from one community survey question

Key themes and findings from the community consultation include:

- Canada Bay is defined by its green and leafy open spaces and foreshore, and many beautiful character homes.
- Local centres were liked for their village atmosphere.
- New housing and density should be compatible with the character of existing neighbourhoods.
- There is support for new dwellings around current and proposed public transport hubs/future Metro stations.
- Walkability is highly valued. Whilst car parking is desired in local centres, there was strong support for wider footpaths in lieu of more parking.
- When asked to choose, 79% of respondents preferred natural spaces and passive recreation opportunities rather than more fields for organised sport and recreation.
- Biodiversity should be protected from development impacts, pollution and pest animals.
- Trees in parks, along major roads and in centres were strongly supported, but only a minority of respondents wanted more trees on their own property.

(Refer to [Attachment - LSPS Community Engagement Report](#) and [Attachment - Draft Local Character Statements](#))

The draft LSPS was also publicly exhibited on Council's website and community engagement platform *Collaborate* for 28 days, from 25 June 2019 to 22 July 2019. Two notifications were placed in the local paper, the Inner West Courier, and seven notifications were placed on the following social media platforms. A total of 81 submissions were received during the exhibition period. Issues raised corroborated the findings from the community survey.

Criteria and information for introducing a local character overlay

On 12 September 2019, DPIE's Local Character team advised Council that Local Character Overlay guidance will be finalised by end of 2019. On 19 November 2019, DPIE's Local Character team advised Council that the draft *Discussion Paper – Local Character Overlays* was being prepared for exhibition and that, following the exhibition period, submissions will be considered and the final Local Character Overlays guidance will be prepared for publication. There is currently no timeframe for finalisation.

The implications of the extended and unknown timeframe are that the final Local Character Overlays guidance will not be available to inform the development of the planning proposals of accelerated Councils, which are required to give effect to the District Plan and be submitted for drafting before 30 June 2020. Canada Bay Council is required to submit a planning proposal that gives effect to the LSPS before 20 December 2019.

This planning proposal therefore includes assessment of the proposed Local Character Areas against *Step 2 – Identifying an area's character* of the DPIE's *Local Character and Place Guideline* (Refer to [Attachment - Local Character Statements](#)) It also includes and also includes assessment of the proposed Local Character Areas against *Table 1: Criteria for a planning proposal to introduce a local character overlay* of DPIE's *Discussion Paper – Local Character Overlays*, which also requires that local character be assessed against Step 2 of the Local Character and Place Guideline. Refer to the table below.

| | Criteria | Indicative supporting information |
|---|------------------------------------|--|
| 1 | Proposal | <p>The overlay is intended to protect the character of areas that have been previously recognised in Council's DCP as areas that possess unique local character that should be preserved. It is intended that the overlay will be reviewed and refined in consultation with the community.</p> <p>The two-step phase is necessary in view of the significant development uplift that is planned for the LGA, to put protections in place to ensure that there is no further loss of the unique local character due to development activity. This will also inform the development industry and the broader community of Council's intentions to protect and preserve areas that have identified unique local character and build trust in the planning system.</p> <p>The overlay seeks to deliver heads of consideration for Council when assessing development applications within the character area to ensure consistency with the desired future character.</p> <p>Local Character Statements, to be referred to in the LEP, have been prepared and will be exhibited with the draft LEP (refer to <u>Attachment – Local Character Statements</u>).</p> <p>The number of lots included in the Local Character Areas is likely to be reduced following the future review of the Local Character Areas.</p> <p>The Local Character Areas are wholly within the Canada Bay LGA.</p> |
| 2 | Alignment to the strategic context | <p>The proposed Local Character Areas align with Objective 10 – Greater housing supply of <i>A Metropolis of Three Cities</i>:</p> <ul style="list-style-type: none"> Action 3 – Prepare housing strategies that respond to the principles for housing strategies and housing targets published in the District Plans. <p>The Eastern City District Plan principles for housing strategies include:</p> <ul style="list-style-type: none"> Local character: recognising the distinctive and valued combination of characteristics that contribute to local identity. <p>The DPIE Local Character and Place Guideline, which was published in February 2019, aims to encourage consideration of local character in strategic planning, provide tools for identifying existing local character and guidance on how government and communities might go about producing a character assessment and setting the desired future character of an area. Council has adhered to the steps set out in the Guideline when developing the LSPS, the Local Character Areas and this planning proposal.</p> <p>The LSPS is also underpinned by an evidence-base provided by Council's Local Housing Strategy (LHS); and Local Employment and Productivity Strategy, which forecast needed housing and jobs with respect to residential, commercial and industrial land supply.</p> <p>The Local Character Areas will not reduce the development potential of the relevant land. The intention is to ensure any new development is consistent with the desired future character statement of the areas and not to reduce development potential. The current highest and best use for the land is dual occupancies, which will not be reduced. Council's Local Housing Strategy has established that sufficient new housing will be delivered within the Parramatta Road Corridor precincts and the Rhodes Planned Precinct to meet the forecast need, and housing diversity will be delivered via encouragement of medium density housing in housing diversity investigation areas.</p> <p>The integrated planning and reporting framework community engagement that was undertaken to inform Council's Community Strategic Plan (CSP) – Your Future 2030 found that:</p> <ul style="list-style-type: none"> Canada Bay's residents highly value the area's local character; and there is general concern that high-rise development is eroding the local character. <p>The Engagement Outcomes Report (February 2018) states that "many identified protecting open spaces, federation and art deco homes and buildings as key priorities that will be critical to maintaining the local</p> |

| | | |
|---|--|--|
| | | <p>character into the future [and that] many participants expressed concern with the scale and quality of new developments. Ensuring new developments are well designed, made from high quality materials and fit within the existing character of the area were noted as key priorities for the area at all workshops.”</p> <p>Goal 1.3 of the CSP is:</p> <ul style="list-style-type: none"> • Our sense of place and of belonging is strong with our diversity respected and celebrated and local heritage and character promoted in friendly village neighbourhoods and vibrant and prosperous centres. |
| 3 | Has community consultation on LSPS and, if applicable, LHS been undertaken? | <p>The draft LSPS was informed by Council's Community Strategic Plan (CSP), draft supporting technical studies and LGA-wide community engagement.</p> <p>Key findings from the CSP community engagement are outlined above. The supporting technical studies were informed by targeted key stakeholder engagement undertaken by each focus area consultancy from November 2018 to January 2019. LGA-wide community engagement was undertaken from February to March 2019 to supplement the findings of the engagement for the CSP and the supporting technical studies that informed the draft LSPS. The engagement included an online survey, notifications sent to all households and businesses in the LGA and face to face pop-up sessions.</p> <p>Key findings from the LSPS community engagement were that:</p> <ul style="list-style-type: none"> • Canada Bay has many beautiful character homes which define the area and should be protected. New housing and density must reflect this character; and • 76% strongly agree that new development should reflect surrounding character and a further 15% somewhat agree. <p>The draft LSPS and draft LHS were publicly exhibited for 28 days, from 25 June 2019 to 22 July 2019. The draft LSPS included Map 10 (Figure 1 above) and Actions:</p> <p><i>7.2 Amend the Canada Bay Local Environmental Plan to implement interim local character statements for the Character Areas identified in Map 10.</i></p> <p><i>7.3 Review the interim local character statements and prepare new local character statements for:</i></p> <ul style="list-style-type: none"> ○ <i>areas identified for change, including for Planned Precincts and other localities undergoing renewal; and</i> ○ <i>areas identified that have an existing distinctive urban form and character, which is to be retained and protected (Local Character Areas).</i> <p>Key findings from consideration of submissions received during the exhibition of the draft LSPS and draft LHS were that local character is worth preserving.</p> <p>The proposed Local Character Areas will not result in any reduced development potential of the relevant land, as discussed above.</p> |
| 4 | Character assessment in conjunction with the community of the area, characterisation of the character area and attributes of the place that are cherished and to be supported. | <p>Council is seeking to introduce the Local Character Areas, followed by a review undertaken in consultation with the community, as discussed above. The proposed two-step process is necessary in view of the significant development uplift that is planned for the LGA. The character areas will put protections in place to ensure that there is no further loss of unique local character and inform the development industry and the broader community of Council's intentions to protect areas that have been identified as having unique local character. The future revised Local Character Areas will form part of a planning proposal that Council intends to submit within 12-18 months' time.</p> <p>This Planning Proposal includes assessment of local character against Part 2 of the Local Character and Place Guideline (refer <u>Attachment – Local Character Statements</u>) to support the Local Character Areas. The assessment to support Council's proposed Local Character Areas includes:</p> |

| | | |
|---|--|---|
| | | <ul style="list-style-type: none"> • Step 1: Community engagement <ul style="list-style-type: none"> ◦ The character areas, which were previously included in Council's DCP, were a focus of the LGA-wide LSPS community engagement, and were exhibited in the draft LSPS and draft LHS (as discussed above). • Step 2: Identification of the area's character <ul style="list-style-type: none"> ◦ Refer to <u>Attachment - Local Character Statements</u> • Step 3: Information sources and mapping <ul style="list-style-type: none"> ◦ The character areas are also informed by historical information about the areas: <ul style="list-style-type: none"> ▪ Various maps, Land Registry Services, Historical Land Records Viewer ▪ Canada Bay Thematic History 2012 ▪ Drummoyne Heritage Study, Thematic History 1989 ▪ Concord Heritage Study, Thematic History 1986 • Step 4: Desired Future Character <ul style="list-style-type: none"> ◦ Desired Future Character statements for areas with character to be maintained (the proposed Local Character Areas) were previously included in the DCP. Council will formalise the Desired Future Character statements either as stand-alone Local Character Statements that are given weight via reference in the LEP (Refer to <u>Attachment - Local Character Statements</u>), or as a new part of Council's DCP. The final format will be agreed with the Department through the plan-making process. • Step 5: Character assessment <ul style="list-style-type: none"> ◦ The Local Character Areas are mapped in LSPS Map 10 and in Part 4, section 1 and <u>Appendix A</u>. ◦ The current and future character of the Local Character Areas is described in <u>Attachment - Local Character Statements</u>. |
| 5 | Map layer in accordance with standard technical requirements for spatial datasets and maps and drafted a clause. | <ul style="list-style-type: none"> • Maps of the Local Character Areas are included in Part 4, section 1 and <u>Appendix A</u>. • Maps will be provided in the Standard Instrument Local Environmental Plan format during drafting of the Plan. • The proposed new clause is below. |

Proposed new Clause:

The planning proposal is seeking to introduce the proposed clause, below, into Part 6 Additional Local Provisions of the LEP. The proposed clause describes Council's intentions for the clause. Alternatively, Council will agree the final clause with the Department through the plan-making process.

Council will also agree with the Department through the plan-making process whether the Local Character Statements will be formalised as a stand-alone document, given weight via reference in the LEP, or as a new part of Council's DCP. Should it be agreed that the Local Character Statements be formalised as part of Council's DCP, reference to the DCP should be included in the new LEP clause.

Developments in local character areas

- (1) *The objectives of this clause are:*
 - (a) *to recognise, support and protect neighbourhood character, cultural identity, and sense of place,*
 - (b) *to manage the impact of urban change on the desired future character,*
 - (c) *to ensure that new development retains and enhances the key character attributes that contribute to a precinct's existing local character, and*
 - (d) *to retain and enhance the landscape and streetscape character, where these are a recognised feature of the area.*
- (2) *This clause applies to the following land:*
 - (a) *land identified as "Local Character Area" on the Local Character Area Map.*
- (3) *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.*

Separate request for exclusion from various SEPPs

Under Part 3B of *SEPP (Exempt and Complying Development Codes) 2008* (Low Rise Medium Density Housing Code), complying development is required to be consistent with the design criteria in the Medium Density Design Guide and assessment against the Design Criteria Consistency Template.

However, complying development under Part 3 of *SEPP (Exempt and Complying Development Codes) 2008* (Housing Code) for general housing has no similar requirement for local character consistency.

Therefore, to protect the integrity of Council's Local Character Areas, Council intends to seek an exclusion from the following SEPPs for complying development in the proposed Local Character Areas:

- Part 3 of *SEPP (Exempt and Complying Development Codes) 2008* (Housing Code)
- Part 3B of *SEPP (Exempt and Complying Development Codes) 2008* (Low Rise Medium Density Housing Code)

Council intends to include a comprehensive assessment against *Table 2: Criteria for local variations and exclusions* in draft *Discussion Paper – Local Character Overlays* with the request for exemption.

2. 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 |

Proposed new Clause:

Diverse Housing

- (1) *The objectives of this clause are as follows:*
- (a) *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,*
 - (b) *to promote development that accommodates the needs of a range of household sizes.*
- (2) *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.*
- (3) *Development consent must not be granted to development to which this clause applies unless:*
- (a) *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*
 - (b) *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.*

3. 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 West Affordable Housing Contribution Area:** 5% of the additional total Gross Floor Area that is to be used for residential uses.
- **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 the Affordable Housing Contributions clause will apply to (refer Part 4, section 3 below and [Appendix B](#)).

Draft Affordable Housing Contributions Scheme (AHCS)

A draft Affordable Housing Contributions Scheme (AHCS) has also been prepared to support the statement of intent for the affordable housing contributions 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 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 Contributions 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 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.

Proposed new Clause:

Contribution for purpose of affordable housing

- (1) *This clause applies to land as shown on the Affordable Housing Map.*
- (2) *The objectives of this clause are as follows:*
 - (a) *Ensure that affordable housing is provided to mitigate the impact on housing affordability for very low to moderate income households; and*
 - (b) *Recognise affordable housing as critical social infrastructure necessary to support economic and social functions of commercial, retail and community uses.*
- (2) *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*

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

Contribution Scheme, impose a condition requiring a contribution equivalent to the **affordable housing contribution**, being:

- (a) 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
 - (b) 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.
- (3) 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.
- (4) A condition imposed under this section must permit a person to satisfy the affordable housing levy contribution:
- (a) 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
 - (b) if the person so chooses, by way of a monetary contribution to the Council.
- (5) 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.

Note: The Scheme is available from Council's website: www.canadabay.nsw.gov.au.

- (5) To avoid doubt:
- a) 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
 - (b) 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.

(6) In this clause—

excluded development means the following:

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

4. Minimum lot size for boarding houses

Proposal

The Planning Proposal seeks to introduce a minimum lot size for boarding houses. 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.

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 or facilitate 5% affordable housing provision in the Parramatta Road corridor 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.

Draft Local Housing Strategy

Council’s Draft 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.

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. Also, the impact on the amenity of the existing and new residents is more likely to be able to be minimised.

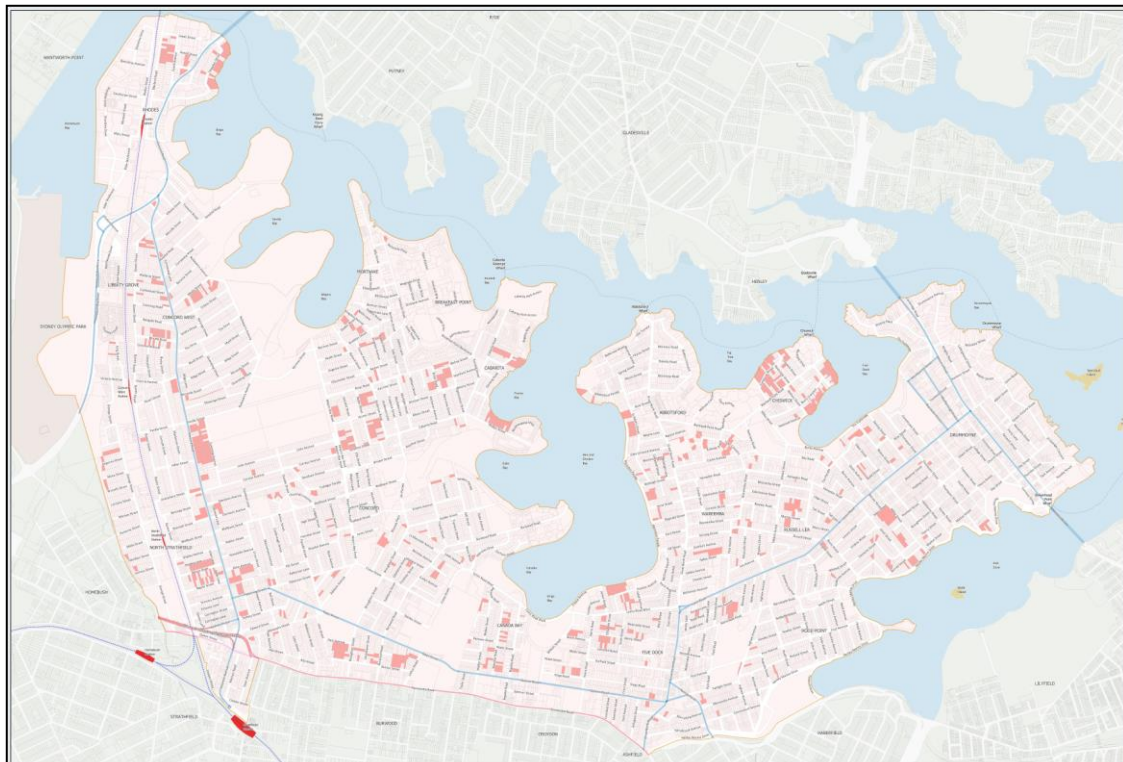


Figure 2: Lots of 800sqm area or greater in R2 Low Density residential zone

Proposed amended Clause:

4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

- (1) The objectives of this clause ~~is~~ are as follows:
- (a) to achieve planned residential density in certain zones,
 - (b) 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.
- (2) 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.**

Column 1

....
Boarding houses

Column 2

....
Zone R2 Low Density Residential

Column 3

....
800 square metres

5. 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.

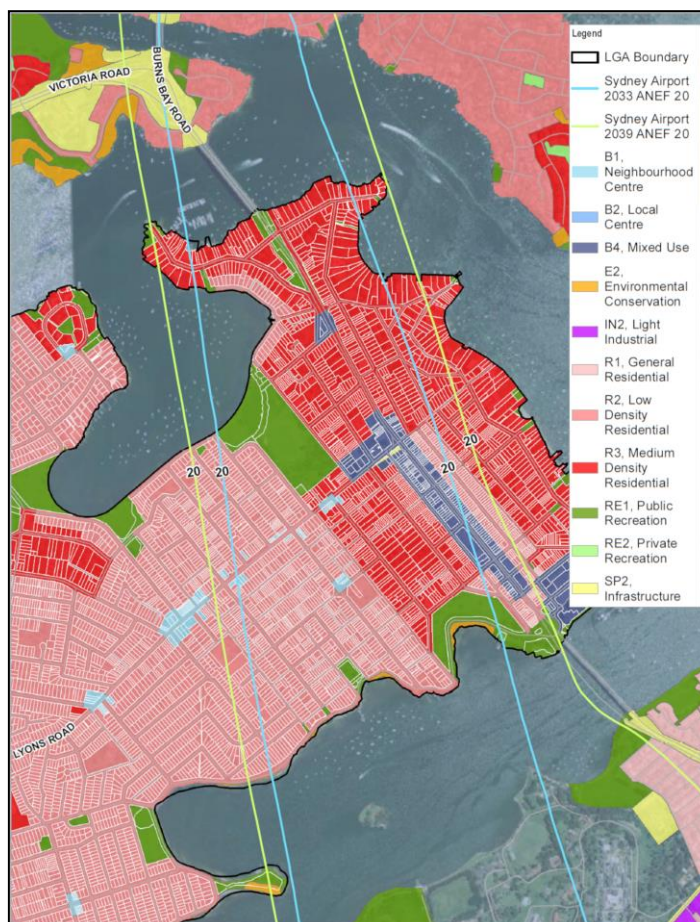


Figure 3: ANEF 2039 map

Proposed new Clause:

Development in areas subject to aircraft noise

- (1) *The objectives of this clause are as follows—*
 - (a) *to prevent certain noise sensitive developments from being located near the Sydney (Kingsford-Smith) Airport and its flight paths,*
 - (b) *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.*
- (2) *This clause applies to development that—*
 - (a) *is on land that is in an ANEF contour of 20 or greater, and*
 - (b) *the consent authority considers is likely to be adversely affected by aircraft noise.*
- (3) *Before determining a development application for development to which this clause applies, the consent authority—*
 - (a) *must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and*
 - (b) *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*
 - (c) *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.*
- (4) *In this clause:*

ANEF contour *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.*

AS 2021—2015 *means AS 2021—2015, Acoustics—Aircraft noise intrusion—Building siting and construction.*

6. 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 D](#)); 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 only 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.

| | Land identified for protection by the Biodiversity Framework | Land identified for protection by the Biodiversity Framework plus buffer 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.

Proposed amended text:

It is proposed that all references to “biodiversity” and “terrestrial biodiversity” be amended to be consistent with the term “environmentally sensitive”, and that

Zone SP2 Infrastructure

1 Objectives of zone

....

- To ensure that works are compatible with and protect the **biodiversity values environmentally sensitive status** of the natural environment.

6.3 Terrestrial biodiversity Environmentally Sensitive Land

- (1) The objective of this clause is to **maintain terrestrial biodiversity protect and enhance environmentally sensitive land** by:

....

....

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

7. 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.

8. 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 Appendices D).

| 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).

9. Housekeeping amendments

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

9.1 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 G](#)) 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 |

9.2 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 9.2 below and Appendices D-F)

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 | Nil | Nil | Nil |
| M4 ramp, North Strathfield | R2, R3 | 0.5:1, Area 1 | 8.5m | SP2 | Nil | Nil |



M4 ramp, North Strathfield

9.3 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.

9.3.1 2 Use of land at Breakfast Point

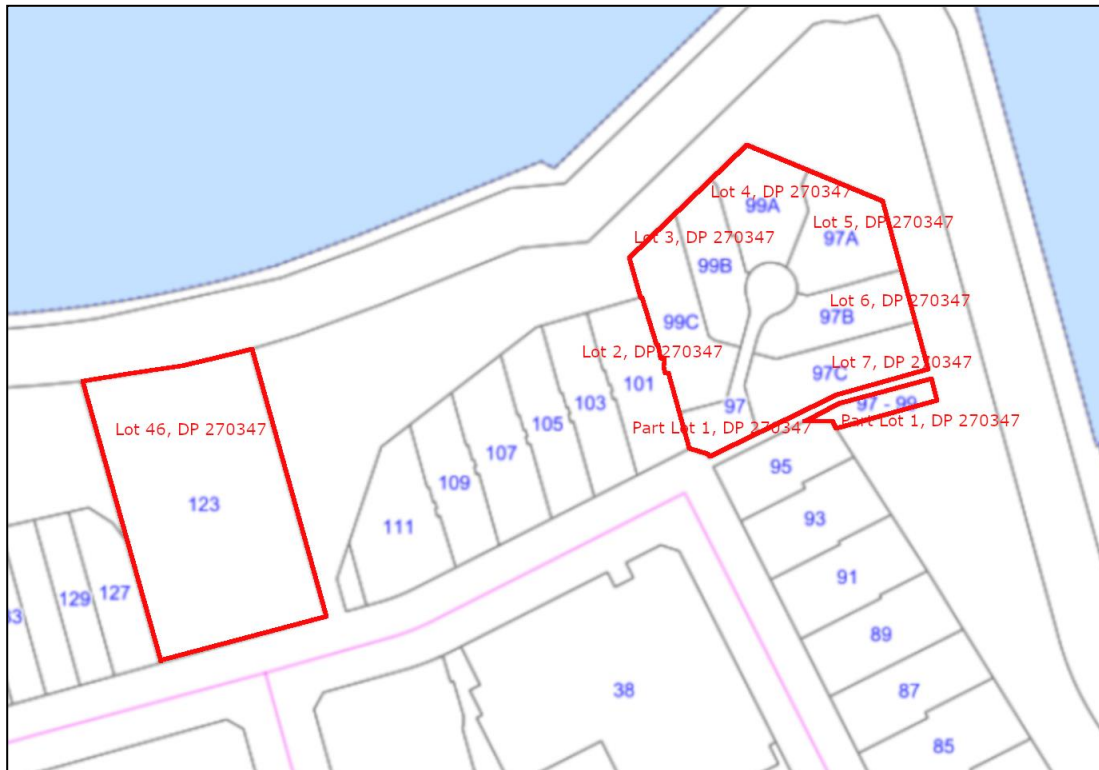
- (1) *This clause applies to land at Breakfast Point, being Lots 46 and 87, DP 270347.*
- (2) *Development for the following purposes is permitted with development consent:*
 - (a) *retail premises,*
 - (b) *business premises.*

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.

9.3.2 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.

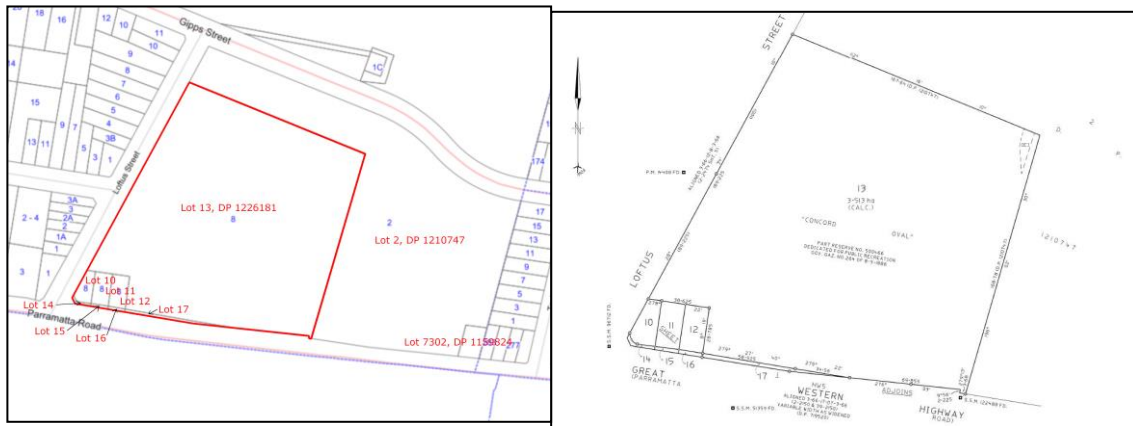
The four lots Part Lot 7077, DP 1123003, Lots 8 and 9, DP 719520, and Lot 10, DP 7199520 previously comprised both Concord Oval and the Cintra Park hockey field.

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.

9.3.3 8 Use of certain land at 69 Renwick Street, Drummoyne

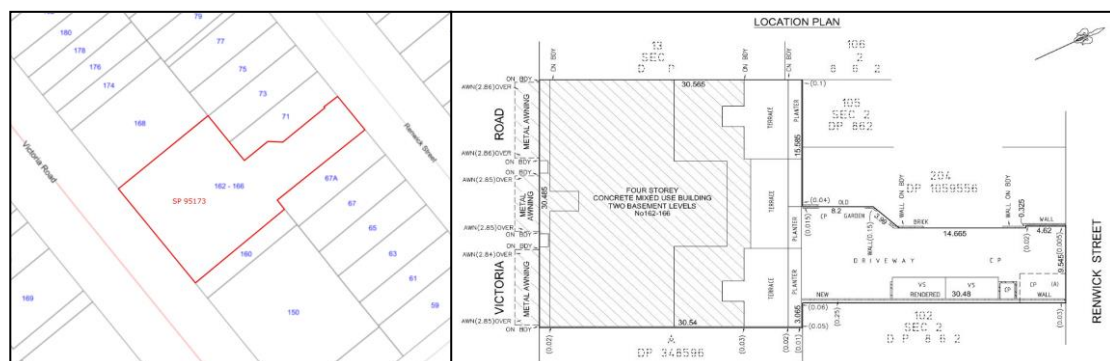
- (1) This clause applies to land at 69 Renwick Street, Drummoyne, being Lot 203, DP 059556.
- (2) Development for the purpose of a car park in association with the adjoining development at 162–166 Victoria Road, Drummoyne, is permitted with development consent.

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, DP 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.*

9.3.4 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:

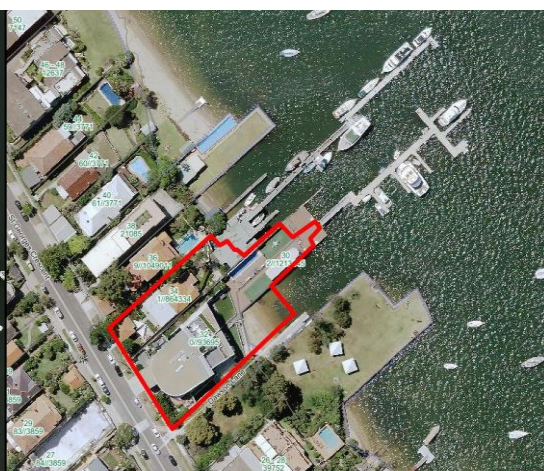
- Remove reference to Lot 66, DP 3859, Lot 1, DP 869786, and Lot 1, DP 1018805 and replace with SP 93695, Lot 2 DP 1213145, Lot 1 DP 938005, Lot 1 DP 1220625 and Lot 2 DP 1220625.
- Change text in clause heading to remove reference to 30-34 St Georges Crescent and replace with 32-34 St Georges Crescent.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

9.3.5 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.

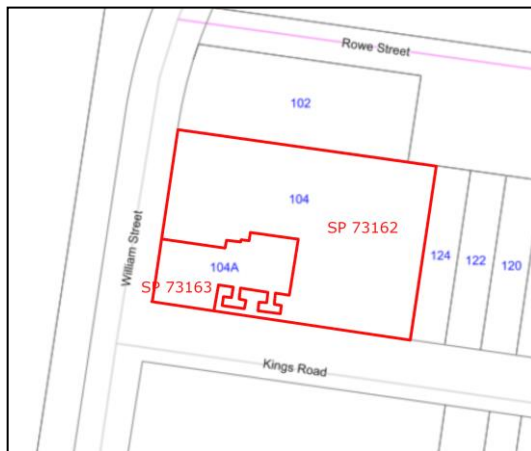
9.3.6 13 Use of certain land at 104 William Street, Five Dock

- (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 73163) and 104 William Street (SP 73162).



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 and SP 73163.
- (2) Development for the following purposes is permitted with development consent:
 - (a) commercial premises,
 - (b) light industries.

9.3.5 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.

9.4. 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).
- Consistency with the principles for housing strategies and housing targets published in the District Plans, recognising the distinctive and valued combination of characteristics that contribute to local identity (Action 3).

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).
- Deliver the housing strategy requirements outlined in Objective 10 of *A Metropolis of Three Cities*, by recognising the distinctive and valued combination of characteristics that contribute to local identity (Action 16).
- 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:

- **Local Character Areas** are in accordance with LSPS Action 7.2.
- **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. Local Character Areas specifically respond to changing circumstances by seeking to protect areas with unique local character from the impacts of Sydney Metro West and significant population increases in defined areas.

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:

- **Local Character Areas** acknowledge characteristics of areas that are to be protected to ensure no further loss of identified unique local character.
- **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 balanced housing strategy that seeks to maintain character, including the character established by open spaces, vegetation and the views and access into the various bays around the LGA, whilst also accommodating a diverse range of housing types is a important policy direction when considering the development of a housing strategy vision and options.

- **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. The LHS proposes that character areas be protected to offset this uplift.

Housing Priority 6 - All character areas be identified and protected, with sensitive infill development, as part of retaining a diversity of housing types and residential streetscapes.

Action 6 - Character areas be identified and protected, with sensitive infill development, as part retaining a diversity of housing types and also residential neighbourhoods.

- **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 | 6. 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) | 3. 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 | <p>4. Minimum lot size for boarding houses</p> <p>The planning proposal seeks to restrict new boarding houses in the R2 zone to lots in excess of 800sqm and with a minimum 20m street frontage.</p> <p>This is intended to facilitate affordable housing that is of a high standard and that retains and enhances the character of the local area.</p> <p>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 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 | <p>1. Local Character Areas</p> <p>Council intends to seek a separate exclusion from:</p> <ul style="list-style-type: none"> Part 3 of <i>SEPP (Exempt and Complying Development Codes) 2008</i> (Housing Code) Part 3B of <i>SEPP (Exempt and Complying Development Codes) 2008</i> (Low Rise Medium Density Housing Code) <p>This is intended to support the intention of the proposal to protect areas of local character.</p> <p>Outside of local character areas, any exempt or complying development on the site will need to apply the provisions of the SEPP.</p> <p>The planning proposal does not contain provisions that contradict or would hinder application of this SEPP except in circumstances where it is demonstrated that local character should be protected.</p> |
| | 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</p> |

| | | |
|--|--|---|
| | | SEPP. |
| | 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>6. 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>1. Local Character Areas</p> <p>The planning proposal seeks to enable development that responds sympathetically to the historical characteristics of the proposed Local Character Areas. Any development required to address a heritage item or conservation area within a Local Character Area complements the requirement to address the desired future character of the Local Character Area.</p> <p>The planning proposal also seeks to correct land that, due to a recent subdivision of land, currently incorrectly identifies land as being subject to a heritage listing.</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>1. Local Character Areas</p> <p>The planning proposal seeks to ensure that developments in the proposed Local Character Areas respond sympathetically to the established urban form and characteristics of the Precinct, without restricting or limiting the development of alternative, but compatible, new housing types.</p> <p>4. 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>1. Local Character Areas</p> <p>The proposed Local Character Areas are located so as to enable higher density residential development areas to have optimal access to existing rail stations.</p> <p>Pursuant to the Government's announcement of the Sydney Metro West project, the final Local Character Area precinct boundaries will be reviewed with respect to ensuring higher density residential development has optimal access to any new or expanded rail stations. This is anticipated to occur within the next 12-18 months.</p> <p>4. 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>1. Local Character Areas</p> <p>The proposed Local Character Areas are partly affected by Class 5 Acid Sulfate Soils. The planning proposal does not seek to intensify the use of the land in the Precincts to an extent that would warrant an acid sulfate soils study being undertaken.</p> |
| 5. Regional Planning | |
| 5.10 Implementation of Regional Strategies | <p>The planning proposal is consistent with key strategic directions of the <i>Greater Sydney region Plan – A Metropolis of Three Cities</i> and the Eastern City District Plan. Council's LSPS has been publicly exhibited for a statutory 28 days and has been twice reviewed as satisfactory by the Greater Sydney Commission. The final LSPS Assurance by the Commission is pending.</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 Department of Planning, Industry and Environment's Local Character and Place Guideline and the <i>Eastern City District Plan</i>.</p> <p>1. Local Character Areas</p> <p>Whilst the planning proposal seeks to introduce additional requirements for development within proposed Local Character Areas to be assessed for consistency with the Desired Future Character, this additional requirement is not deemed to be unnecessarily restrictive site specific controls.</p> <p>2. 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>5. 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 development affected.</p> <p>6. Environmentally Sensitive Land Map</p> <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> <p>9. Housekeeping amendments</p> <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 | <p>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>.</p> <p>1. Local Character Areas</p> <p>Objective 10 – Greater housing supply of A <i>Metropolis of Three Cities</i>:</p> <ul style="list-style-type: none"> Action 3 – Prepare housing strategies that respond to the principles for housing strategies and housing targets published in the District Plans. |

The *Eastern City District Plan* principles for housing strategies include:

- Local character: recognising the distinctive and valued combination of characteristics that contribute to local identity.

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

1. Local Character Areas

Refer to Local Character Area map sheets at [Appendix A](#)

3. Affordable housing

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

6. Environmentally Sensitive Land maps

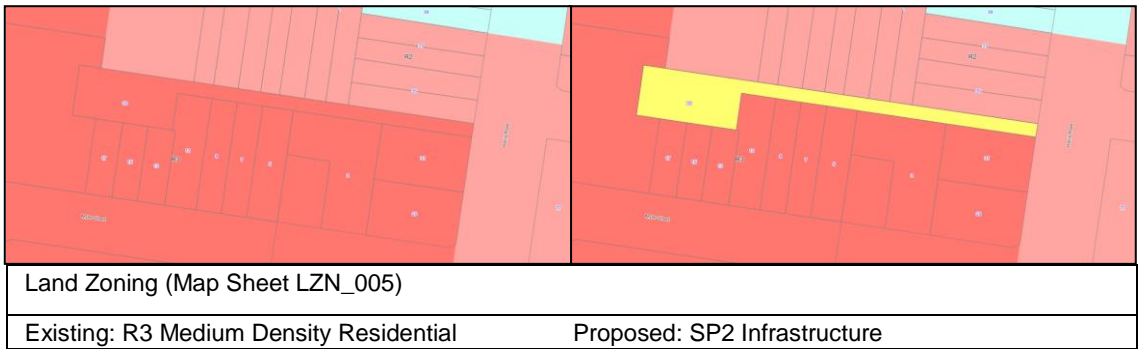
Refer to Environmentally Sensitive Land map sheets at [Appendix C](#)

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

8. Sydney Water sites

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

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

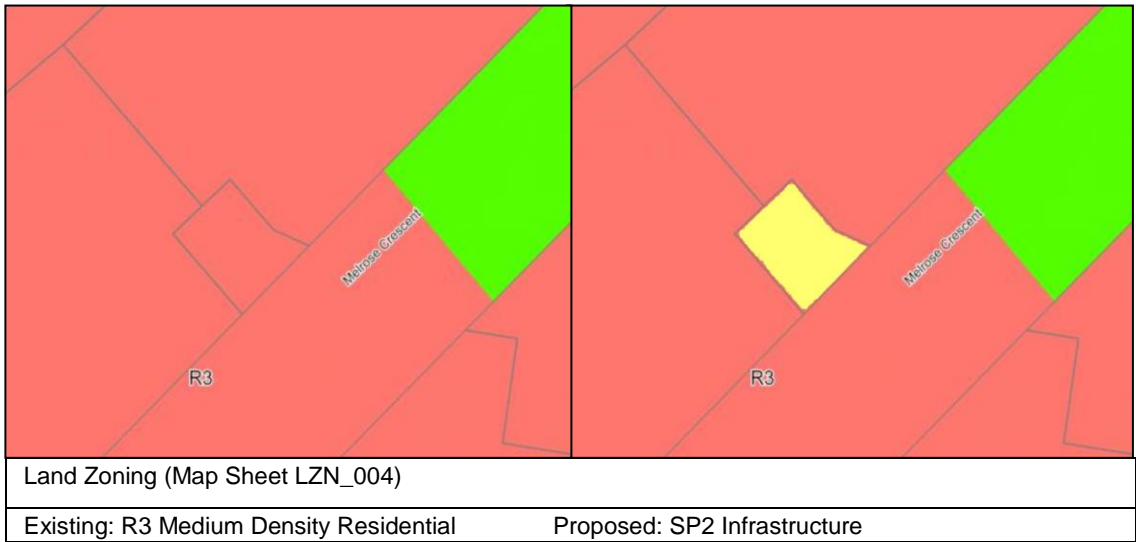


89A Henley Marine Drive, Rodd Point (Lot 2, DP 180962)



| | |
|---|------------------------------|
| 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)



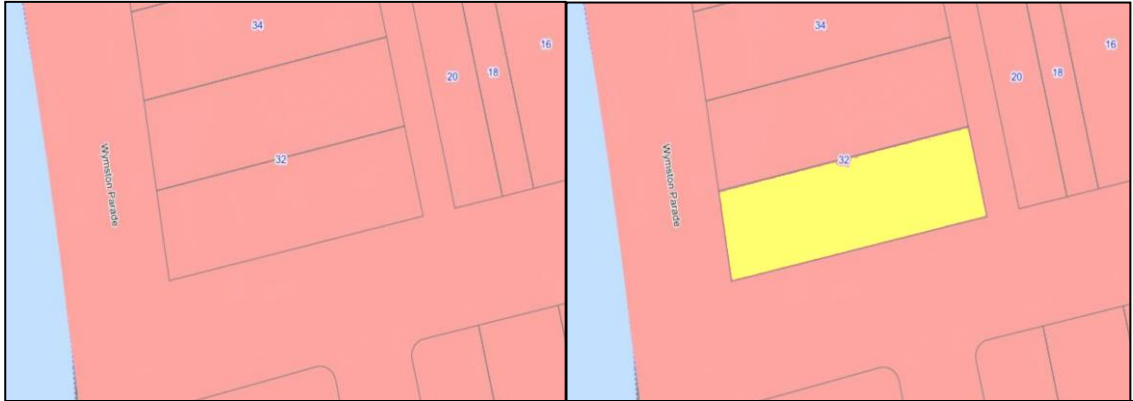
| | |
|---|------------------------------|
| Land Zoning (Map Sheet LZN_004) | |
| Existing: R3 Medium Density Residential | Proposed: SP2 Infrastructure |

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



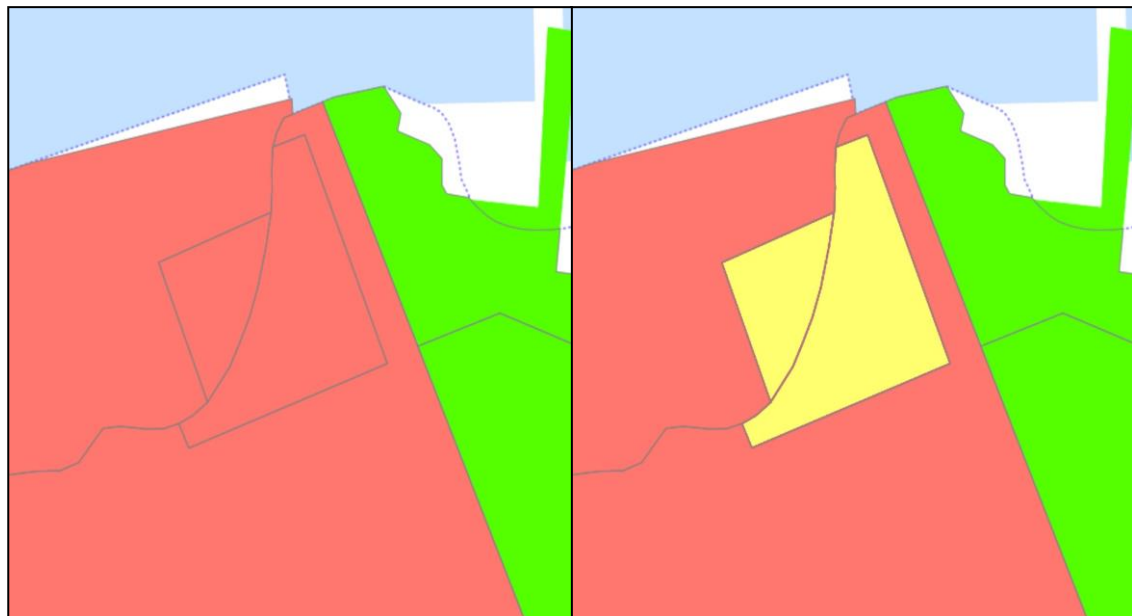
| | |
|---|------------------------------|
| Land Zoning (Map Sheet LZN_006) | |
| Existing: R3 Medium Density Residential | Proposed: SP2 Infrastructure |

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)

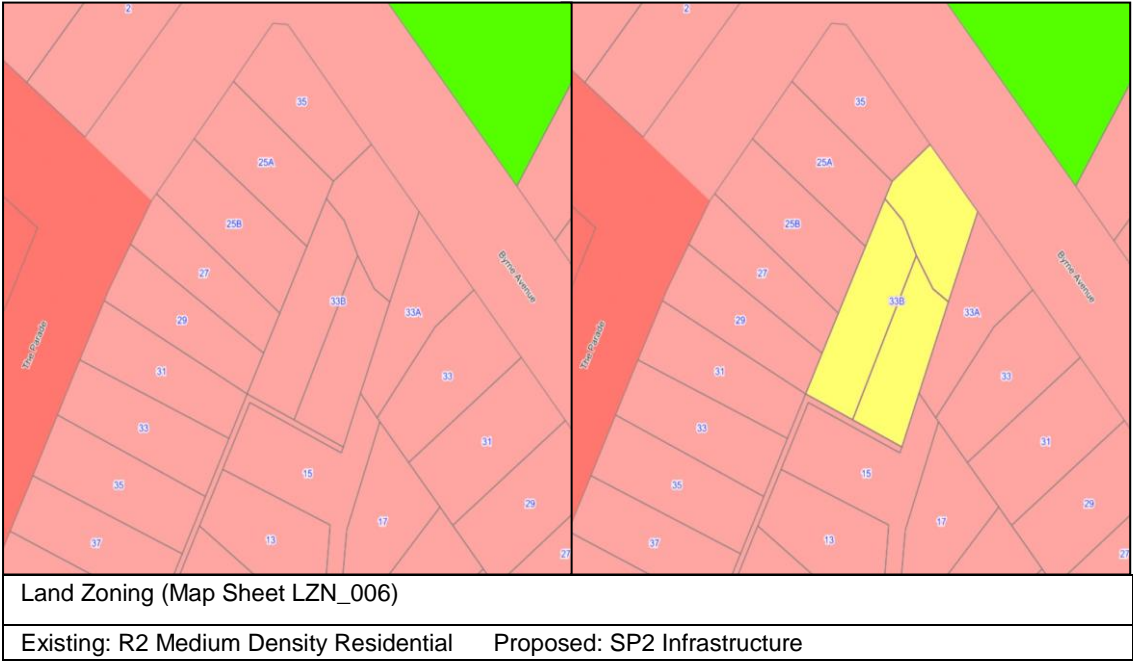
Existing: R3 Medium Density Residential Proposed: SP2 Infrastructure

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)



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



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

9. Housekeeping amendments

9.1 Heritage Items land

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

54 and 54a Blackwall Point Rd Chiswick



Heritage (Map Sheet HER_004)

Existing Heritage Item: I23

Proposed Heritage Item: I23

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 |

9.2 Roads and laneways and redundant Lots

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

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 28 days.

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

- Greater Sydney Commission
- Office of Environment and Heritage
- NSW Office of Water
- Sydney Water
- Sydney Metro

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 | 31 January 2020 |
| Exhibition Period | 2 March to 24 April 2020 |
| Government Agency Consultation | 2 to 30 March (28 days) |
| Council Meeting | 16 June 2020 |
| Date of submission to the Department for drafting | 30 June 2020 |

Appendix A - Local Character Areas maps

Appendix B - Affordable Housing Contribution Scheme maps

Appendix C - Environmentally Sensitive Land maps

Appendix D - LZN maps

Appendix E - HOB maps

Appendix F - FSR maps

Appendix G - HER maps

Attachment – Draft Local Character Statements

Attachment – Draft Affordable Housing Contribution Scheme

Attachment – Sydney Airport Draft Master Plan 2039 Acoustic Review

Attachment – Biodiversity Framework and supporting Biodiversity Maps