

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Canada Bay
<b>PPA</b>	City of Canada Bay Council
<b>NAME</b>	Proposal to amend zoning, FSR and height controls for 53-69 Victoria Road, 45 Day Street and 46 Thornley Street, Drummoyne (50 dwellings)
<b>NUMBER</b>	PP_2018_CANAD_001_00
<b>LEP TO BE AMENDED</b>	Canada Bay Local Environmental Plan 2013
<b>ADDRESS</b>	53 Victoria Road, 63-69 Victoria Road, 45 Day Street and 46 Thornley Street, Drummoyne
<b>DESCRIPTION</b>	Lots 6, 7 and 8 DP 136422 Lot 9, Section 6 DP 862 Lot 10 DP 625084 Lots 1 and 2, Section 6 DP 862 Lot 10, Section 6 DP 862
<b>RECEIVED</b>	26 September 2018
<b>FILE NO.</b>	IRF18/5284
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

The planning proposal relates to the site at 53 Victoria Road, 63-69 Victoria Road, 45 Day Street and 46 Thornley Street, Drummoyne and seeks to amend Canada Bay Local Environmental Plan 2013 in the following manner:

- rezone part of the site from R2 Low Density Residential to B4 Mixed Use to obtain B4 Mixed Use zoning across the entire site;
- increase the maximum building height across the site from 8.5m to 14m;
- apply a bonus maximum building height of 20m for 63-69 Victoria Road on the western portion of the site where a minimum site area of 2,500m<sup>2</sup> is achieved;
- increase the maximum floor space ratio (FSR) for 63-69 Victoria Road and 45 Day Street from 0.5:1 and 1:1 to 2.1:1;
- increase the FSR for 53 Victoria Road and 46 Thornley Street from 0.5:1 and 1:1 to 1.7:1; and
- apply a bonus FSR to a maximum of 2.25:1 across the site where a minimum site area of 2,500m<sup>2</sup> is achieved.

The proposed amendment seeks to enable a predominately residential mixed-use development with ground floor commercial and retail uses, which has the potential to provide approximately 50 dwellings.

A concept design has been provided with the proposal (**Figure 1** and **Figure 2**) depicting the building form across the site which transitions from higher scale on the frontage to Victoria Road to lower scale towards Thornley Street and Formosa Street. The proposal also includes an open central courtyard.



**Figure 1:** Proposed built form- looking north (Source: Bonus & Associates)



**Figure 2:** Potential building form viewed from Day and Formosa Street (Source: Bonus & Associates)



## Site description

The site comprises eight allotments to form a rectangular parcel of land with a total site area of 2,552m<sup>2</sup> (**Figure 3**). The site has a frontage of 58.52m to Victoria Road.

The site currently comprises two residential dwellings and commercial uses including a cabana shop and display site, and a NSW ambulance station. The site is mostly occupied by the building footprint and paving.

The site is sloped to the south with a fall of 5.41m along Formosa Street to the south-east and a fall of 3.53m along Thornley Street to the south-west.



**Figure 3:** Map showing the subject site and properties

The properties include the following outlined in **Table 1**:

Reference	Street Address	Legal Description	Current use
Eastern	53 Victoria Rd ( <b>Figure 4</b> )	Lots 6, 7 and 8 DP 136422 Lot 9, Section 6 DP 862	NSW Ambulance station
Western	63-69 Victoria Rd ( <b>Figure 5</b> )	Lot 10 DP 625084	Cabana and garden room shop
Western	45 Day St ( <b>Figure 6</b> )	Lots 1 and 2, Section 6 DP 862	Residential – two storey brick dwelling
Eastern	46 Thornley St ( <b>Figure 7</b> )	Lot 10, Section 6 DP 862	Residential – single storey brick dwelling

**Table 1:** Properties included in the proposal

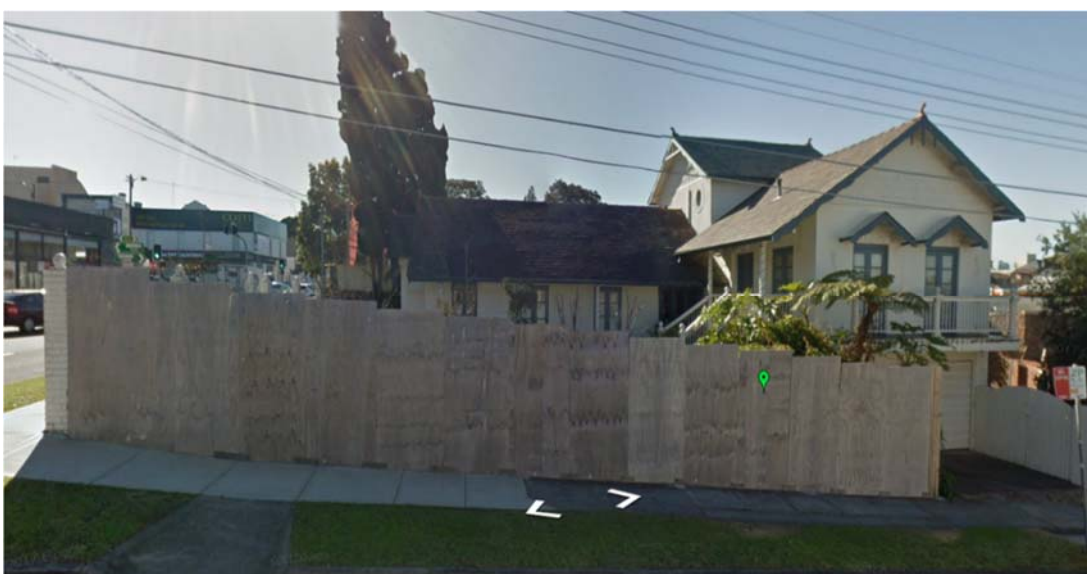




**Figure 4:** 53 Victoria Road, as viewed from Thornley Street



**Figure 5:** 63-69 Victoria Road, as viewed from the corner of Victoria Road and Day Street.



**Figure 6:** 45 Day Street, as viewed from Formosa Street.



**Figure 7:** 46 Thornley Street, as viewed from Thornley Street.

### Existing planning controls

In accordance with the Canada Bay LEP 2013, the existing planning controls for the site are summarised in **Table 2**:

Reference	Street Address	Land Use Zone	FSR	Height of building
Eastern	53 Victoria Road	B4	1:1	8.5m
Western	63-69 Victoria Road	B4	1:1	8.5m
Western	45 Day Street	R2	0.5:1*	8.5m
Eastern	46 Thornley Street	R2	0.5:1*	8.5m

**Table 2:** Existing planning controls.

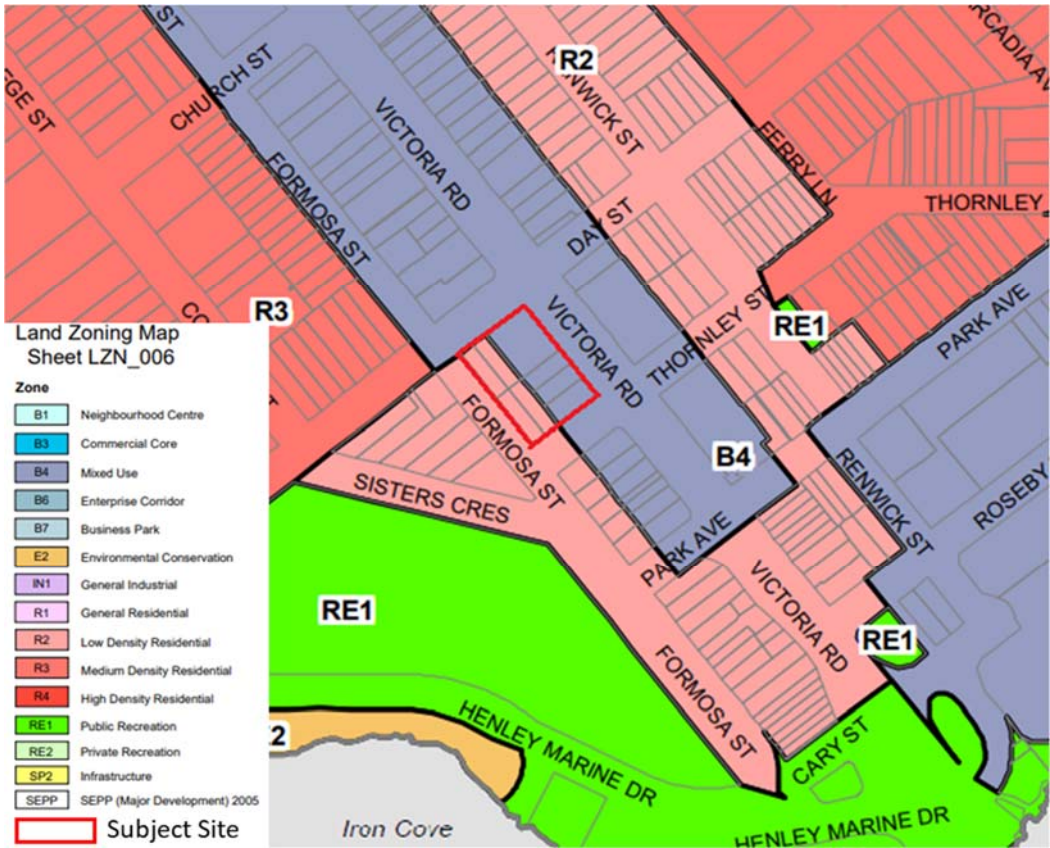
*\*Bonus FSR provisions apply to the site pursuant to Clause 4.4(2A)-(2B) Canada Bay LEP 2013 that apply to a dwelling house or semi-detached dwelling and range from 0.5:1 to 0.7:1 depending on the site area of the development.*



The existing planning control maps for land use zoning, FSR and height of building are provided at **Figures 8, 9** and **10**.



**Figure 8 : Height of Buildings Map**



**Figure 9: Land Zoning Map**

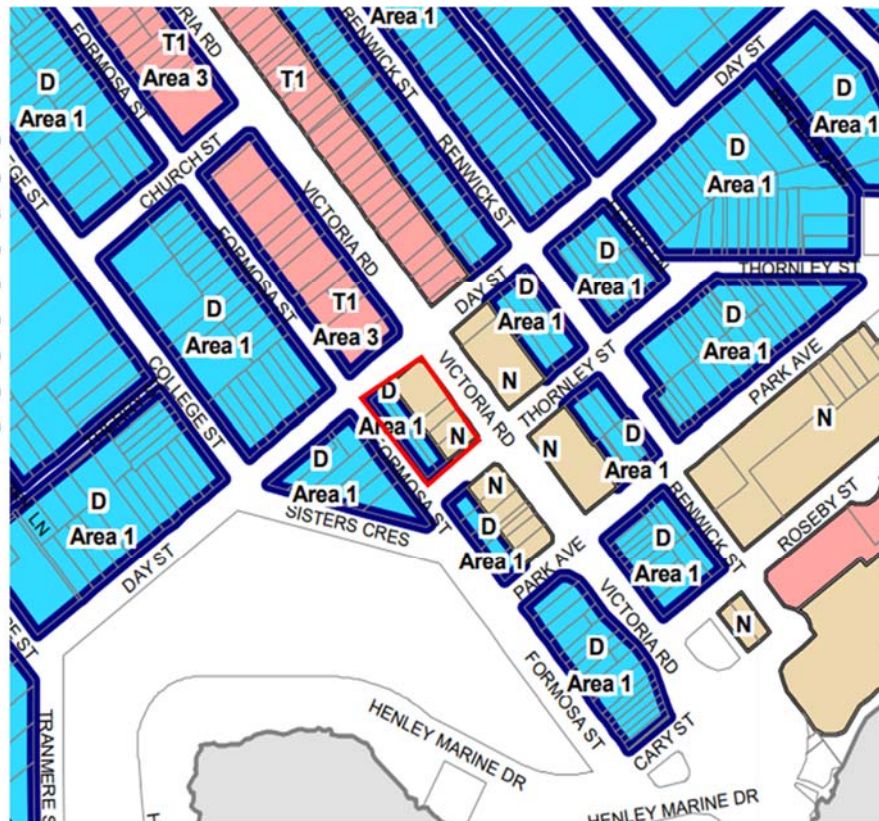
# Floor Space Ratio Map Sheet FSR\_006

Maximum Floor Space Ratio (n:1)

D	0.50	T1	2.00
F	0.6	T2	2.10
H	0.70	T3	2.26
I	0.75	T4	2.30
L	0.90	U1	2.50
N	1.00	U2	2.80
O	1.10	U3	2.90
Q1	1.30	V	3.30
Q2	1.35	Y	4.50
R	1.40		
S1	1.50		
S2	1.60		
S3	1.76		
S4	1.80		
S5	1.83		
S6	1.90		

Refer to Clauses 4.4 (2A) - (2D)

Subject Site



**Figure 10: Floor Space Ratio Map**

## **Surrounding area**

The surrounding area is characterised by a variety of built forms and uses, including low and medium density residential and mixed use commercial and retail (**Figure 9**).

Birkenhead Point Outlet Centre is 400m east of the site and Brett Park, an outdoor recreation area is in close proximity to the south (**Figure 11**, next page).

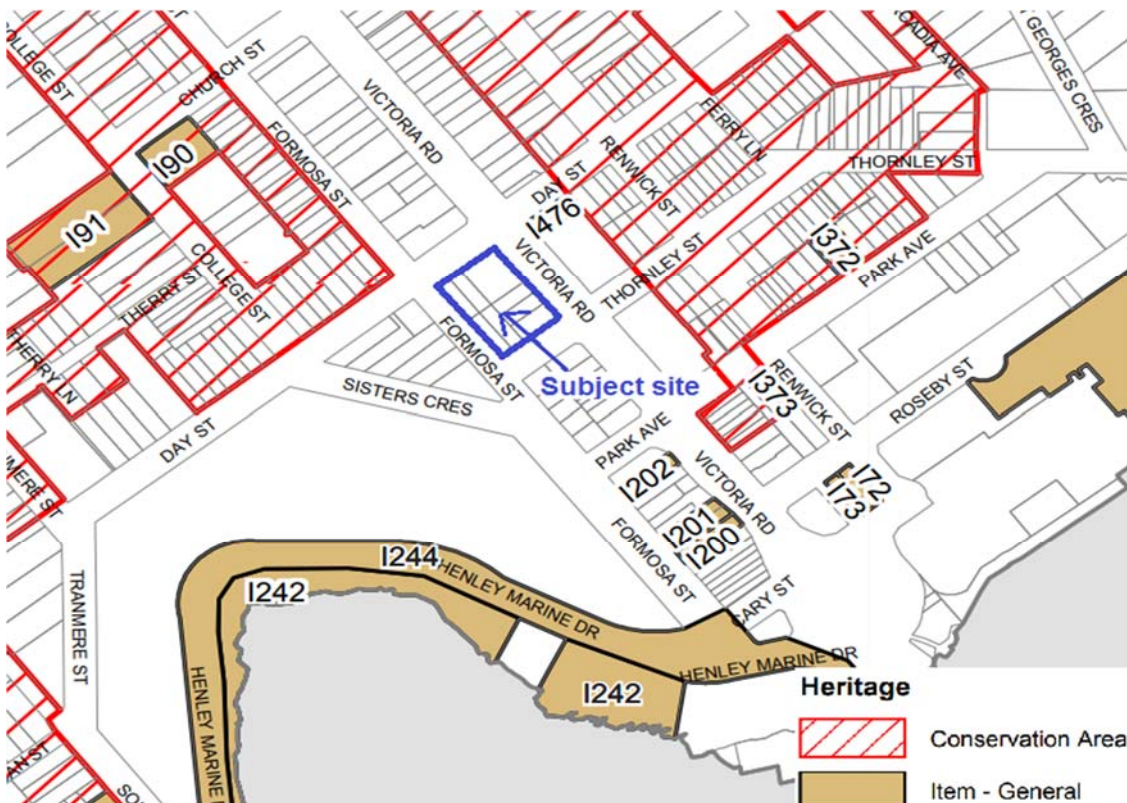
Mixed use land to the north and east is predominately 1 to 3 storey commercial buildings. At 77-105 Victoria Road a mixed-use building of 6 storeys to Victoria Road, stepping down to 2 storeys on Formosa Street is under construction containing 164 dwellings and 688m<sup>2</sup> of commercial space. Residential land to the south and west is predominately 1 to 2 storeys.





**Figure 11:** Map showing the subject site outlined in red and the surrounding area.

The site is located diagonally opposite a heritage conservation area along the western side of Formosa Street (**Figure 12**). The nearest heritage item (I476) is located on the opposite side of Victoria Road and contains a two storey building identified as a “shop and residence.”



**Figure 12:** Heritage Map Sheet HER\_006 from Canada Bay LEP 2013 with the site outlined in blue.



## **Summary of recommendation**

It is recommended that the proposal proceed subject to conditions.

The planning proposal is considered to have strategic merit as it will assist in delivering housing supply and choice in an area supported by existing and future public transport infrastructure as transport improvements to Victoria Road are identified as committed in the Eastern City District Plan.

The planning proposal will facilitate a built form that responds effectively to its context along Victoria Road. It will provide the opportunity for an effective transition to other properties along Victoria Road and lower scale residential built form to the west.

## **PROPOSAL**

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### **Objectives or intended outcomes**

The proposal intends to amend the Canada Bay LEP 2013 to facilitate a mixed use, retail and residential development that comprises a continuation of the permissible built form on the western side of Day Street while transitioning down in height and density on the eastern half of the site.

The objectives and intended outcomes are considered clear and adequate for the purposes of the planning proposal.

### **Explanation of provisions**

The proposal intends to amend the Canada Bay LEP 2013 by:

- amending the land use zoning map to rezone the rear of the site from R2 Low Density Residential to B4 Mixed Use;
- amending the height of buildings map to increase the maximum building height to 14m;
- amending the height of buildings map to include a bonus maximum building height of 20m for 63-69 Victoria Road on the western portion of the site where a minimum site area of 2,500m<sup>2</sup> is achieved;
- amending the FSR map to a maximum FSR of 2.1:1 for 63-69 Victoria Road and 45 Day Street and 1.7:1 for 53 Victoria Road and 46 Thornley Street; and
- amending the FSR map to include a bonus FSR of 2.25:1 for the site where a minimum site area of 2,500m<sup>2</sup> is achieved.

The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal.

### **Mapping**

The proposed rezoning and amendment of FSR and building height controls require amendments to the corresponding Canada Bay LEP 2013 maps. The proposal includes extracts showing the current and proposed zoning, FSR and building height maps. This is considered adequate for the purposes of public exhibition.

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## NEED FOR THE PLANNING PROPOSAL

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The proposal states that the planning proposal is not the result of a strategic study or report. It states that the proposal was a result of consideration of the Greater Sydney Region Plan and of Canada Bay's key strategic documents. The planning proposal responds to these in seeking to satisfy the relevant aims and objectives in these documents.

The planning proposal seeks to implement specific LEP provisions. There are no other mechanisms other than a planning proposal to rezone the site to facilitate the intended outcomes.

## STRATEGIC ASSESSMENT

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### Region

#### Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission released the *Greater Sydney Plan- A Metropolis of Three Cities* (the Region Plan) which aims to coordinate and manage the growth of Sydney. The Region Plan conditions objectives for the region over the next 40 years and informs the actions and directions of the District Plans.

The planning proposal seeks to enable a mixed-use development to occur that is in keeping with the existing and future character of the area.

The planning proposal is considered to respond to the vision of the Greater Sydney Region Plan, which seeks to integrate land use, transport and infrastructure. It will create additional housing opportunity in a well-suited location that is well linked to local infrastructure.



## District

### Eastern City District Plan

The Eastern City District Plan operates to give effect to the Region Plan. The Eastern City District Plan encompasses the City of Canada Bay Local Government Area.

The planning proposal is consistent with the outcomes and directions in the plan, however those of particular relevance are those outlined in **Table 3**, below.

Relevant Priorities, Objectives and Actions
<u>Planning Priority E1</u> - Planning for a city supported by infrastructure
<b>Comment:</b> The proposal aligns with this Priority as it seeks to align growth with infrastructure by identifying the site as suitable for additional housing due to its location on the Victoria Road transport corridor. The capacity of existing infrastructure has been considered in the proposal and the site is deemed appropriate for the amendments. Further consultation with Transport for NSW and Roads and Maritime Services has been included as a Gateway condition.
<u>Planning Priority E5</u> - Providing housing supply, choice and affordability, with access to jobs, services and public transport
Objective 10 – Greater housing supply
<b>Comment:</b> The proposal can be considered consistent with these objectives as it has the potential to provide approximately 50 new dwellings.  The housing would be provided in a location on Victoria Road which is a significant public transport corridor and provides access to public transport and services.
Objective 11 – Housing is more diverse and affordable
<b>Comment:</b> The proposal will enable the opportunity to provide additional multi-unit dwellings that can provide important housing for seniors and more affordable homes for young people. However, the proposal does not specifically address affordable housing. A condition of Gateway requires the proposal be amended to address the provision of affordable housing.
<u>Planning Priority E6</u> - Creating and renewing great places and local centres and respecting the District's heritage
Objective 12 – Great places that bring people together.
<b>Comment:</b> This priority provides a range of actions for local centres such as Drummoyne. The District Plan notes the important role of local centres in providing employment. There are requirements for place making, street improvements to enhance social and economic participation and engagement.  The proposal will retain the existing B4 Mixed Use zoning and rezone part of the site from R2 Low Density Residential to B4 Mixed Use. This will provide the opportunity for employment uses in the future.

Relevant Priorities, Objectives and Actions
This priority highlights the potential for transport interchanges to deliver mixed use neighbourhoods. The proposal is consistent with this as it seeks to provide a mixed-use development within a key bus interchange area on Victoria Road.
Objective 13 – Environmental heritage is identified, conserved and enhanced.
<b>Comment:</b> The proposal is consistent with this objective as it identifies the nearby heritage conservation areas and seeks to create built sympathetic form to transition down near the conservation area.
<b>Planning Priority E10</b> - Delivering integrated land use and transport planning and a 30-minute city.
<b>Comment:</b> The provision of residential capacity within the Victoria Road transport corridor and public infrastructure supports this priority.

**Table 3:** Relevant District Plan Directions

## Local

### Canada Bay Local Planning Strategy 2010-2031

The Department confirmed its general support for Council's Local Strategy in November 2009, which was adopted by Council in June 2010. The strategy responds to several themes identified in the Futures Plan 20 which was a community plan for the City of Canada Bay and responds to them through land use planning.

In the strategy, Victoria Road is identified as accommodating 342 additional dwellings through mixed use development. The outcomes of this proposal would assist Council in reaching this target.

The planning proposal is broadly consistent with the objectives and actions in the strategy, those of relevance to the proposal are outlined in **Table 4** below.

Objective	Action	Comments
OT1 Integrated land use and transport	AT2 New development in areas within walking distance of centres and public transport	The site is located on Victoria Road and has access to 19 existing bus services along the corridor. Various residential support services are within walking distance.
OE3 Ensure environmental impacts are minimized	AE7 Address potential local noise impacts	Any redevelopment would be subject of a separate DA that would assess potential acoustic impacts.
OT3 Promote walking and cycling trips	AT9 Promote pedestrian safety and personal security	Any future development has the potential to activate the ground floor with retail/commercial premises to Victoria Road providing additional street surveillance. Passive surveillance from the units above could also be achieved.



Objective	Action	Comments
<i>OE2 Enhance the landscape character of the area</i>	AE4 Tree planning strategy	The concept design proposes green walls and planting in the central courtyard.
<i>OH1 Provide for a mixture of housing types over the short to medium term</i>	AH1 Planning controls that provide a mix of housing types	Preliminary modelling is based on a development which provides apartment sizes at varying scales.  This action encourages an adequate supply of affordable housing. A condition of Gateway requires the provision of affordable housing to be addressed.
<i>OT2 Promote the use of Public Transport</i>	AT5 Promote and advocate for public transport	The site is located on Victoria Road with access to 19 existing bus services across the corridor.
<i>OE1 Continue to strengthen employment and retailing in local centres</i>	AE1 Promote a complementary business mix in centres to support successful neighbourhood hubs	The proposal will facilitate shop top housing to integrate residential, retail and commercial properties.

**Table 4:** Relevant Local Planning Strategy Objectives and Actions.

## Section 9.1 Ministerial Directions

### Direction 1.1. Business and Industrial Zones

This direction applies to the planning proposal as it will affect land within an existing business or industrial zone. The proposal is considered to be consistent with this direction as it will provide the potential for additional employment opportunities with an increase in the provision of B4 Mixed Use zoned land.

### Direction 3.1 Residential Zones

This direction applies to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted. The proposal is considered to be consistent with this direction as it will assist in broadening the choice of housing types and will allow additional residential development on the site beyond what is currently permissible. It was also make more efficient use of existing infrastructure and services due to its location and does not consume land on the urban fringe. Final design quality will be addressed at the development application stage and the extent to which infrastructure augmentation will be required can be confirmed by infrastructure providers during the agency consultation phase of the Gateway process.

### Direction 3.4 Integrating Land Use and Transport

The proposal is consistent with this direction because it will facilitate increased density through residential development in a location close to public transport, with Victoria Road being a major bus route. The sites' accessibility to public transport satisfies the objectives of the direction as it seeks to reduce the dependence on cars.

### Direction 6.3 Site Specific Provisions

This direction applies to the planning proposal as the proposal will allow a particular development to be carried out, namely a mixed use, primarily residential development. The objective of this direction is to discourage unnecessary restrictive site-specific planning controls.

The planning proposal is inconsistent with this direction as it proposed to amend the Canada Bay LEP 2013 by adding new site-specific clauses i.e. FSR bonus across the site where a minimum site area of 2,500m<sup>2</sup> is achieved and applying a maximum building height bonus for 63-69 Victoria Road where a minimum site area of 2,500m<sup>2</sup> is achieved. These clauses prohibit development of this height and density unless the site is amalgamated.

The proposal has not provided justification for its inconsistency with this direction. A condition of Gateway requires the proposal to be updated to address and justify the inconsistency noting that the clauses are seeking to ensure better design outcomes by promoting a building height and mass that is suitable with the surrounding development.

### **State environmental planning policies**

#### State Environmental Planning Policy No 55 – Remediation of Land

Clause 6 of the SEPP 55 requires the planning authority to consider whether the land is contaminated and to be satisfied that the land is suitable, or can be made suitable, for the proposed use under the planning proposal.

A Stage 2 contamination assessment has been undertaken on the site which indicated that soil within the site was impacted by asbestos-containing material. An updated additional contamination assessment and remedial action plan has been prepared by Geotechnique Pty Ltd dated 14 August 2018. The report concludes that the site can be made suitable for the proposed commercial and residential development subject to remediation measures.

It is noted that Council states that further conditions will be imposed in relation to contamination at the development application stage. As part of the exhibition of the proposal, consultation with the Environment Protection Authority is required.

#### State Environmental Planning Policy No 65- Design Quality of Residential Apartment Buildings

SEPP 65 is relevant as the proposal includes a concept design for a mixed-use development of over 3 storeys and more than 4 dwellings. Whilst specific design details will be assessed as part of any future development application, it is relevant to consider the design principles of this SEPP and its relationship to the Apartment Design Guide (ADG).

The proposal includes a SEPP 65 Design Statement prepared by Bonus and Associates which addresses the key design requirements of the ADG. The planning proposal includes information assessing a range of amenity and design issues to demonstrate it will be capable of satisfying the requirements of the SEPP.

#### State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP is relevant as the subject site fronts Victoria Road, which is a state Classified Road and therefore consideration of appropriate acoustic and pollution measures is required as per clauses 101 and 102 of the SEPP.



The proposal states that the proposed development will adopt appropriate noise abatement measures as recommended by a future acoustic report conducted at the DA stage. The proposal also considers it will assist in creating a noise barrier between Victoria Road and residential development to the south-west to improve existing noise issues. As residential development is already permitted under the existing zoning, it is considered that further detailed assessment of compliance with clauses 101 and 102 can be undertaken as part of any future development application.

A traffic impact assessment report has been provided with the proposal, which demonstrates that the site can support vehicle access from Formosa Street. A Gateway condition is included requiring consultation with RMS and Transport for NSW.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social**

The proposal seeks to provide opportunity for additional housing in an area that is accessible to public transport. It also seeks to activate the site at street level by providing commercial/retail uses at ground level.

The proposal will likely generate increased demand for social infrastructure such as schools and childcare. Therefore, it is recommended that NSW Department of Education be consulted on the proposal.

The Department notes that Council is part of the SEPP No 70. – Affordable Housing (Revised Schemes). This SEPP provides a mechanism for including affordable housing provisions in environmental planning instruments. Section 9, SEPP 70 identifies there is a need for affordable housing in the Canada Bay LGA. A condition of Gateway is included requiring the proposal to be updated to address the provision of affordable housing.

### **Environmental**

#### Critical Habitats and Threatened Species

The planning proposal states that given the site is located within an established commercial and residential area, it is unlikely the proposal will result in adverse impacts on critical habitat, threatened species, populations, ecological communities or habitats.

#### Character, Context and Potential Built Form

The proposal is supported by a design report including detailed architectural modelling to determine the appropriate built forms. The preferred massing shows a built form stepping down to effectively respond to existing architectural scale. The proposal seeks to create a stepped link between the increased heights on Victoria Road to the North and a gradual reduction in height to match the existing building height of the immediate context on all sides.

The planning proposal indicates that the proponent owns the two Western sites and that negotiations are ongoing about the retention or potential relocation of the NSW Ambulance site. The proposal includes provisions so that an increased height and FSR only apply if the site is amalgamated. In this way the proposed development controls aim to improve the design outcome if the site is developed independently of the eastern portions.

A site-specific draft DCP has been prepared that provides guidance for the future design of the site and reflects the distribution of height across the site. Council states that the DCP is proposed to be exhibited concurrently with the planning proposal.

#### Overshadowing

The proposal is supported by overshadowing diagrams depicting the shadow cast by the existing built form and the likely proposed built form on the site at 9am, 12pm and 3pm on 21 June. Due to the orientation of the site and increased density, some additional overshadowing is inevitable to occur.

The diagrams provided with the proposal reflect some additional overshadowing will occur at 9:00am to properties to the rear of the residential properties to the west and south-west of the site. However, from midday to 3:00pm, additional overshadowing will largely be restricted directly to the south of the site. The transitional scale of the development at the rear will assist in reducing potential overshadowing impacts. No further information is considered necessary for community consultation.

#### Solar Access and Ventilation

The design report submitted with the proposal states that the orientation and depth of the buildings as well as the perimeter forms create apartments will provide opportunity for cross ventilation and solar access. The design report also states that most of the apartments will be cross ventilated. Additional information to address the cross ventilation and solar access requirements of the ADG is required and is included as a Gateway condition.

#### Noise and Vibration

The site has potential noise impacts given its location adjacent to the Victoria Road corridor. The proposal seeks to maintain visual and acoustic privacy within the development by providing separation in built form on the Victoria Road frontage and the Formosa Street frontage. The indicative design also includes an internal 12m wide courtyard within the development.

As residential development is already permitted under the existing zoning, no further information is required as part of this planning proposal. Detailed assessment of noise impacts can be undertaken as part of any future development application.

#### Visual Privacy

Visual privacy for neighbouring properties is provided by the stepping down of the development along Formosa Street to minimise any potential overlooking of the dwellings. It is also noted that most of the dwellings that front Formosa Street opposite the site have garages presenting to the street rather than habitable rooms. Further detailed assessment can be undertaken at the DA stage to address specific visual privacy concerns.

#### Heritage

The site is not identified as a heritage item or as part of a heritage conservation area. However, a heritage conservation area is near the site across from the corner of Day Street and Thornley Street and local heritage item I476 (Shop and residence) is adjacent to the site's Victoria Road frontage (**Figure 12**).

The proposed built form seeks to provide a transition towards the conservation area. Any development application lodged for the site will need to address impacts upon nearby heritage items and conservation areas to ensure any development will not



detract from the significance of the area. A condition of Gateway is included requiring consultation with the Office of Environment and Heritage.

### Traffic and transport

The site is located in an area well serviced by public transport as the site has access to 19 existing bus services along the Victoria Road corridor. The proposal is accompanied by a traffic and parking assessment that concludes that the proposal will comply with Council's parking requirements and is not likely to unduly impact the major approach roads and intersections.

A condition of Gateway is included requiring consultation with Transport for NSW and Roads and Maritime Services.

### **Economic**

The proposal will provide B4 Mixed Use zoning across the site. The concept design provides for ground level commercial uses which will contribute to employment opportunities in close proximity to public transport.

The proposal may also provide economic benefits by increasing housing availability. The local planning strategy identifies Victoria Road as a place to accommodate 342 additional dwellings through mixed use development. The outcomes of this proposal would assist Council in reaching these targets.

### **Infrastructure**

A Site Investigation Report prepared by Woolacotts Consulting Engineers is referred to in the proposal but is not provided. A condition of Gateway is included requiring the planning proposal to be updated prior to community consultation to include this report.

The proposal includes a table that outlines the site is well located in an established area with services readily available. The site's development potential arising from the proposal is likely to create additional infrastructure demands. Consultation with public agencies is included as a condition of Gateway.

Upgrading connections to the site itself would also be addressed in more detail as part of any future development application.

## **CONSULTATION**

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### **Community**

The planning proposal states that the requirements for community consultation will be detailed as part of the Gateway determination. A Gateway condition is included requiring an exhibition period of 28 days to be undertaken.

It is noted that preliminary discussions have been undertaken with NSW Ambulance as they have a station on the site at 53 Victoria Road, Drummoyne. A Gateway condition requires that formal consultation take place.

### **Agencies**

The proposal does not specify which agencies should be consulted. It is therefore recommended the following agencies be consulted:

- Ambulance Service of NSW;
- Office of Environment and Heritage;
- NSW Department of Education;

- Environment Protection Authority;
- Transport for NSW;
- Roads and Maritime Services;
- Energy Australia;
- Sydney Water; and
- NSW Fire and Rescue.

## **TIME FRAME**

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A project timeline is included as an addendum to the planning proposal. A Gateway condition is included to require the timeline to be updated to reflect the timeframes from the Gateway determination.

It is considered a timeframe of 12 months from the Gateway determination is sufficient time to complete the proposed amendments. This will allow adequate time for consultation and drafting of the LEP.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council has requested to be the local plan-making authority, this request is considered appropriate as the matter is of local significance.

## **CONCLUSION**

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The planning proposal is supported to proceed subject to conditions, as it:

- is consistent with the objectives and direction of applicable strategic and statutory planning frameworks including the Greater Sydney Region Plan, the District Plan and Council's Canada Bay Local Planning Strategy 2010-2031;
- will facilitate the development of the site to provide a mixed-use development which will deliver housing supply and choice in an area supported by existing and future public transport infrastructure;
- supports and encourages employment opportunities through the expansion of B4 Mixed Use zoning and proposed ground floor retail/commercial uses; and
- enables an improved urban design outcome that promotes a stepped link between the increased heights north on Victoria Road and a gradual reduction in height towards Thornley Street.

## **RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. note that the inconsistency with section 9.1 Direction 6.3 Site Specific Provisions requires justification.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) update the project timeline, outlining the anticipated timeframes for the plan making process;



- (b) update the proposal to address the provision of affordable housing;
  - (c) include additional information to address the cross ventilation and solar access requirements of the Apartment Design Guide;
  - (d) address and justify the inconsistency with section 9.1 Direction 6.3 Site Specific Provisions as the proposal seeks to introduce a site-specific clause that does not currently exist in the zone; and
  - (e) include the Site Investigation Report prepared by Woolacotts Consulting Engineers that is referenced in the proposal.
2. The planning proposal should be made available for community consultation for a minimum of **28 days**.
  3. Consultation is required with the following public authorities:
    - Ambulance Service of NSW;
    - Office of Environment and Heritage;
    - NSW Department of Education;
    - Environment Protection Authority;
    - Transport for NSW;
    - Roads and Maritime Services;
    - Energy Australia;
    - Sydney Water; and
    - NSW Fire and Rescue.
  4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
  5. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.



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