



New South Wales

**PARLIAMENTARY COUNSEL**

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*Opinion*

Environmental Planning and Assessment Act 1979  
Proposed Canada Bay Local Environmental Plan 2013 (Amendment No 15)

Your ref: PP\_2017\_CANAD\_006\_00  
Our ref: e2018-068.d06

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In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in dark ink, appearing to read 'A O'Callaghan'.

(A O'CALLAGHAN)  
Parliamentary Counsel  
5 September 2018



New South Wales

## Canada Bay Local Environmental Plan 2013 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

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P. Dewar

Paul Dewar

Manager Strategic Planning

As delegate of City of Canada Bay, the local-plan  
making authority.

12/09/2018

## **Canada Bay Local Environmental Plan 2013 (Amendment No 15)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Canada Bay Local Environmental Plan 2013 (Amendment No 15)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to the following:

- (a) land within Zone B4 Mixed Use under *Canada Bay Local Environmental Plan 2013*,
- (b) land that, on the commencement of this Plan, is identified as “Environmentally Sensitive Land” on the Canada Bay Local Environmental Plan 2013 Environmentally Sensitive Land Map,
- (c) land at Queen Street, Concord West, being Lot 101, DP 1002884,
- (d) land at 227 Queen Street, Concord West, being Lot 14, Section 3, DP 6949,
- (e) land at 380 Victoria Place, Drummoyne, being Lot 1, DP 430123,
- (f) land at 545–551 Great North Road, Five Dock, being Lot A, DP 329317 and Lots 1–3, DP 217926,
- (g) land at 355–359 Lyons Road, Five Dock, being Lots 40 and 41, DP 9978 and Lot 1, DP 319424,
- (h) land at 6 Rodd Road, Five Dock, being Lot 27, DP 4855,
- (i) land at 32 Wymston Parade, Waremba, being Lot 95, DP 6743.

### **4 Maps**

The maps adopted by *Canada Bay Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## **Schedule 1      Amendment of Canada Bay Local Environmental Plan 2013**

**[1]    Clause 1.8A Savings provisions relating to development applications**

Insert at the end of the clause:

- (2) If a development application has been made before the commencement of *Canada Bay Local Environmental Plan 2013 (Amendment No 15)* in relation to land to which that Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Plan had not commenced.

**[2]    Land Use Table**

Omit “Residential flat buildings;” from item 3 of Zone B4 Mixed Use.

**[3]    Clause 3.3 Environmentally sensitive areas excluded**

Omit clause 3.3 (2) (jb). Insert instead:

- (jb) land identified as “Environmentally Sensitive Land” on the Environmentally Sensitive Land Map.

**[4]    Clause 6.3 Terrestrial biodiversity**

Omit clause 6.3 (2) (b). Insert instead:

- (b) land identified as “Environmentally Sensitive Land” on the Environmentally Sensitive Land Map.

**[5]    Schedule 1 Additional permitted uses**

Insert “Lot 1, DP 430123,” before “Lot B, DP 401843” in clause 10 (1).

**[6]    Schedule 1**

Insert at the end of the Schedule, with appropriate clause numbering:

**Use of certain land at 355–359 Lyons Road, Five Dock**

- (1) This clause applies to land at 355–359 Lyons Road, Five Dock, being Lots 40 and 41, DP 9978 and Lot 1, DP 319424.
- (2) Development for the purposes of residential flat buildings is permitted with development consent.

**[7]    Schedule 5 Environmental heritage**

Omit items I394, I392 and I408 from Part 1.

**[8]    Dictionary**

Omit the definition of *Terrestrial Biodiversity Map*. Insert in alphabetical order:

*Environmentally Sensitive Land Map* means the Canada Bay Local Environmental Plan 2013 Environmentally Sensitive Land Map.