

**Housekeeping amendment to resolve miscellaneous drafting anomalies in Canada Bay LEP 2013.**

**Proposal Title :** Housekeeping amendment to resolve miscellaneous drafting anomalies in Canada Bay LEP 2013.

**Proposal Summary :** The planning proposal seeks the following amendments to the Canada Bay LEP 2013:

- to rezone 2A Hamilton Street East, North Strathfield from B3 (Commercial Core) to R3 (Medium Density Residential) to reflect the site's current use as residential flat buildings;
- to amend Schedule 1 Additional permitted uses to reflect the correct addresses and Lot/SP numbers for both 1 and 2 Shore Road, and to appropriately reflect the existing commercial use of the sites; and
- to apply a height of 8.5m to multiple Lots on Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue and Finch Avenue to reflect Council's intended height controls for these sites.

**PP Number :** PP\_2014\_CANAD\_003\_00      **Dop File No :** 14/15558

**Proposal Details**

**Date Planning Proposal Received :** 23-Sep-2014      **LGA covered :** Canada Bay

**Region :** Metro(CBD)      **RPA :** City of Canada Bay Council

**State Electorate :** DRUMMOYNE      **Section of the Act :** 55 - Planning Proposal

**LEP Type :** Housekeeping

**Location Details**

**Street :** 2A Hamilton Street East

**Suburb :** North Strathfield      **City :**      **Postcode :**

**Land Parcel :** SP 70573 - Multiple lots

**Street :** 1 Shore Road

**Suburb :** Chiswick      **City :**      **Postcode :**

**Land Parcel :** Part Lots 1 and 2 - SP64846

**Street :** 2 Shore Road

**Suburb :** Chiswick      **City :**      **Postcode :**

**Land Parcel :** 63, 64 and 73 - SP64846

**Street :** Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue, Finch Avenue

**Suburb :**      **City :**      **Postcode :**

**Land Parcel :** Multiple lots

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LEP 2013.**

**DoP Planning Officer Contact Details**

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**Land Release Data**

|                                       |                                   |                                                            |            |
|---------------------------------------|-----------------------------------|------------------------------------------------------------|------------|
| Growth Centre :                       | <b>N/A</b>                        | Release Area Name :                                        | <b>N/A</b> |
| Regional / Sub<br>Regional Strategy : | <b>Metro Inner West subregion</b> | Consistent with Strategy :                                 | <b>Yes</b> |
| MDP Number :                          |                                   | Date of Release :                                          |            |
| Area of Release<br>(Ha) :             |                                   | Type of Release (eg<br>Residential /<br>Employment land) : | <b>N/A</b> |
| No. of Lots :                         | <b>0</b>                          | No. of Dwellings<br>(where relevant) :                     | <b>0</b>   |
| Gross Floor Area :                    | <b>0</b>                          | No of Jobs Created :                                       | <b>0</b>   |

The NSW Government Lobbyists Code of  
Conduct has been  
complied with : **Yes**

If No, comment : **The Department is not aware of any meetings or communications with registered lobbyists concerning this proposal.**

Have there been  
meetings or  
communications with  
registered lobbyists? : **No**

If Yes, comment :

**Supporting notes**

Internal Supporting Notes :

- 1. The planning proposal seeks to resolve three miscellaneous drafting anomalies in the current LEP 2013 instrument and maps, relating to zoning, additional permitted uses and height of buildings.**
- 2. Existing uses on the subject sites consist of residential flat buildings, offices and single one and two storey dwellings.**
- 3. Council has provided a project timeline which lists a number of 'milestones', but no specific dates for their achievement, as these are dependent on the date of the Gateway Determination.**

## Housekeeping amendment to resolve miscellaneous drafting anomalies in Canada Bay LEP 2013.

External Supporting Notes :

4. Council has confirmed that it wishes to exercise its delegation to finalise the proposed LEP amendment. Given the relatively minor housekeeping nature of this planning proposal, its consistency with the strategic planning framework, and lack of significant adverse impact (as discussed in this report), this delegation is supported.

5. The planning proposal is supported because it seeks to remedy a small number of anomalies and errors in the current Canada Bay LEP 2013 in order to reflect the current land uses and allow them to continue without restriction and to reflect appropriate intended height controls for specified sites.

1. On 19 August 2014, Council resolved to prepare the planning proposal to remedy a number of anomalies and errors in Canada Bay LEP 2013.

2. 2A Hamilton Street East, North Strathfield is currently zoned B3 Commercial Core, but is used for the purposes of residential flat buildings, which under the B3 zoning, are prohibited.

3. 2 Shore Road, Chiswick is not listed in Schedule 1 (Additional permitted uses), and the details of 1 Shore Road are incorrect. Both sites are currently used for commercial purposes at ground floor level. The Schedule is to be updated accordingly, so that 2 Shore Road is listed, and the address details for 1 Shore Road are correctly listed.

4. The subject properties on Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue and Finch Avenue are not currently subject to any height controls. Council intends for the dwellings to be subject to a height limit of 8.5m, which is consistent with surrounding residential development.

5. Council states that the proposal is consistent with the strategic planning framework and its 'FuturesPlan20' strategy, which outlines Council's vision for the next 20 years.

### Adequacy Assessment

#### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : Council's stated intended objectives/outcomes of the planning proposal are:

- to address drafting anomalies/errors related to zoning, additional permitted uses and height of buildings; and

- to ensure that the errors contained within the existing LEP instrument and associated maps [are corrected in order to] appropriately reflect the current land uses and allow them to continue normal operation without restriction.

#### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The proposed provisions are explained as follows:

1. Amend Land Zoning Map sheet LZN\_002 and Land Zoning Map sheet LZN\_003 to rezone 2A Hamilton Street East, North Strathfield from B3 Commercial Core to R3 Medium Density Residential.

2. In Schedule 1 Additional permitted uses (3):

a. provide an additional use to permit commercial premises for 1 Shore Road, Chiswick (Part Lots 1 and 2 SP64846);

b. update the heading of clause (3) to "Use of certain land at 1 Shore Road, 2 Shore Road and 2 Bechert Road, Chiswick"; and

c. correct the street address for Lots 63, 64 and 73, SP 64846 already included within the provision as 2 Shore Road, Chiswick.

3. Amend Height of Buildings Map sheet HOB\_005 to provide a maximum building height of 8.5m for certain land in Concord (part of Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue and Finch Avenue) which, under Canada Bay LEP 2013, are not subject to height controls.

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

**1.1 Business and Industrial Zones**

**3.1 Residential Zones**

\* May need the Director General's agreement

**6.1 Approval and Referral Requirements**

**6.3 Site Specific Provisions**

**7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 64—Advertising and Signage**

**SEPP No 65—Design Quality of Residential Flat Development**

**SEPP (Building Sustainability Index: BASIX) 2004**

**SEPP (Exempt and Complying Development Codes) 2008**

**SEPP (Housing for Seniors or People with a Disability) 2004**

**SEPP (Infrastructure) 2007**

**SEPP (Major Projects) 2005**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

**Whilst the planning proposal states that it is consistent with the identified s117 Directions, the proposal is considered to be inconsistent with Direction 1.1 Business and Industrial Zones.**

**This Direction requires that the areas and locations of existing business and industrial zones are retained and that the total floorspace area for employment uses and related public services in business zones should not be reduced.**

**The proposed rezoning of 2A Hamilton Street East from B3 Commercial Core to R3 Medium Density Residential will, on paper, reduce the extent of business-zoned land. However, as the current B3 zoning is an error/anomaly and the current use of the site is residential, this inconsistency is therefore considered to be of minor significance.**

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment :

**The planning proposal includes applicable proposed Land Zoning and Height of Building maps indicating the proposed corrective rezoning and introduction of the proposed 8.5m height limit.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **No**

Comment :

**Council proposes that no community consultation takes place, given the "corrective nature" of the planning proposal.**

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Whilst the planning proposal is largely administrative and "corrective", the proposed height control is to be introduced where there is currently no such control. It is considered that the introduction of a brand new development control, whilst likely to result in the protection of the amenity and character of the area, should be subject to public consultation.

It is therefore recommended that the planning proposal be exhibited for 14 days and in accordance with any requirements imposed by the Gateway determination.

**Additional Director General's requirements**

Are there any additional Director General's requirements? **No**

If Yes, reasons :

**Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

**Proposal Assessment**

**Principal LEP:**

Due Date : **July 2013**

Comments in relation to Principal LEP :

**Canada Bay LEP 2013 was notified on 19 July 2013. Since this time, the errors to be remedied by this planning proposal were identified.**

**Assessment Criteria**

Need for planning proposal :

**The proposed amendments to Canada Bay LEP 2013 are to remedy anomalies and errors relating to land zoning, building height controls and additional permitted uses that have come to light since Canada Bay LEP was notified in July 2013. The planning proposal is not the result of a strategic study or report.**

Consistency with strategic planning framework :

**The planning proposal has been considered against the Metropolitan Plan for Sydney 2036, the draft Metropolitan Strategy for Sydney to 2031 and the draft Inner West Subregional Strategy.**

**The planning proposal is considered consistent with the relevant objectives and actions of the above documents because of its administrative/'corrective' nature, which does not affect or change the current uses or types of development present on the subject sites. Furthermore, by correcting the zoning and height controls, the applicable broad objectives of the strategic planning framework will be met as these controls will formalise the permissibility of a wider range of potential residential opportunities.**

Environmental social economic impacts :

**Given the administrative/corrective nature of the planning proposal, it is not expected that it will result in any adverse environmental, social or economic impacts.**

## Housekeeping amendment to resolve miscellaneous drafting anomalies in Canada Bay LEP 2013.

### Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

### Documents

| Document File Name                                                                                     | DocumentType Name               | Is Public |
|--------------------------------------------------------------------------------------------------------|---------------------------------|-----------|
| <b>Planning Proposal.pdf</b>                                                                           | <b>Proposal</b>                 | <b>No</b> |
| <b>Planning Proposal Cover Letter.pdf</b>                                                              | <b>Proposal Covering Letter</b> | <b>No</b> |
| <b>Appendix 1 - Council report of 19th August 2014 and associated resolution.pdf</b>                   | <b>Study</b>                    | <b>No</b> |
| <b>Appendix 1 - Council report of 19th August 2014 and associated resolution (2).pdf</b>               | <b>Study</b>                    | <b>No</b> |
| <b>Appendix 2 - 1520_COM_HOB_005_010_20140616.pdf</b>                                                  | <b>Map</b>                      | <b>No</b> |
| <b>Appendix 2 - 1520_COM_LZN_002_20140811.pdf</b>                                                      | <b>Map</b>                      | <b>No</b> |
| <b>Appendix 2 - 1520_COM_LZN_003_20140811_.pdf</b>                                                     | <b>Map</b>                      | <b>No</b> |
| <b>Appendix 3 - Strata Plan 64846.pdf</b>                                                              | <b>Map</b>                      | <b>No</b> |
| <b>Appendix 4 - Attachment_4_-_Evaluation_criteria_for_the_delegation_of_plan_making_functions.pdf</b> | <b>Proposal</b>                 | <b>No</b> |

### Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**  
**3.1 Residential Zones**

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**6.1 Approval and Referral Requirements**

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Additional Information :

**It is recommended that the planning proposal proceed, subject to the following conditions:**

- 1. The planning proposal is exhibited for a minimum of 14 days.**
- 2. The planning proposal is to be completed within 6 months from the week following the date of the Gateway determination.**
- 3. A public hearing is not required to be held.**
- 4. A written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act 1979 is issued to Council in relation to the planning proposal.**

Supporting Reasons :

**The planning proposal should be approved for the following reasons:**

**- it will remedy existing anomalies and errors, and regularise and allow the continuation of existing land uses; and**

**- Council proposes to progress the planning proposal under delegation. The matter is considered to be of local significance and the use of council's delegation is supported.**

**This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the Director, Metropolitan Delivery (CBD). Therefore the planning proposal will not be considered by the LEP Panel.**

Signature:



Printed Name:

MARTIN COOPER

Date:

3/10/2014

