

**ITEM MISCELLANEOUS AMENDMENTS TO CANADA BAY
LOCAL ENVIRONMENTAL PLAN 2013**

Department Planning and Environment

Author Initials: MF

EXECUTIVE SUMMARY

Minor amendments are proposed to the Canada Bay Local Environmental Plan (LEP) 2014 to address drafting anomalies related to zoning, additional permitted uses and height of buildings. These changes correct errors contained within the existing LEP instrument and associated maps and do not change the intent of the existing planning controls.

It is recommended that a Planning Proposal be prepared and submitted to the Department of Planning and Environment to rectify these matters.

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area:

My City is well managed and my needs are met through high quality services and well maintained facilities and infrastructure.

This report also relates to the Canada Bay Local Environmental Plan 2013.

REPORT

The Canada Bay Local Environmental Plan 2013 was gazetted on 19 July 2013. Since this time, three minor errors have been identified.

Zoning - 2A Hamilton Street, North Strathfield

Land at 2A Hamilton Street was zoned 10(b) Enterprise Area under Concord Local Environmental Plan No. 117 on 18 May 2001. Residential flat buildings were permitted with consent in the 10(b) Enterprise Area and approval was subsequently granted for a residential development on the land.

The Canada Bay LEP 2008 rezoned the land (and the adjoining Bakehouse Quarter) to B3 Commercial Core. Residential Flat Buildings are prohibited in this zone. Canada Bay LEP 2013 maintained the B3 Commercial Core zone.

The rezoning of 2A Hamilton Street to B3 Commercial Core is considered to be anomaly given the residential use on the site and is considered to have occurred in error. It was brought Council's attention by a solicitor who was undertaking the conveyancing for one of the owners at 2A Hamilton.

It is recommended that the land be rezoned to R3 Medium Density Residential.

A map illustrating the existing and proposed zoning is provided as Attachment 1.

Additional Permitted Uses – Former BHP Wire Mill site, Chiswick

Drummoyne Local Environmental Plan amendment No. 32 rezoned the former BHP Wire Mill site in Chiswick to accommodate residential apartments and public open space. The LEP also permitted certain land to be used for commercial premises, provided that the total floor space of those uses did not exceed 1,200 square metres and no single use occupied more than 300 square metres.

These requirements were transferred to the Canada Bay LEP 2008 as a transitional arrangement.

As part of the preparation of the Canada Bay LEP 2013, the provisions relating to commercial uses on the site were required to be replaced by the Department of Planning to conform with the requirements of the Standard Instrument. For this reason, the Canada Bay LEP 2013 identified specific premises on the site where commercial uses are permissible with consent. Two (2) premises, known as Part Lots 1 and 2, SP 64846 were not included as being permitted to be used for commercial premises despite being used as offices.

It is recommended that these lots be added to Schedule 1 (Additional permitted use) of the LEP to ensure that commercial premises are permitted.

Height of Building – certain land in Concord

Both the Canada Bay LEP 2008 and the Canada Bay LEP 2013 did not allocate a height of building to certain residential land in Concord. The land comprises one to two storey dwelling houses on part of Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue and Finch Avenue.

It is recommended that an 8.5 metre building height be provided on these properties.

A map illustrating the existing and proposed building heights is provided as Attachment 2.

Planning Proposal

A Planning Proposal will be prepared to reflect the above amendments and submitted to the Department of Planning and Environment for a Gateway Review. Following discussions with an officer from Council's regional team it is anticipated that public notification will be minimal if at all, given that the amendments reflect what exists currently.

Given the nature of the proposed Planning Proposal it is recommended that Council be given delegation to manage the process.

RECOMMENDATION

1. THAT a Planning Proposal be prepared to:
 - (a) rezone 2A Hamilton Street, North Strathfield from B3 Commercial Core to R3 Medium Density Residential;
 - (b) provide an additional use to permit commercial premises for Part Lots 1 and 2, SP 64846 (1 Shore Road, Chiswick); and
 - (c) provide a height of building of 8.5 metres for certain land in Concord (part of Burwood Road, Edith Avenue, Corby Ave, Evelyn Ave and Finch Avenue).
2. THAT the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination.
3. THAT Council request delegation to manage the process.
4. THAT following the public exhibition period a report be provided to Council on the outcome and any further action to be taken.

Attachments:

1. Existing and Proposed zone – 2A Hamilton Street, North Strathfield
2. Existing and Proposed height – certain land in Concord.

[2A Hamilton street North Strathfield - Zoning.pdf](#)
[Height of Buildings - Concord.pdf](#)