

PLANNING
PROPOSAL

MISCELLANEOUS AMENDMENTS

September 2014

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Introduction

This planning proposal recommends an amendment to the *City of Canada Bay Local Environmental Plan 2013*.

The planning proposal seeks to resolve three miscellaneous drafting anomalies related to zoning additional permitted uses and height of buildings.

To achieve these outcomes, the following key changes are proposed to the Canada Bay Local Environmental Plan 2013:

- a) The R3 Medium Density zone will be applied to 2A Hamilton Street to appropriately reflect the existing use of land as residential flat buildings;
- b) Schedule 1, 3 'Use of certain land at 1 Shore Road and 2 Bechert Road, Chiswick' be amended to reflect the correct address of 2 Shore Road and updated to include Part Lots 1 and 2, SP 64846 located at 1 Shore Road, to appropriately reflect the existing approved use of the site.
- c) A height of 8.5m will be applied to multiple lots located on Burwood Road, Edith Ave, Corby Avenue, Evelyn Avenue and Finch Avenue to reflect the intended height of these sites.

The Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including "A Guide to Preparing Local Environmental Plans" and "A Guide to Preparing Planning Proposals".

Site identification

The sites relating to amendments are located at:

1. 2A Hamilton Street, North Strathfield (Strata Plan 70573, multiple lots)
2. 1 Shore Road, Chiswick (Part Lots 1 and 2, SP64846)
3. Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue and Finch Avenue (multiple lots) Concord



Figure 1: Aerial photograph of 2A Hamilton Street, North Strathfield (Strata Plan 70573, multiple lots)

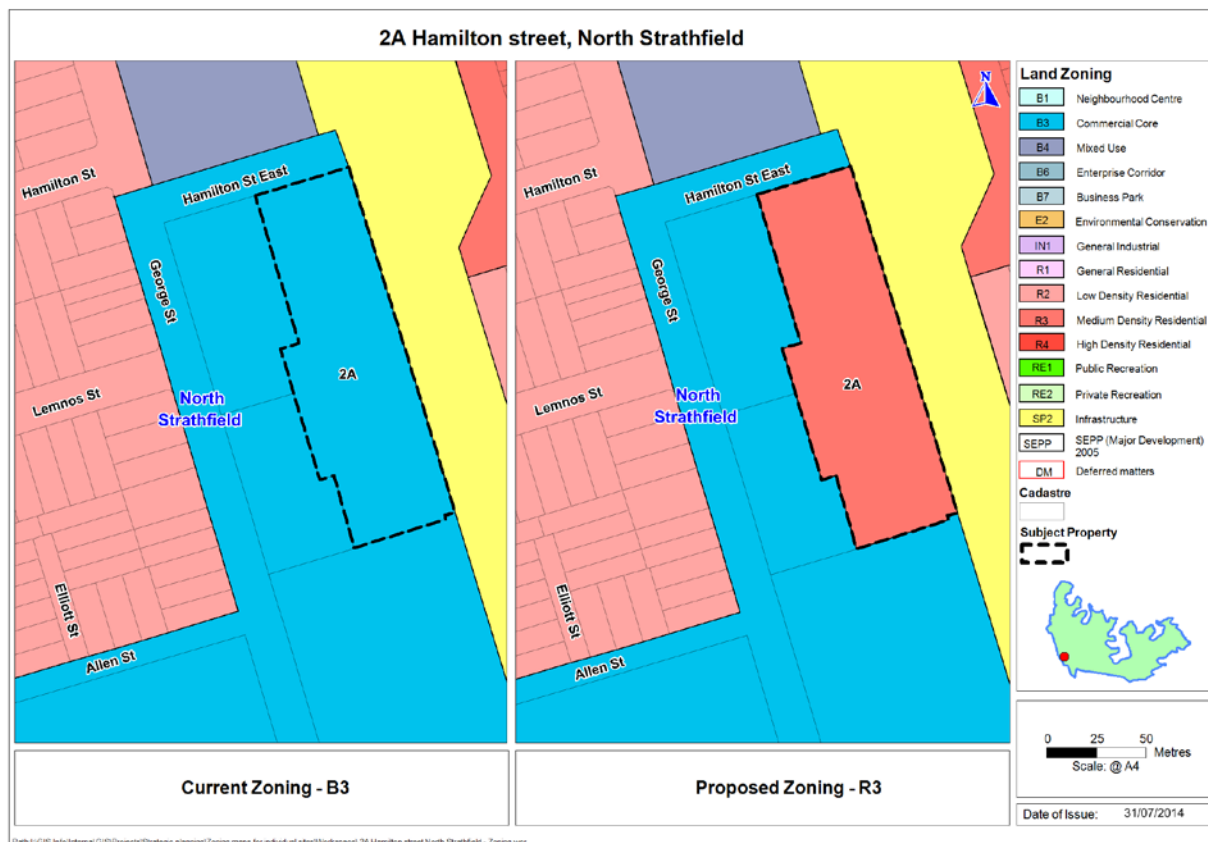


Figure 2: Zoning Map of 2A Hamilton Street, North Strathfield (Strata Plan 70573, multiple lots)



Figure 3: Aerial photograph of 1 Shore Road, Chiswick (Part Lots 1 and 2, SP64846)



Figure 4: Aerial photograph of Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue and Finch Avenue (multiple lots) Concord

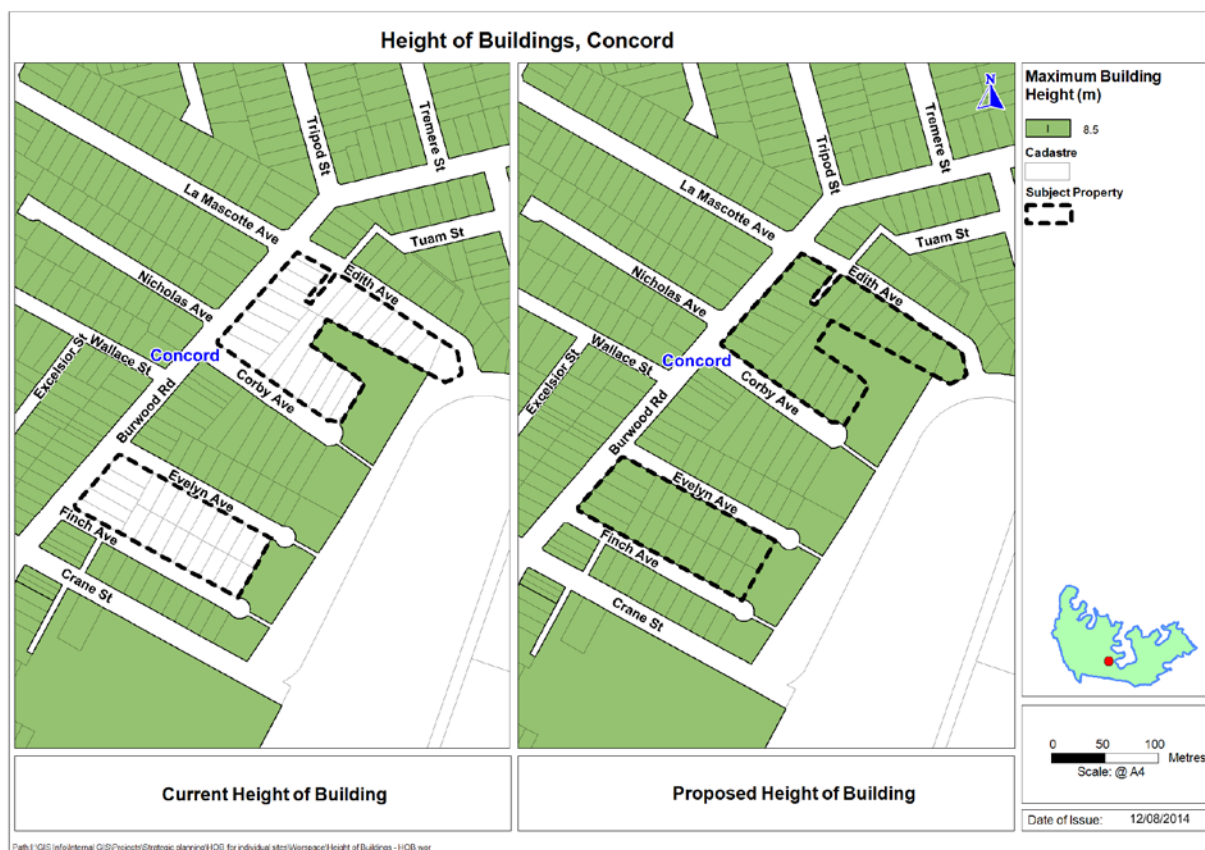


Figure 5: Height Map of Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue and Finch Avenue (multiple lots)

Existing Planning Controls

The table below summarises the key planning controls in *Canada Bay Local Environmental Plan 2013* that affect development on the site.

Control	Comment
i. Land Zoning Map Sheet LZN_002 ii. Land Zoning Map Sheet LZN_003	B3 Commercial Core zone.
iii. Schedule 1 Additional permitted uses 3)	Correction of property description to reflect existing uses.
iv. Height of Building Map Sheet HOB_005	No allocation of building height to certain residential land in Concord.

Part 1 – Objectives and Intended Outcomes

Objectives

- The objective of the planning proposal is to address drafting anomalies related to zoning, additional permitted uses and height of buildings.

Intended Outcomes

- The intended outcome is to ensure that the errors contained within the existing LEP instrument and associated maps appropriately reflect the current land use and allow them to continue normal operation without restriction.

Part 2 – Explanation of Provisions

Proposed amendments to Canada Bay Local Environmental Plan 2013

Canada Bay Local Environmental Plan 2013	Amendments
i. Land Zoning Map Sheet LZN_002 ii. Land Zoning Map Sheet LZN_003	Rezone 2A Hamilton Street, North Strathfield from B3 Commercial Core to R3 Medium Density Residential.
iii. Schedule 1 Additional permitted uses 3)	- Provide an additional use to permit commercial premises for Part Lots 1 and 2, SP 64846 (1 Shore Road, Chiswick). - Update heading of clause 3) to 'Use of certain land at 1 Shore Road, 2 Shore Road and 2 Bechert Road, Chiswick.' - Update correct street address for Lots 63, 64 and 73, SP 64846 already included within provision as 2 Shore Road Chiswick.
iv. Height of Building Map Sheet HOB_005	Provide a height of building of 8.5 metres for certain land in Concord (part of Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue and Finch Avenue).

Part 3 – Justification

Section A - Need for a planning proposal

Is the planning proposal a result of any strategic study or report?

The Planning Proposal is consistent with the Canada Bay Local Planning Strategy 2010 to support high quality services and well maintained facilities and infrastructure.

The background to the drafting anomalies are described in the attached report to Council, dated 19 August 2014 (see *Appendix 1*).

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal reflects a logical and appropriate way to achieve the objectives and intended outcomes of rectifying drafting anomalies related to zoning, additional permitted uses and height of buildings to reflect the existing land use.

Section B - Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the aims, objectives and provisions of the *Sydney Metropolitan Strategy 2036* which was released in December 2010. It is also consistent with the aims, objectives and provisions of the draft Inner West Subregional Strategy.

Is the planning proposal consistent with Council's local strategy or other local strategic plan?

FuturesPlan20 (FP20) outlines the City's vision for the next 20 years. The City of Canada Bay has set targets, objectives and actions to achieve the theme outlined in FP20.

In summary the Planning Proposal is consistent with the following FP20 outcome:

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

Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 4 below summarises the Planning Proposal's consistency with State Environmental Planning Policies (SEPPs) plus relevant deemed SEPPs.

No.	SEPP Title	Consistency of Planning Proposal
1	Development Standards	SEPP 1 does not apply under clause 1.9 of the Canada Bay LEP 2013.
14	Coastal Wetlands	Not applicable.
15	Rural Land sharing Communities	Not applicable.
19	Bushland in Urban Areas	Not applicable.
21	Caravan Parks	Not applicable.
26	Littoral Rainforests	Not applicable.
29	Western Sydney Recreational Area	Not applicable.
30	Intensive Agriculture	Not applicable.
32	Urban Consolidation (Redevelopment of Urban Land)	Not applicable.
33	Hazardous and Offensive Development	Not applicable.
36	Manufactured Home Estates	Not applicable.
39	Spit Island Bird Habitat	Not applicable.
41	Casino Entertainment Complex	Not applicable.
44	Koala Habitat Protection	Not applicable.
47	Moore Park Showground	Not applicable.

No.	SEPP Title	Consistency of Planning Proposal
50	Canal Estate Development	Not applicable.
52	Farm Dams, Drought relief and Other Works	Not applicable.
53	Metropolitan Residential Development	Not applicable.
55	Remediation of Land	Not applicable.
59	Central Western Sydney Economic and Employment Area	Not applicable.
62	Sustainable Aquaculture	Not applicable.
64	Advertising and Signage	Consistent. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
65	Design Quality of Residential Flat Development	Subsequent future development applications would need to demonstrate how the proposal satisfies the design principles and objectives of SEPP 65. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
70	Affordable Housing (revised Schemes)	Not applicable.
71	Coastal Protection	Not applicable.
	SEPP (Building Sustainability index: BASIX) 2004	Subsequent future development applications would need to demonstrate design principles and objectives consistent with BASIX requirements. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
	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 (Major Development) 2005	The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Sydney Region Growth Centres) 2006	Not applicable.
	SEPP (Infrastructure) 2007	The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.

No.	SEPP Title	Consistency of Planning Proposal
	SEPP (Temporary Structures and Places of Public Entertainment) 2007	Not applicable.
	SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Rural Lands) 2008	Not applicable.
	SEPP (Western Sydney Parklands) 2009	Not applicable.
	SEPP (Affordable Rental Housing) 2009	Not applicable.
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable.

Table 5 - Regional Environmental Plans (REPs) - Deemed SEPPs:

No.	REP Title	Consistency of LEP
5	Chatswood Town Centre	Not applicable.
6	Gosford Coastal Areas	Not applicable.
7	Multi-Unit Housing: Surplus Government Sites	Not applicable.
8	Central Coast Plateau Areas	Not applicable.
9	Extractive Industry (No 2 - 1995)	Not applicable.
10	Blue Mountains Regional Open Space	Not applicable.
11	Penrith Lakes Scheme	Not applicable.
13	Mulgoa Valley	Not applicable.
14	Eastern Beaches	Not applicable.
16	Walsh Bay	Not applicable.
17	Kurnell Peninsula (1989)	Not applicable.
18	Public Transport Corridors	Not applicable.
19	Rose Hill Development Area	Not applicable.
20	Hawkesbury-Nepean River (No. 2-1997)	Not applicable.
21	Warringah Urban Release Area	Not applicable.
24	Homebush Bay Area	Not applicable.
25	Orchard Hills	Not applicable.
26	City West	Not applicable.

27	Wollondilly Regional Open Space	Not applicable.
28	Parramatta	Not applicable.
29	Rhodes Peninsula	Not applicable.
30	St Marys	Not applicable.
31	Regional Parklands	Not applicable.
33	Cooks Cove	Not applicable.
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Not applicable.

Detailed discussion of key applicable SEPPs

Sydney Regional Environmental Plan – Sydney Harbour Catchment

Under Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP Sydney Harbour Catchment), the Precinct, whilst located within the *Sydney Harbour Catchment Boundary*, is not located within the *Foreshores and Waterways Area Boundary*.

The future redevelopment of the Precinct will take place in accordance with the key planning principles applicable to land within the Sydney Harbour Catchment, as stated under Clause 13 *Sydney Harbour Catchment* of the SREP.

Is the planning proposal consistent with applicable Ministerial Directions (s 117 directions)?

Table 6 – Summary of relevant section 117 Directions:

1. Employment and Resources

No.	Direction	Comments
1.1	Business and Industrial Zones	Consistent.
1.2	Rural zones	Not applicable.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4	Oyster Aquaculture	Not applicable.
1.5	Rural Lands	Not applicable.

2. Environment and Heritage

No.	Direction	Comments
2.1	Environmental Protection Zones	Not applicable.
2.2	Coastal Protection	Not applicable.
2.3	Heritage Conservation	Not applicable.
2.4	Recreation Vehicle Areas	Not applicable.

3. Housing, Infrastructure and Urban Development

No.	Direction	Comments
3.1	Residential Zones	Consistent.
3.2	Caravan parks and Manufactured Home Estates	Not applicable.
3.3	Home Occupations	Not applicable.
3.4	Integrating Land Use and Transport	Not applicable.
3.5	Development Near Licensed Aerodromes	Not applicable.

4. Hazard and Risk

No.	Direction	Comments
4.1	Acid Sulfate Soils	Not applicable. The Planning Proposal relates the correction of drafting anomalies and will not result in additional construction or excavation works.
4.2	Mine Subsidence and Unstable Land	Not applicable.
4.3	Flood Prone Land	Not applicable.
4.4	Planning for Bushfire Protection	Not applicable.

5. Regional Planning

No.	Direction	Comments
5.1	Implementation of Regional Strategies	Not applicable.
5.2	Sydney Drinking Water Catchments	Not applicable.
5.3	Farmland of State and Regional Significance - NSW Far North Coast	Not applicable.
5.4	Commercial and Retail Development along the Pacific Highway	Not applicable.
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.
5.8	Second Sydney Airport - Badgerys Creek	Not applicable.

6. Local Plan Making

No.	Direction	Comments
6.1	Approval and Referral Requirements	Consistent.
6.2	Reserving Land for Public Purposes	Not applicable.
6.3	Site Specific Provisions	Consistent. Whilst the Planning Proposal corrects information contained within a local provision under Schedule 1, it does not impose development standards or requirements in

		addition to those already contained in the LEP.
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7. Metropolitan Planning

No.	Direction	Comments
7.1	Implementation of the Metropolitan Strategy	Consistent.

Section C: Environmental, social and economic impact.

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?

Council's Local Planning Strategy does not identify any endangered ecological communities, vulnerable species or areas of high biodiversity significance on the subject lands. This information was sourced from an Estuary Vegetation Management Plan prepared in 2008, a Flora Inventory prepared in 2003 and a Fauna Survey prepared in 2003.

Therefore there is no likelihood that any critical habitat, threatened species or ecological communities will be adversely affected by the planning proposal.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of the Planning Proposal.

Has the planning proposal adequately addressed any social and economic effects?

The planning proposal may provide positive economic impacts through:

- Strengthening the neighbourhood retail precinct.
- Improved housing diversity.

Section D: State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

There is adequate public infrastructure for the Planning Proposal. The Planning Proposal seeks to correct drafting anomalies within the *Canada Bay Local Environmental Plan 2013* and is unlikely to generate development as a result of the Planning Proposal.

What are the views of State and Commonwealth public authorities consulted in the gateway determination?

No consultation has been carried out at this stage with any State and/or Commonwealth Public Authorities or service providers; however, consultation may occur in accordance with the requirements of the Gateway Determination.

Part 4 – Mapping

The planning proposal will require the amendment of the *Canada Bay Local Environmental Plan 2013*, as described in the table below.

Canada Bay Local Environmental Plan 2013	Amendments
v. Land Zoning Map Sheet LZN_002	• Rezone 2A Hamilton Street, North Strathfield from B3 Commercial Core to R3 Medium Density Residential.
vi. Land Zoning Map Sheet LZN_003	
vii. Schedule 1 Additional	• Provide an additional use to permit commercial premises for Part

permitted uses 3)	Lots 1 and 2, SP 64846 (1 Shore Road, Chiswick). - Update heading of clause 3) to 'Use of certain land at 1 Shore Road, 2 Shore Road and 2 Bechert Road, Chiswick.' - Update correct street address for Lots 63, 64 and 73, SP 64846 already included within provision as 2 Shore Road Chiswick.
viii. Height of Building Map Sheet HOB_005	Provide a height of building of 8.5 metres for certain land in Concord (part of Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue and Finch Avenue).

Part 5 – Community Consultation

Council is seeking nil public exhibition period given the corrective nature of the Planning Proposal. However where the Planning Proposal is required to be exhibited by Council, exhibition will be undertaken in accordance with the requirements of section 57 of the *Environmental Planning and Assessment Act 1979* and as required by the recommendations of the Gateway Determination.

The estimated the exhibition period is likely to be for 14 days. Notification of the community consultation would be provided in a local newspaper and on Council's website. In addition to this, adjoining landowners would be notified in writing.

Documents to be placed on public exhibition include:

- Planning Proposal;
- Gateway Determination; and
- Relevant Council reports.

Part 6 – Project Timeline

Milestone	Timeframe and/or date
Commencement date of Gateway	Date of Gateway determination
Completion of required technical information	Not applicable. No technical studies required.
Government agency consultation	As specified in Gateway determination. Council is seeking nil public exhibition timeframe, given the corrective nature of the Planning Proposal.
Commencement and completion dates for public exhibition	Dates are dependent on Gateway determination. Council is seeking a nil public exhibition period given the corrective nature of the Planning Proposal.
Consideration of submissions	3 weeks
Consideration of a proposal post exhibition	3 weeks
Date of submission to the Department to finalise the LEP	To be determined.
Anticipated date RPA will make the plan (if delegated)	To be determined.
Anticipated date RPA will forward to the Department for notification	To be determined.

Appendices

1. Council Report of 19th August 2014 and associated resolution;
2. Canada Bay Local Environmental Plan – Draft Maps; and
 - Draft Land Zoning Map Sheet LZN_002
 - Draft Land Zoning Map Sheet LZN_003
 - Draft Height of Building Map Sheet HOB_005
3. Strata Plan 64846
4. Evaluation Criteria for the Delegation of Plan Making Functions