



Planning,  
Industry &  
Environment

EF20/32748

## Gateway determination report – PP-2020-3948

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Canada Bay Miscellaneous Planning Proposal (158 dwellings)

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**Table 1 – Plans and reports supporting the proposal**

Relevant reports and plans
Planning Proposal – Planning Proposal PP2020/0002 LEP Miscellaneous Amendments December 2020
Planning Proposal Attachment 1 – Victoria Road Urban Design Review
Planning Proposal Attachment 2 – Active Street Frontages Map
Planning Proposal Attachment 3 – Victoria Road Capacity Testing
Planning Proposal Attachment 4 – Victoria Road Traffic Assessment
Planning Proposal Attachment 5 – Building Height Map
Planning Proposal Attachment 6 – Low Rise Medium Density Review Recommendations Report
Planning Proposal Attachment 7 – Floor Space Ratio Map
Planning Proposal Attachment 8 – Flood Planning Areas Map
Planning Proposal Attachment 9 – Land Application Map
Planning Proposal Attachment 10 – Heritage Item I308
Planning Proposal Attachment 11 – Heritage Item I474, I475, Gladesville Bridge I178
Planning Proposal Attachment 12 – Heritage Item I383
Planning Proposal Attachment 13 – Local Planning Panel Minutes, 26 August 2020
Planning Proposal Attachment 14 – Council Meeting Minutes, 1 December 2020
Planning Proposal Submission Form (submitted via online Portal)

# 1 Planning Proposal

## 1.1 Overview

**Table 2 Planning proposal details**

Information	Detail
<b>LGA</b>	Canada Bay Council
<b>PPA</b>	Canada Bay Council
<b>NAME</b>	Canada Bay Miscellaneous Planning Proposal
<b>NUMBER</b>	PP-2020-3948
<b>LEP TO BE AMENDED</b>	Canada Bay Local Environmental Plan 2013 (CBLEP 2013)
<b>ADDRESS</b>	Whole of Canada Bay local government area (LGA)
<b>DESCRIPTION</b>	The planning proposal seeks to amend the CBLEP 2013 to implement changes proposed by studies that City of Canada Bay has recently undertaken, and to make various housekeeping amendments.
<b>RECEIVED</b>	11/12/2020
<b>FILE NO.</b>	EF20/32748
<b>POLITICAL DONATIONS</b>	There are no donations of 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

## 1.2 Objectives or intended outcomes

The planning proposal seeks to amend Canada Bay LEP 2013 to:

- Improve urban design and built form outcomes within and adjacent to Victoria Road, Drummoyne;
- Introduce development standards for medium density housing types and complement State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to ensure relevant requirements for Low Rise Housing Diversity in the Canada Bay LEP 2013;
- Implement amendments from the Concord West Flood Study; and
- Improve the legibility and accuracy of the Canada Bay LEP 2013.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal includes four distinct types of amendments to CBLEP 2013, being:

- Amendments to development standards in the Victoria Road shopping precinct, Drummoyne - refer to **Table 3** for proposed LEP amendments;
- Medium density housing amendments to Council's LEP - refer to **Table 4** for proposed amendments;
- Amend the Flood Planning Map to include areas identified in the Concord West Flood Study; and
- Update the Canada Bay LEP to address various housekeeping matters - refer to **Table 6** for proposed amendments.

### 1.3.1 Victoria Road shopping precinct amendments

The planning proposal seeks to amend active frontage controls and height of building controls for land within, and adjacent to the Victoria Road shopping precinct. The proposal seeks to amend the Canada Bay LEP 2013 to:

- Extend active frontage controls in the B4 zone on eastern side of Formosa Street, and both sides of Edwin and Church Streets;
- Reduce the maximum building height from 12 metres to 11 metres for land fronting Victoria Road and introduce a rear height limit of 8.5m for land adjoining the heritage conservation area on Renwick Street;
- Increase maximum building heights from 15 metres to 20 metres for land on the western side of Victoria Road; and
- Reduce buildings height from 15 metres on the north-western side of Formosa Street to a stepped building height of 11 metres and 8.5 metres.

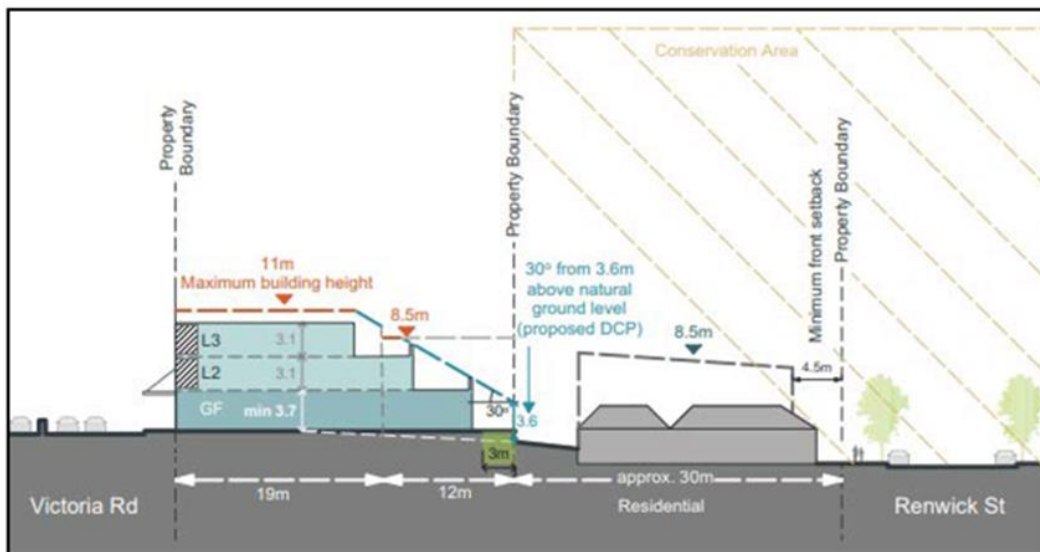
The proposed amendments would facilitate 158 new dwellings in the Victoria Road precinct. The proposal does not seek any amendments to the existing FSR controls. The existing maximum FSR is 1:1 along Victoria Road from Day Street to Park Avenue and on land south-west of land at Lyons Road/Formosa Street. Across the rest of the study area the FSR is 2:1. Provisions in the LEP allow for a higher FSR of 3.5:1 for sites marked as 'Area 2' and 3:1 for sites marked as 'Area 3'. The only site marked as 'Area 2' in the study area is the Drummoyne Village site at the intersection of Lyons Road and Victoria Road.

Site testing was undertaken in the Urban Design Review (**Attachment 1**) that demonstrates the FSR is appropriate and therefore proposed no amendments to the current provisions.

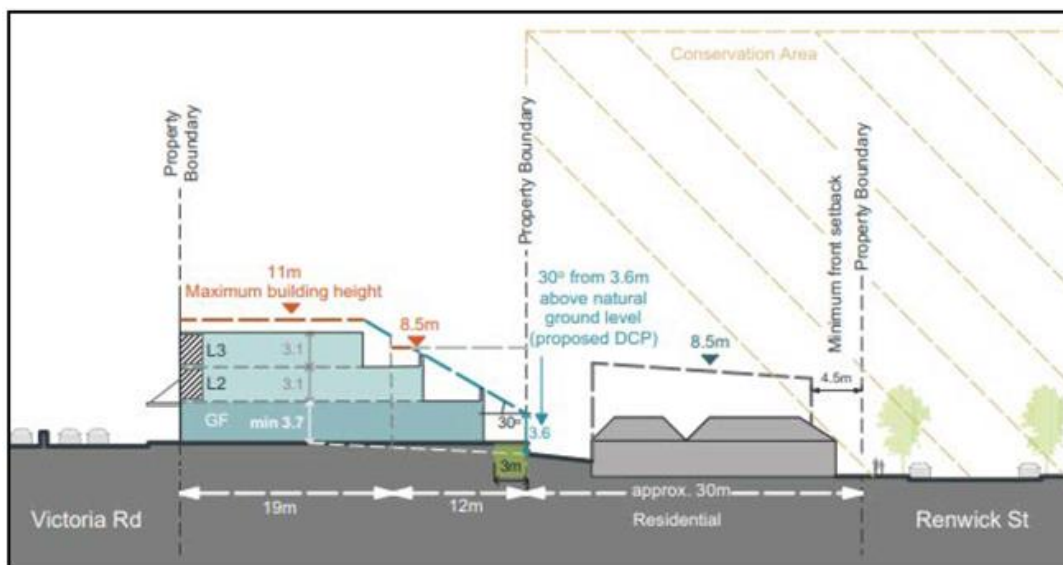
The planning proposal states that the proposed changes to buildings heights will provide a multiple heights approach that responds to topography, provides a transition to lower scale development, manages sensitive interfaces, and minimises amenity impacts. The Department considers the proposed amendments are suitable to proceed to public exhibition.

**Table 3 - Current and proposed controls: Victoria Road shopping precinct controls**

Control	Current	Proposed
<b>Active street frontages</b>	Active street frontages are currently mapped on both sides of Victoria Road and at the Victoria Road/Lyons Road intersection.	Extend active frontage controls to land along the eastern side of Formosa Street and both sides of Edwin and Church Streets.
<b>Maximum building height of buildings on the eastern side of Victoria Road (between Lyons Road and Day Street)</b>	12 m	11 m (refer to <b>Figure 1</b> )
<b>Rear building height for properties fronting Victoria Road with a rear frontage to the Heritage Conservation Area at Renwick Street</b>	No LEP control currently exists.  The Canada Bay DCP 2013 requires building heights to be stepped to reduce visual and privacy impacts to Renwick Street properties.	8.5 m maximum building height at the rear of the site (refer to <b>Figure 2</b> ).
<b>Maximum building height on the western side of Victoria Road (between Lyons Road and Church Street)</b>	15 m	20 m with rear building height limit of 8.5 and 11 m for properties south of Lyons Road and north of Thornley Street.
<b>Maximum building height on the north-western side of Formosa Street</b>	15m	8.5m fronting Formosa Street, steeping up to height of 11m metres (upper level setback 6m).



**Figure 1: Proposed maximum building heights on the eastern side of Victoria Road (source: planning proposal)**



**Figure 2: Proposed maximum building heights on the western side of Victoria Road (source: planning proposal)**

### 1.3.2 Medium density housing development standards

The planning proposal seeks to introduce development standards for all medium density housing types and include controls that relate to housing types referenced in the Low Rise Housing Diversity Code (LRHDC). The LRHDC forms part of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). Specifically, this includes controls for manor houses and multi-dwelling housing (terraces) as defined in the Codes SEPP.

The planning proposal states that the aim of the proposed amendments is to encourage greater housing diversity and medium density housing in the Canada Bay LGA.

The proposed changes are supported by a study commissioned by Council titled 'Low-Rise Medium Density Review Recommendations Report', dated November 2019 (**Attachment 6**). The study was undertaken collaboratively by Smith and Tzannes architects with Studio GL.



These proposed changes are summarised below and discussed in more detail in **Section 3 and 4**.

**Table 4 - Current and proposed controls: amendments to the development standards relating to medium density housing typologies.**

Control	Current	Proposed
<b>Maximum building height for secondary dwellings dual occupancy development and new definitions</b>	8.5 m	<p>8.5 m with a rear dwelling maximum building height of 5.4 m</p> <p>An exception is proposed for corner lots or parallel lots with unique street frontages that are not a lane.</p> <p>Include a definition of corner lot, parallel road and land to the Dictionary as follows:</p> <p><u>Corner lot</u>: a lot that has two contiguous boundaries with a road or roads (other than a lane) that intersect at an angle of 135 degrees or less (whether or not the lot has any other boundaries with a road).</p> <p><u>Parallel road</u>: a lot that has boundaries with two parallel roads, not including a lane.</p> <p><u>Lane</u>: a public road, with a width greater than 3 m but less than 7 m, that is used primarily for access to the rear of premises and includes a nightsoil lane.</p>
<b>Maximum building height for multi-dwelling housing (terraces)</b>	8.5 m	9 m to enable a third storey for an attic or other non-habitable areas.
<b>Minimum lot size for manor houses and multi-dwelling housing (terraces) in the R1 and R3 zones</b>	800 m <sup>2</sup>	600 m <sup>2</sup>
<b>Minimum lot size for boarding houses in R1, R2, R3 and R4 zones</b>	800 m <sup>2</sup> minimum lot size for Boarding Houses in R2 low density residential zone.	800 m <sup>2</sup>
<b>Minimum subdivision lot size for multi-dwelling housing (terraces)</b>	450 m <sup>2</sup>	225m <sup>2</sup> where width of each resultant lot has a frontage to a road and is equal to or greater than 6 m.

<b>Floor space ratio controls for residential flat buildings and multi-dwelling housing in the R3 zone</b>	<p>Under clause 4.4(2A) of the CBLEP 2013, multi dwelling housing and residential flat buildings in 'Area 1' have no maximum FSR.</p> <p>For dwelling houses and semi-detached houses, a sliding FSR control applies.</p>	<p>Provide an FSR of 0.7:1 on certain R3 zoned land ('Area 1') for residential flat buildings, multi-dwelling housing and multi-dwelling housing (terraces). This would not apply to land containing a heritage item or in a heritage consecration area.</p> <p>The proposal seeks to amend the FSR controls as manor houses and multi-dwelling housing (terraces) do not have a maximum FSR control under the Canada Bay LEP 2013. This is because the majority of R3 zoned land is identified as 'Area 1' on the FSR map, and for multi-dwelling housing and residential flat buildings no maximum FSR currently applies.</p>
<b>Minimum frontage controls for dual occupancies, multi-dwelling housing, multi-dwelling housing (terraces), residential flat buildings, manor houses and boarding houses.</b>	<p>No LEP controls, except for a 20m minimum frontage control for boarding houses in the R2 zone.</p>	<p>There is currently no control in the Canada Bay LEP specifying minimum lot frontage requirements for dual occupancy housing, multi-dwelling housing, multi-dwelling housing (terraces), residential flat buildings, manor houses or boarding houses.</p> <p>The planning proposal seeks to introduce minimum lot widths for these typologies.</p> <ul style="list-style-type: none"> <li>• dual occupancy housing: <ul style="list-style-type: none"> <li>○ attached: 14 m</li> <li>○ detached 17 m</li> </ul> </li> <li>• multi-dwelling housing (terraces): 18m</li> <li>• multi-dwelling housing and residential flat building: 20m</li> <li>• manor house: 18m</li> <li>• boarding house: 20m</li> </ul> <p>An exception to the minimum frontage control to 14m for dual occupancy (detached) is proposed for corner lots or a lot with two frontages and where each dwelling has vehicular access from a different street.</p>
<b>Introduce new definition for Multi Dwelling Housing (terraces)</b>	<p>Not currently defined in CBLEP 2013</p>	<p>To include a definition of multi-dwelling housing (terraces) as defined in the Codes SEPP:</p> <p><b><i>Multi dwelling housing (terraces)</i></b> means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.</p>

**Introduce new definition for Manor House**

Not currently defined in CBLEP 2013

To include a definition of manor house as defined in the Codes SEPP:

***Manor house** means a residential flat building containing 3 or 4 dwellings, where –**(a) each dwelling is attached to another dwelling by a common wall or floor, and**(b) at least 1 dwelling is partially or wholly located above another dwelling, and**(c) the building contains no more than 2 storeys (excluding any basement).**Department comment*

The Low-Rise Medium Density Review Recommendations Report provides a sound basis for justifying the changes.

The Department does not support the proposed amendment to the minimum lot size or minimum frontage controls for boarding houses in the R1, R3 and R4 zones as this is inconsistent with the objectives of the Affordable Rental Housing SEPP. This issue is further discussed in **Section 3.4.2**.

The Department notes there are minor inconsistencies in the planning proposal which will need to be corrected prior to exhibition. The inconsistency relates to the proposed amendment to minimum lot size for manor house and multi dwelling housing (terraces). The proposed amendments on page 24 of the planning proposal includes a proposed 600sqm minimum lot size of manor houses in R4 zones. Council has confirmed it is not intended to permit manor houses in the R4 zone, and that the explanation of changes on page 17 of the planning proposal is correct.

Post-lodgement council also advised that the planning proposal includes a further inconsistency and error in the table of amendments on page 24 relating to multi-dwelling housing (terraces). In the table a minimum lot size of 800sqm is proposed, however this should be 600sqm in the R1 and R3 (as per page 17/18), and 1500sqm in the R4 to remain consistent with the existing minimum for multi dwelling housing.

A recommended condition of Gateway will be included to require the planning proposal to be updated prior to exhibition to remove the proposed boarding house amendments and correct the inconsistencies in the planning proposal.

### 1.3.3 Flood Planning

The planning proposal seeks to introduce Flood Planning Areas identified in the Concord West Flood Study.

The study, prepared for the Concord West precinct in 2015, identifies that 25% of land in the precinct is at or below the adopted Flood Planning Level for residential development. The proposed amendment to the Flood Planning Map seeks to include all flood affected properties identified in the Concord West Precinct Flood Study.

The proposed amendment to the Flood Planning Map would extend the application of Clause 6.8 Flood Planning in the Canada Bay LEP 2013 to the additional areas identified on the Flood Planning Map.

**Table 5 – Update Flood Planning Map**

Item	Amendment	Change
<b>Flood Planning Map</b>	Update the flood planning map	The proposal seeks to amend the Flood Planning Map to include additional areas in Concord West identified in the Concord West Precinct Flood Study.

*Department's comment*

The Department's package of flood prone land amendments came into effect on 14 July 2021. The package includes a new planning circular and guideline, standard LEP clauses and revised local planning direction. A SEPP amendment will replace councils existing flood planning clause with the new mandatory standard instrument clause and remove the reference to flood planning maps.

The new mandatory LEP clause will remove flood planning maps from the LEP, with councils to define flood planning areas in the development control plan.

The proposed amendment to the Flood Planning Map is inconsistent with flood prone land amendments, including *Considering flooding in land use planning guideline* and the new standard instrument clause and is to be removed from the planning proposal. It is recommended that Council update the development control plan to identify all flood planning areas in accordance with the Department's *Considering flooding in land use planning guideline*.

A Gateway condition is recommended to remove the proposed amendment to the Flood Planning Map.

### 1.3.4 Housekeeping amendments

The planning proposal seeks to amend the Canada Bay LEP 2013 to correct errors and inconsistencies, including updating references on the Land Application Map, providing consistent building heights for certain SP2 zoned land, and amendments to correct references and descriptions of heritage items.

**Table 6 - Current and proposed controls: Housekeeping Amendments**

Item	Amendment	Change
<b>Update LGA wide maps</b>	update the Land Application Map	Amend the Land Application Map to reflect current Council names and boundaries resulting from Council amalgamations.
<b>Correction of inconsistencies</b>	apply a maximum height limit to all land zoned SP2 on HOB_006	Apply a consistent height limit to all SP2 zoned land on map HOB_006, consistent with the height of adjacent land.
<b>Heritage – update reference details</b>	Heritage item I308 – St. Luke's Park gateway/entrance	Update the Schedule 5 property references for this heritage item to reflect subdivision at the site.

	Heritage item I474 – Gladesville Bridge abutments, Five Dock Point	Amend the heritage listing to recognise the significance of the former road approach to the bridge. The proposal seeks to update the name of the item and replace Heritage Map HER_006.
	Heritage item I1475 – Howley Park, Five Dock	Extend the heritage listing to a larger area of the park to reflect the significance of site (early foreshore formations and sandstone edges to Gladesville bridge)
	Heritage item I15 – Five Dock Oval and Park	Amend the property description to include two additional lots incorporate the tennis courts and club house.
	Heritage item I178 – ‘Tobique’ 44 and 44a Drummoyne Avenue	Amend the Lot and DP reference in Schedule 5 to reflect subdivision at the site.
<b>Heritage – new item for CBLEP 2013 Schedule 5</b>	Gladesville Bridge	Include the item in Schedule 5 of CBLEP 2013 to be consistent with its listing on the NSW State Heritage Register.
<b>Heritage – to be removed from Schedule 5 of CBLEP 2013</b>	Heritage item I383 – AGL Powerhouse (former)	The heritage item no longer exists and is proposed to be removed from Schedule 5.
<b>Introduce height limit and definition for internal lots</b>	Not currently defined in CBLEP 2013	<p>Apply a maximum building height for an internal lot. The proposal seeks to limit the maximum building height an internal lot to 5.4 m.</p> <p>To include a definition of internal lot:</p> <p><i>Internal lot means a lot where there is no practicable means of vehicular access by motor vehicle or to which the only practicable means is by way of –</i></p> <p><i>(a) an access corridor (in the case of a hatchet-shaped lot), or</i></p> <p><i>(b) a right of way that traverses another lot, or</i></p> <p><i>(c) an access corridor that is common property in a strata or community title scheme</i></p>

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

As discussed in **Section 3.4.2** of this report, the planning proposal contains provisions inconsistent with the Affordable Rental Housing SEPP.

Once the planning proposal is updated in accordance with the conditions in **3.4.2**, the explanation of provisions will be adequate for community consultation

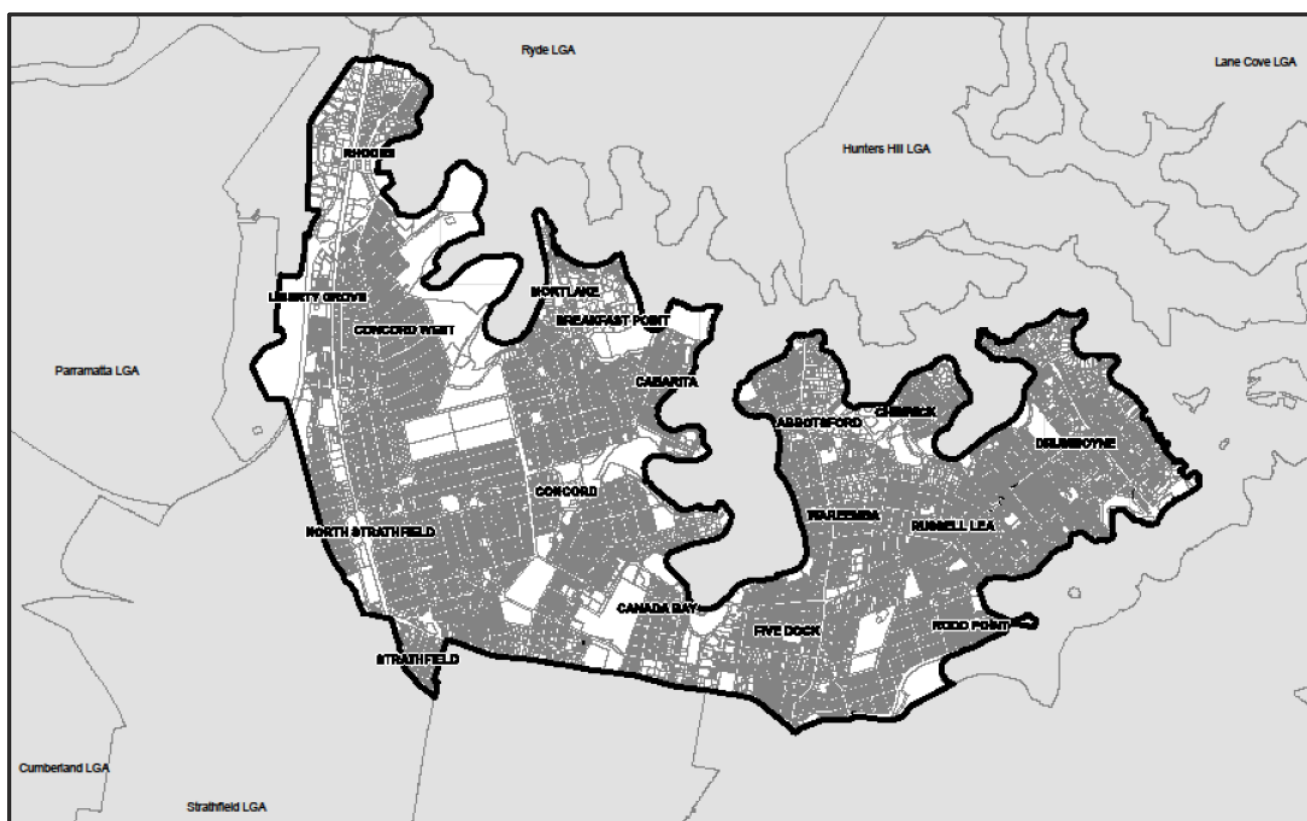
## 1.4 Site description and surrounding area

The planning proposal seeks amendments to the Canada Bay Local Environmental Plan 2013 (CBLEP 2013) which will apply to the entire Canada LGA, land in Concord West only, and land in the Victoria Road shopping precinct in Drummoyne. The site analysis for each of the parts is outlined below.

- Amending development controls on Victoria Road, Drummoyne;
- Medium density housing amendments in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones across the Canada Bay LGA;
- Amending the Flood Planning Map to include land at Concord West; and
- Various housekeeping amendments across the Canada Bay LGA.

### Canada Bay local government area

The proposed development standards relating to medium density housing would apply to land in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones across the Canada Bay local government area (LGA). The proposed housekeeping amendments would apply to various land across the LGA. A map of the LGA is provided **Figure 3**.



**Figure 3: The Canada Bay Council local government area (Source: Canada Bay Council)**

### Concord West

The proposed amendment to the Flood Planning Map would apply to land in Concord West. The Concord West precinct (**Figure 4**) is bounded by King Lane in the north, rail corridor the east, Pomeroy Street to the south and Powell's creek and Homebush Bay Drive to the west. The southern and northern portion of the precinct is characterised by low density residential development while the central area includes several industrial developments.





**Figure 4: The Concord West precinct (Source: Jacobs)**

### Victoria Road Drummoynes

The Victoria Road shopping precinct, Drummoynes, is identified in **Figure 5**. The area includes both the eastern and western sides of Victoria Road and a small section of Lyons Road at the northern end of the precinct (**Figure 6**). The shopping precinct comprises 11.4 hectares of land and extends in a north-west to south-east direction for approximately 1 km.

Both the eastern and western frontages to Victoria Road are currently zoned B4 Mixed Use. This zoning extends to the west to include properties on the eastern side of Formosa Street. Renwick Street, running parallel to Victoria Road on the western side, is zoned R2 Low Density Residential. The corner site fronting the western side of Victoria Road and Lyons Road is zoned SP2 Infrastructure. The study area fronting Victoria Road generally consists of older terraced style retail shops two storey commercial premises and newer 5-6 storey shop top housing developments (**Figure 7**).





**Figure 5: The Victoria Road shopping precinct is identified by the yellow outline and the relevant roads are labelled (Base source: Canada Bay Council)**

Victoria Road is a State road that links Parramatta with Sydney central business district (CBD). The section of Victoria Road relevant to this planning proposal spans six lanes (excluding turning lanes) and has a legal speed limit of 60 km/hr.

The northern end of the Victoria Road shopping precinct terminates at the McDonalds Drummoyne carpark. This site marks a transition in the built form and the beginning of generally single storey residential properties fronting Victoria Road.

The southern end of the shopping precinct terminates adjacent to Brett Park on the western side of Victoria Road, and Birkenhead Brand Outlet on the eastern side. Beyond the southern boundary of the precinct is the on-ramp to the Iron Cove Bridge that spans Parramatta River to connect Drummoyne with Rozelle.





Figure 6: The intersection of Victoria Road and Lyons Road, looking south (Source: Google maps)



Figure 7: An example of the shop top housing characteristic of the area (Source: Google maps)

## 1.5 Mapping

The planning proposal includes LEP mapping amendments to reflect the proposed amendments. The proposed mapping amendments are outlined below. The mapping is suitable for community consultation. Note that the Flood Plan map will be not be exhibited as a condition is recommended to be removed.



## Victoria Road Precinct

### Active Frontage Map



**Figure 8: The current (left) and proposed (right) Active Street Frontage map (Source: Council)**

### Height of Building Map



**Figure 9: The current HOB 006 (left) and HOB 006A (right) maximum building height maps showing the eastern and western side of Victoria Road (Source: Council)**



**Figure 10: The proposed 006 (left) maximum building height map Victoria Road (Source: Council)**

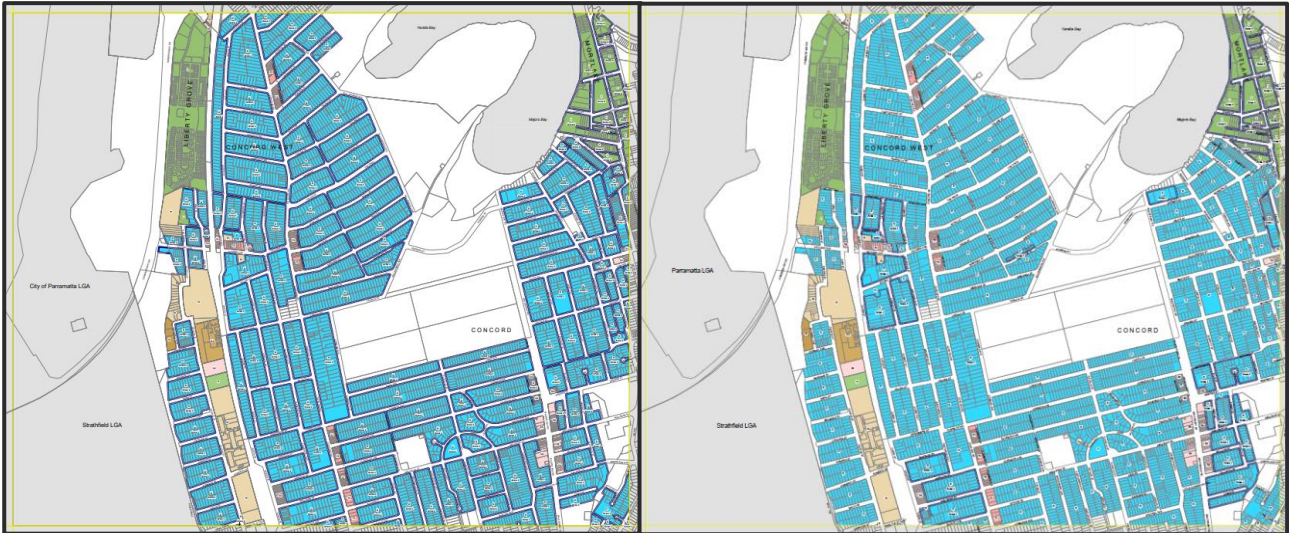
#### Medium Density Housing Amendments

#### *Floor Space Ratio Map*

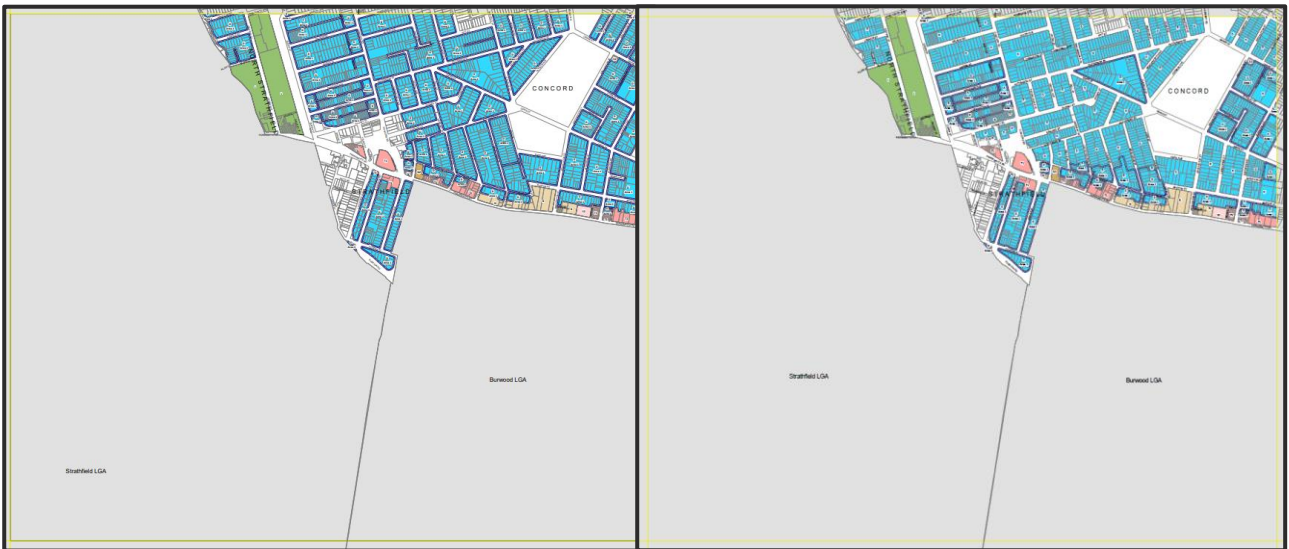


**Figure 11: The current (left) and proposed (right) floor space ratio map (001) (Source: Council)**

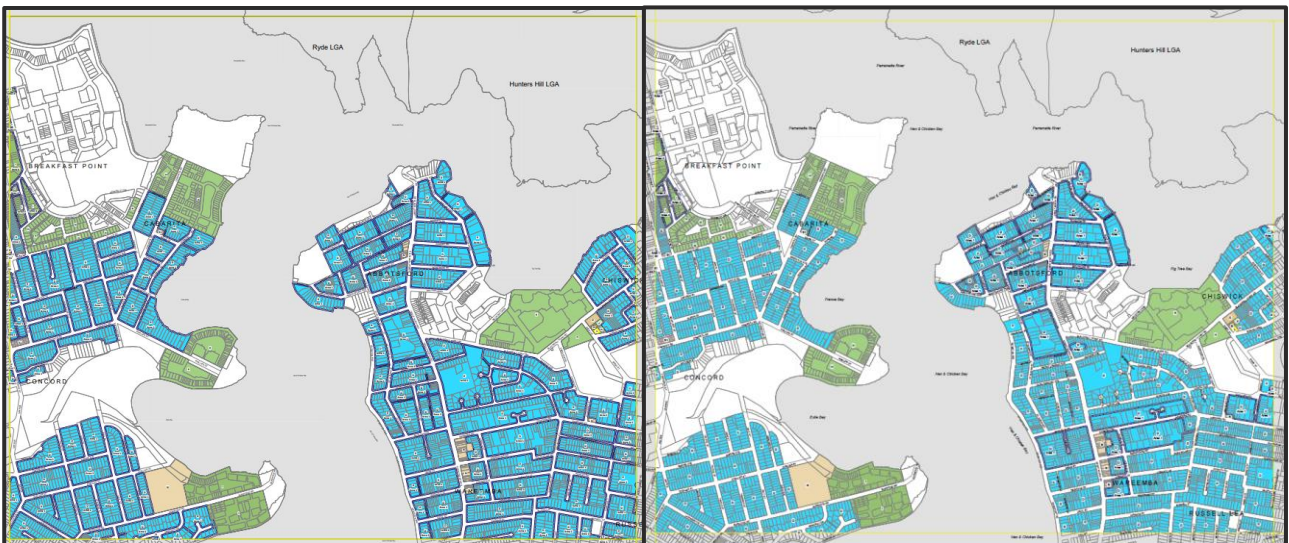




**Figure 12: The current (left) and proposed (right) floor space ratio map (002) (Source: Council)**

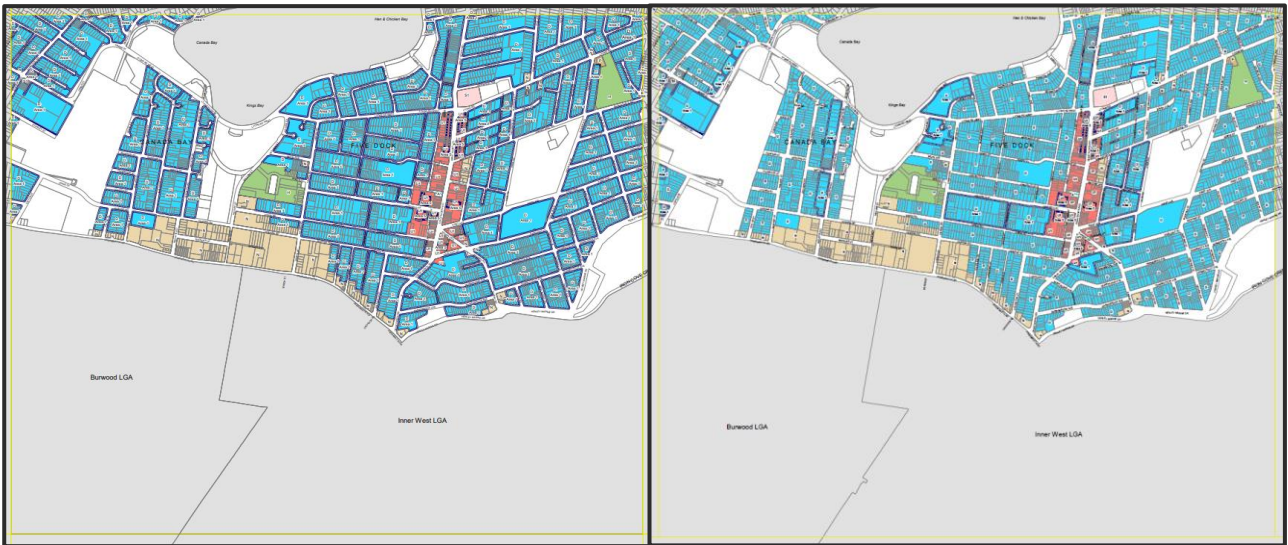


**Figure 13: The current (left) and proposed (right) floor space ratio map (003) (Source: Council)**

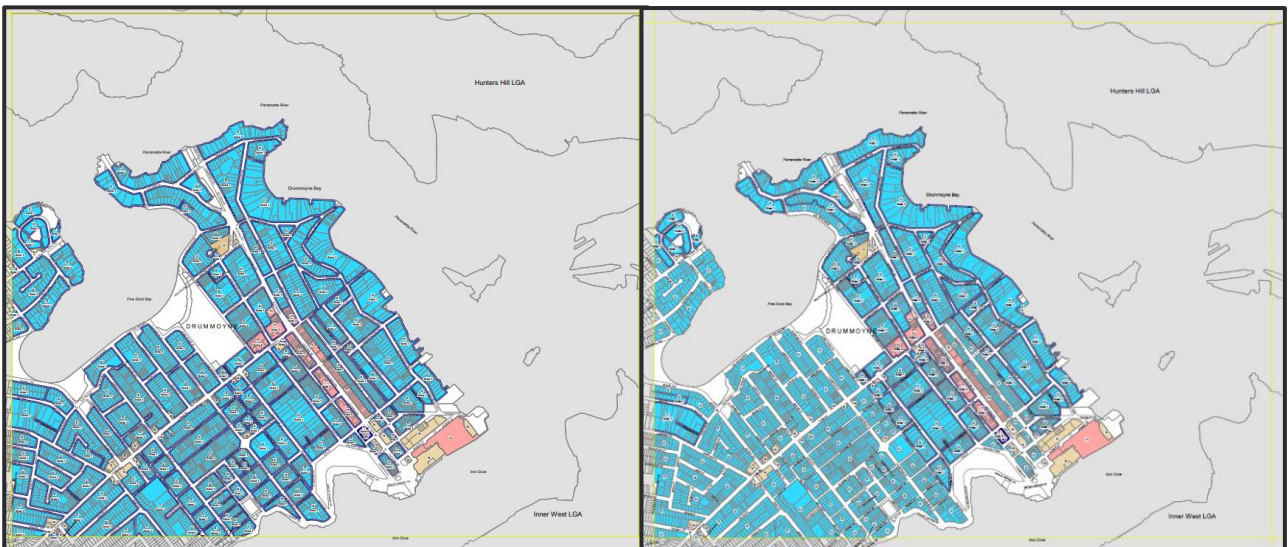


**Figure 14: The current (left) and proposed (right) floor space ratio map (004) (Source: Council)**





**Figure 15: The current (left) and proposed (right) floor space ratio map (005) (Source: Council)**



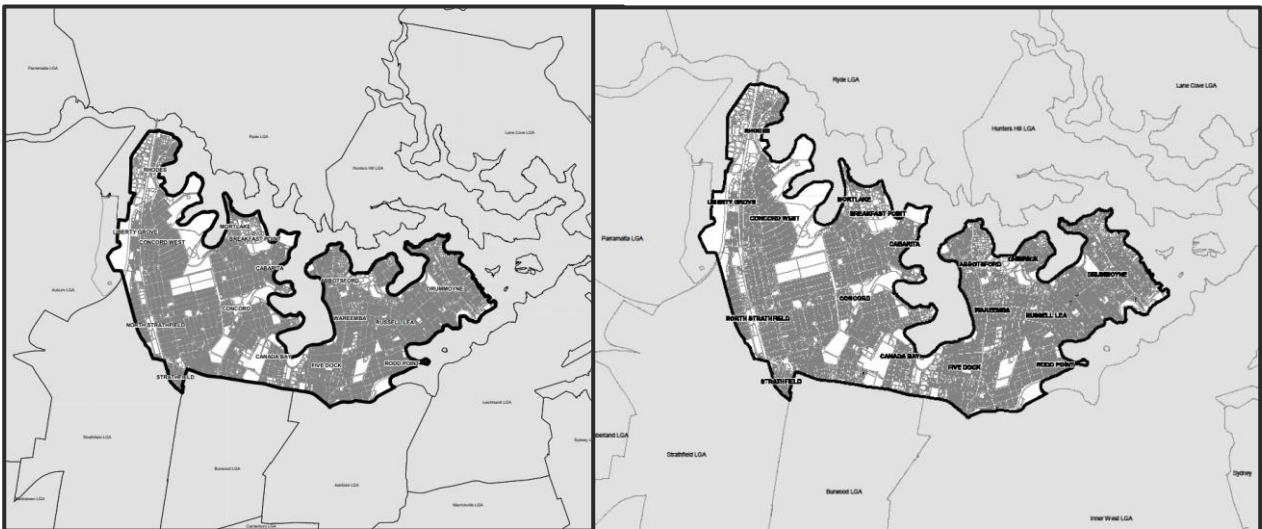
**Figure 16: The current (left) and proposed (right) floor space ratio map (006) (Source: Council)**



**Figure 17: The current (left) and proposed (right) floor space ratio map (007) (Source: Council)**

Concord West Flood Planning AreaFlood Planning Area Map

**Figure 18: The current (left) and proposed (right) Flood Planning Map (Source: Council)**

Housekeeping AmendmentsLand Application Map

**Figure 19: The current (left) and proposed (right) land application map (Source: Council)**



## Height of Buildings Map

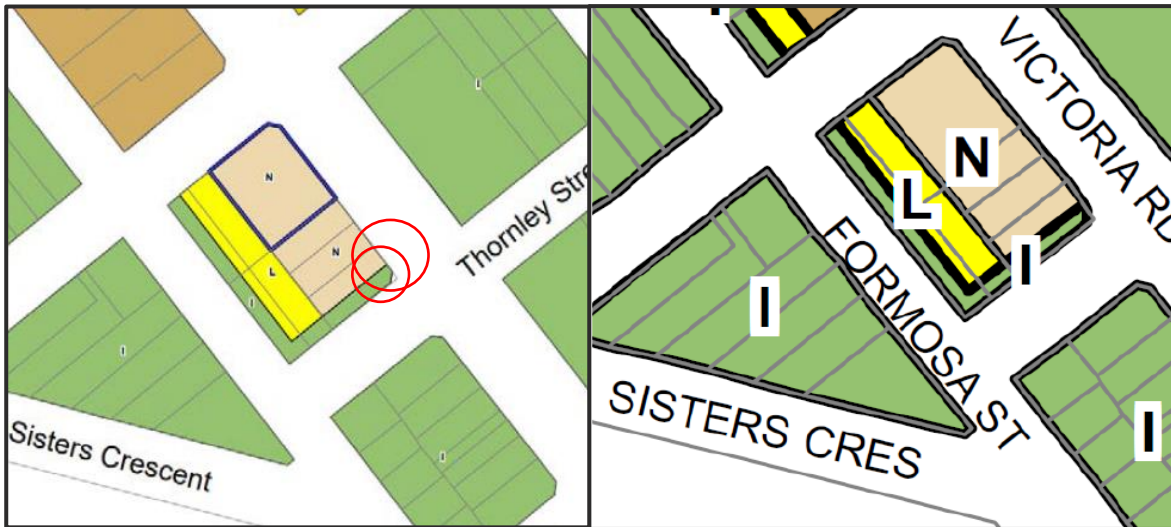


Figure 20: The current (left) and proposed (right) SP2 height change at Thornley Street shown by the red outline on the Height of Building 006 Map (Source: Council)

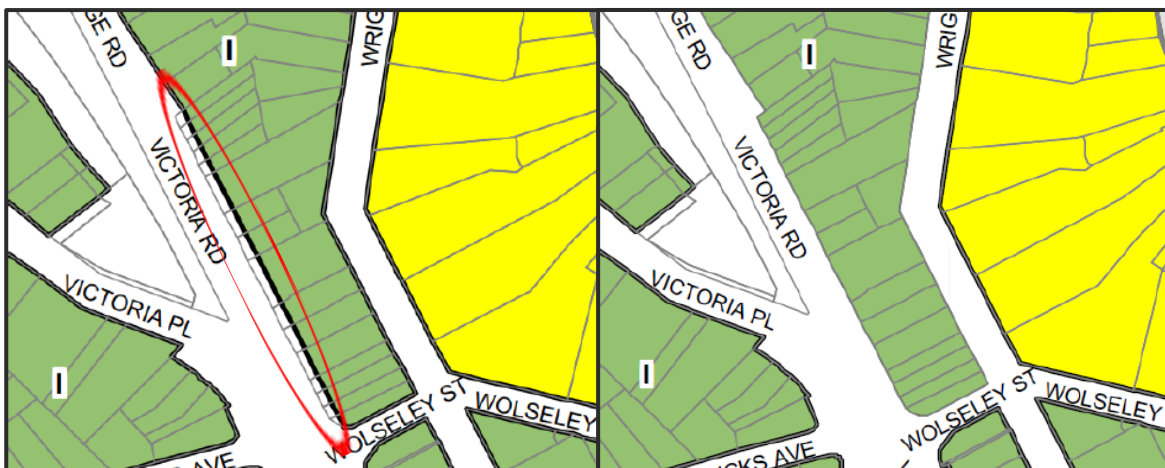


Figure 21: The current (left) and proposed (right) SP2 height change at Victoria Road shown by the red outline on the Height of Building 006 Map (Source: Council)

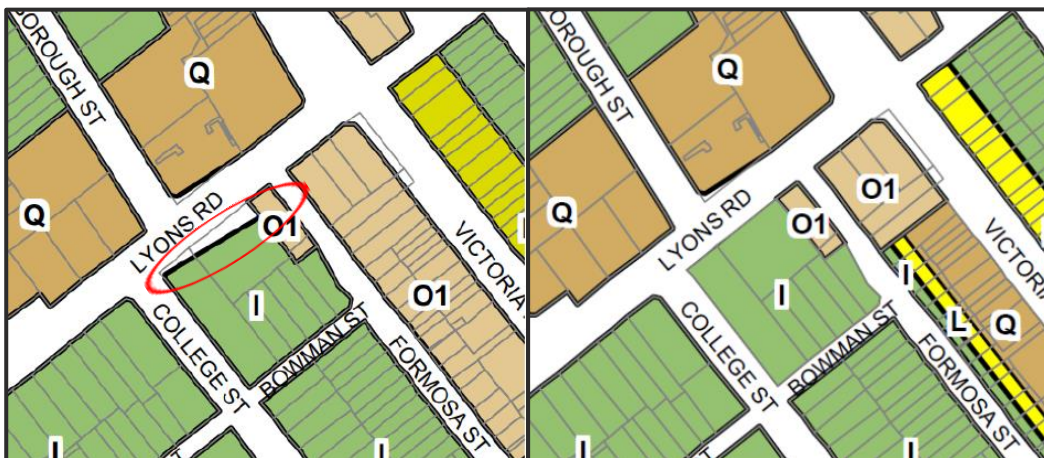
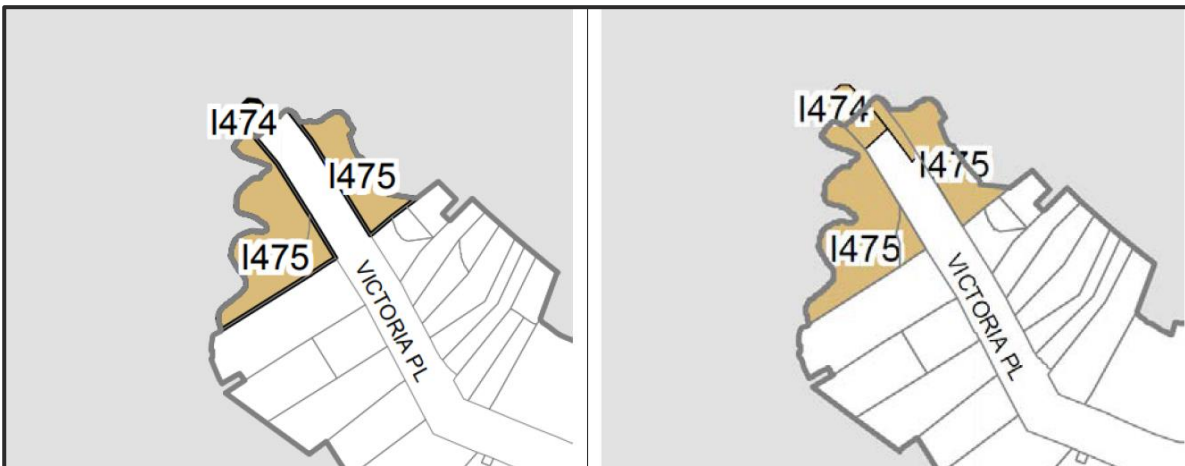


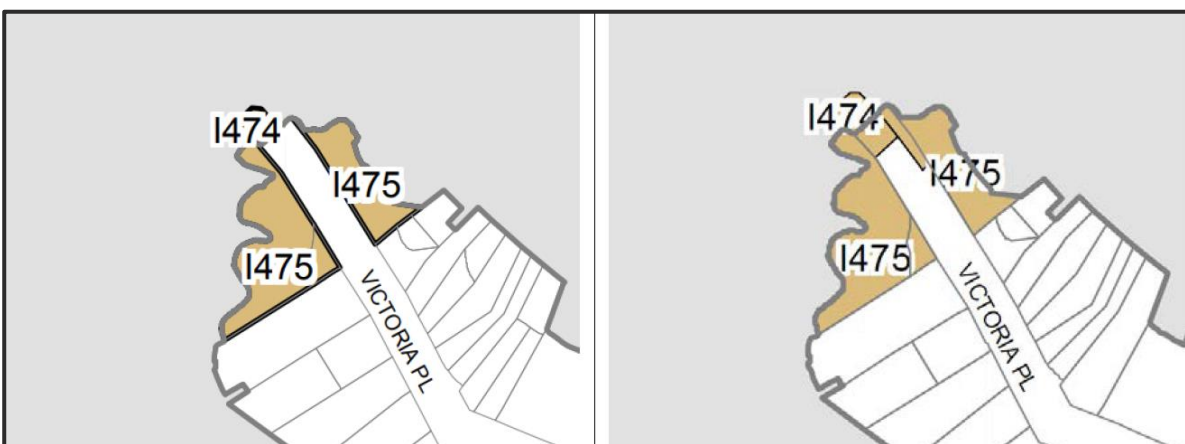
Figure 22: The current (left) and proposed (right) SP2 height change at Lyons Road shown by the red outline on the Height of Building 006 Map (Source: Council)

*Heritage Map*

**Figure 23: The current (left) and proposed (right) heritage map amendment to St. Luke's Park gateway/entrance (Source: Council)**

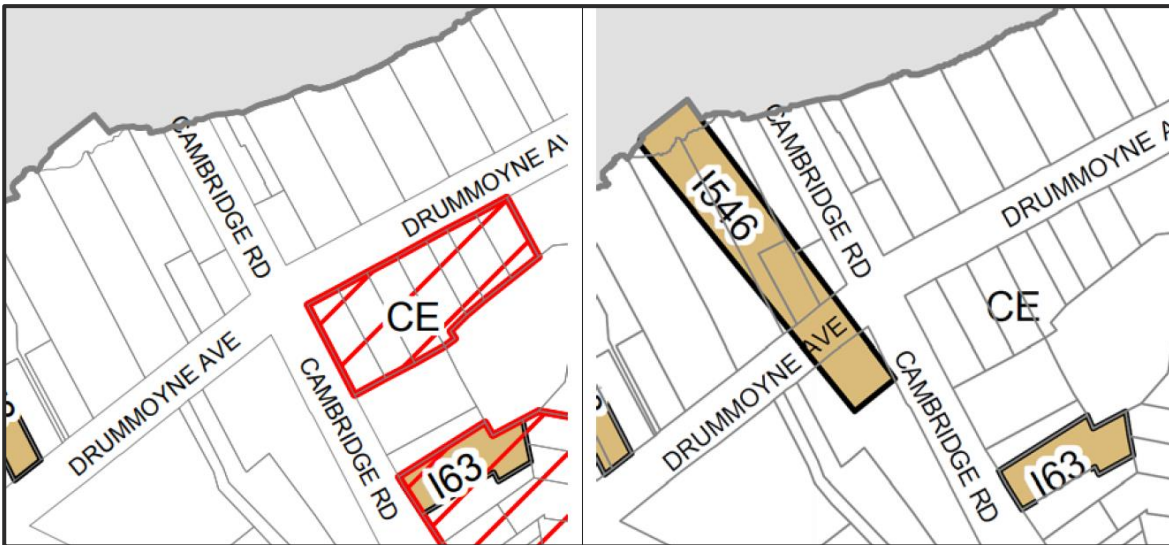


**Figure 24: The current (left) and proposed (right) heritage map amendment to Gladesville Bridge abutments and approach (Source: Council)**

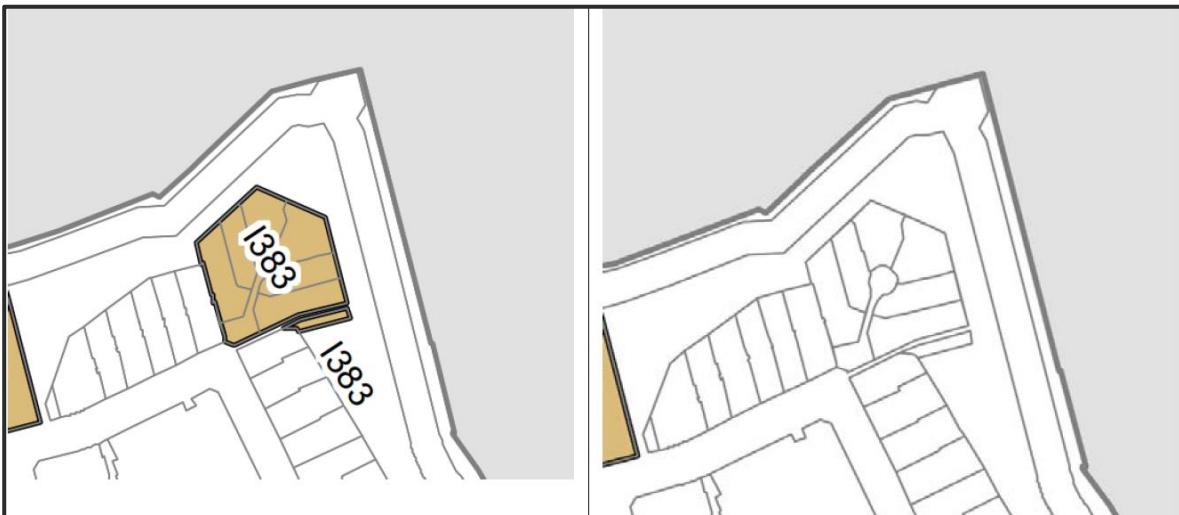


**Figure 25: The current (left) and proposed (right) heritage map amendment to Howley Park heritage item (Source: Council)**





**Figure 26: The current (left) and proposed (right) heritage map amendment to identify the southern end of Gladesville Bridge as a locally significant item (Source: Council)**



**Figure 27: The current map (left) and proposed heritage map amendment (right) to remove the former AGL Powerhouse (Source: Council)**



**Figure 28: The current map (left) and proposed heritage map amendment (right) to item I178 known as 'Tobique' (Source: Council)**

## 2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is supported by several evidence-based strategic studies including:

- Victoria Road Urban Design Review (2018)
- Concord West Flood Study
- Low Rise Medium Density Review Recommendations Report.

The planning proposal responds to:

- the Canada Bay Local Housing Strategy (LHS)
- the Low Rise Housing Diversity Code on 1 July 2020 by seeking to include development controls for 'manor house' and 'multi dwelling housing (terraces)' in the Canada Bay LEP 2013
- flood mapping undertaken as part of the Concord West Flood Study
- identified mapping anomalies detected as a result of previous investigations by Council.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal, as amended by the conditions in **Section 9**, is considered the best means of delivering the intended objectives and outcomes.

Council have noted some of the proposed Victoria Road controls are currently in the Canada Bay DCP but do not have the statutory weight to be enforced consistently and therefore, are seeking to include the controls in the CBLEP 2013 as the best means for achieving the intended outcomes in the proposal.

## 3 Strategic assessment

### 3.1 District Plan

Canada Bay LGA is within the Eastern City District. The Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. **Table 8** includes an assessment of the planning proposal against relevant priorities of the plan.

Table 7 Eastern City District Plan assessment

District Plan Priorities	Justification
E5 – Providing housing supply, choice and affordability with access to jobs, services and public transport	<p>This planning priority seeks to provide housing supply, choice and affordability, with access to jobs, services and transport.</p> <p><u>Medium density housing development standards</u></p> <p>The proposed changes to the medium density housing development standards seeks to facilitate increased housing supply and housing diversity across the LGA by increasing the number of lots that can accommodate manor house and multi dwelling housing (terraces) developments.</p>
E6 - Creating and renewing great places and local centres, and respecting the District's heritage	<p>This planning priority aims to create great places which bring people together and where heritage is identified, conserved and enhanced. The Eastern City District Plan identifies Drummoyne as a local centre.</p> <p><u>Amendments to the development standards for the Victoria Road shopping precinct, Drummoyne</u></p> <p>The proposed changes to building heights along Victoria Road will improve the visual amenity of the streetscape while also improving the interface between the rear of properties on Victoria Road and the Heritage Conservation Area at Renwick Street. The additional active street frontages area along Formosa, Edwards and Church Streets would also improve the pedestrian and cycling experience through the area.</p> <p><u>Housekeeping Amendments</u></p> <p>The various local heritage updates to Schedule 5 of CBLEP 2013 respects the District's heritage by ensuring all information is up to date and accurately reflects the item of local heritage significance.</p>
E20 - Adapting to the impacts of urban and natural hazards and climate change	<p><u>Concord West Flood Study</u></p> <p>The Concord West Flood Study amendment identifies additional properties that are affected by flooding. This identification of flood hazard will ensure risks to people and property are suitably managed.</p>

## 3.2 Local

The planning proposal's consistency with the relevant sections of local strategies is discussed below in **Table 8**.

**Table 8 - Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The following Canada Bay LSPS planning priorities are relevant to the planning proposal:</p> <ul style="list-style-type: none"> <li>• Planning Priority 5: Provide housing supply, choice and affordability in key locations:             <ul style="list-style-type: none"> <li>○ Action 5.2 – Outside of the identified renewal areas, development is to be compatible with the character and prevailing density of established neighbourhoods</li> <li>○ Action 5.6 – Ensure that Planned Precincts, the Parramatta Road Corridor and the redevelopment of large sites deliver a diversity of housing types ranging from terraces to apartments.</li> </ul> </li> <li>• Planning Priority 6: Provide high quality planning and urban design outcomes for key sites and precincts             <ul style="list-style-type: none"> <li>○ Action 6.6 - Limit change for sites and precincts not identified for land use change. Where land use change is proposed outside of the identified sites and precincts, development proposals but reflect the prevailing scale and density of the established built form in the locality and be supported by an evidence-base that is equivalent to at least that undertaken for this LSPS.</li> </ul> </li> <li>• Planning Priority 7: Create vibrant places that respect local heritage and character             <ul style="list-style-type: none"> <li>○ Action 7.6 – Review and update inventory sheets for heritage items. The statements of significance for heritage conservation areas and the contributory status of each property within a conservation area.</li> <li>○ Action 7.7 – Seek inclusions of a minimum lot size of 800 sqm for Boarding Houses in the R2 Low Density Residential zones to improve the amenity of boarding houses and reduce their impact in these areas.</li> </ul> </li> <li>• Planning Priority 9 – Enhance employment and economic opportunities in Local Centres             <ul style="list-style-type: none"> <li>○ Action 9.1 – Finalise the Victoria Road Urban Design Study to help revitalise and improve the urban amenity of this area of Drummoyne</li> </ul> </li> <li>• Planning Priority 12 – Improve connectivity throughout Canada Bay by encouraging a modal shift to active and public transport             <ul style="list-style-type: none"> <li>○ Action 12.1 – Implement the City of Canada Bay Local Movement Strategy to increase connectivity across the LGA and encourage modal shift to active and public transport</li> </ul> </li> <li>• Planning Priority 19 – Adapt the impact of urban and natural hazards and climate change</li> </ul>

	<ul style="list-style-type: none"> <li>○ Action 19.1 – Implement the flood related planning controls in accordance with the recommendations of the Concord West Precinct Flood Study.</li> </ul> <p><u>Amendment to the development standards at Victoria Road shopping precinct</u></p> <p>The proposed amendments are consistent with the LSPS because they would provide a high quality planning outcome that reflects the prevailing scale, density and built form of the area. The proposed amendments are also consistent as they have been developed in accordance with a sufficient evidence base in the finalised <i>Victoria Road Urban Design Review 2018</i>.</p> <p><u>Concord West Precinct Flood Study</u></p> <p>The planning proposal seeks to identify all flood prone land consistent with Action 19.1 of the LSPS by implementing the flood planning controls in accordance with the Concord West Precinct Flood Study.</p> <p><u>Medium density housing development standards</u></p> <p>The proposed amendments to development standards for dual occupancies, manor houses and multi dwelling housing (terraces) are consistent with the LSPS as they would enable greater housing diversity and choice across the LGA by enabling these typologies on a greater number of lots.</p> <p><u>Housekeeping Amendments</u></p> <p>The housekeeping amendments are consistent with the LSPS as they include updates to the inventory information for a number of heritage items across the LGA.</p>
Local Housing Strategy	<p>The Local Housing Strategy aims to analyse the population, demographics and supply issues associated with the delivery and take up of housing in the Canada Bay LGA.</p> <p>The planning proposal is consistent with Housing Priority 4 as it seeks to provide greater housing diversity and choice by enabling a greater number of sites in the LGA to accommodate low rise medium density housing typologies.</p>

### 3.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with the relevant Ministerial Directions, with the following Directions discussed in further detail below:

**Table 9 - 9.1 Ministerial Direction assessment**

Direction	Consistent	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Yes	<p>This Direction aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres.</p> <p>The proposed Victoria Road amendments are consistent with this Direction as they do not propose a change to the B4 Mixed Use zoning or reduce the total potential employment floorspace in the B4 zone. The planning proposal is considered to be consistent with the objectives of this Direction.</p> <p>Clause 4(c) of this Direction prevents planning proposals from reducing potential floor space area in employment business zones.</p>

		The planning proposal is consistent with this clause as it would not reduce potential floor space in a business zone.
2.3 Heritage Conservation	Yes	<p>This Direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal is consistent with this Direction as it seeks to update and correct out of date and incorrect references in Schedule 5 of the CBLEP 2013.</p> <p>The proposal would also include Gladesville Bridge as an item of significance in Schedule 5 of the CBLEP 2013 to align with the NSW State Heritage Register.</p>
3.1 Residential Zones	No, Gateway condition recommended	<p>This Direction aims to encourage a variety of housing types, make efficient use of infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p> <p>The proposal is consistent with this Direction as the proposed changes to development standards, relating to medium density residential typologies would enable more housing diversity and choice across the Canada Bay LGA. The development standards relating to Boarding Houses are addressed in the conditions in <b>Section 9</b>.</p> <p>In relation to the proposed Victoria Road controls, the residential areas of Drummoyne are well supported by public transport connections and additional housing capacity in this area would make efficient use of public transport infrastructure.</p> <p>However, this planning proposal also includes the introduction of minimum lot size and frontage controls for the development of boarding houses. The inconsistency with the direction arises as it has the potential to reduce housing types.</p> <p>The introduction of the provision is not considered to be of minor significance as it will reduce the number of lots available for boarding house development in residential zones across the Canada Bay LGA. The inconsistency is not justified, and a Gateway condition is recommended.</p>
4.1 Acid Sulfate Soils	Further justification – condition recommended	<p>The objective of this Direction is to avoid adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. The Acid Sulfate Soils map indicates land in the Victoria Road Shopping precinct is mapped as Class 5 Acid Sulfate Soil.</p> <p>Part 6 of the Direction requires a planning proposal that seeks to intensify the use of land identified as acid sulfate soils to provide an acid sulfate soils study to assess the appropriateness of the change.</p> <p>Although the proposal does not seek to change any land use, the additional height permitted on the eastern and western side of Victoria Road could facilitate an intensification of the current use at the site.</p> <p>The planning proposal does not include a study of this kind but notes that acid sulfate soils are unlikely to be an issue.</p>



		A condition has therefore been included to address the inconsistency with Direction 4.1 Acid Sulfate Soils.
4.3 Flood Prone Land	Yes	<p>This Direction aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. The Direction also seeks to ensure that the provisions of any LEP on flood prone land is compatible with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>The proposal is considered to be consistent with this Direction. The planning proposal does not seek to create, remove or alter a zone or include provisions that will increase development potential on flood prone land. The Concord West flood study was prepared in accordance with the principles of the Floodplain Development Manual (2005) and is considered to be consistent with this Direction.</p> <p>It is noted that recent flood prone land policy amendments will come into effect on 14 July 2021. The amendments include a revised Direction and guideline and will update the mechanism for mapping flood planning areas (from the LEP to a DCP).</p>
7.1 Implementation of A Plan for Growing Sydney	Yes	<p>The proposal is consistent with the Greater Sydney Region Plan – a Metropolis of three cities as it supports:</p> <ul style="list-style-type: none"> <li>• Objective 10 (greater housing supply) by increasing the residential capacity of in the LGA by 158 dwellings.</li> <li>• Objective 11 (Housing choice and diversity) by enabling a greater number of land parcels in the LGA to accommodate medium density housing development.</li> <li>• Objective 12 (Great places that bring people together) by improving the visual amenity of the Drummoyne Shopping Precinct and improving the pedestrian/cycling experience in the surrounding streets.</li> <li>• Objective 13 (Environmental heritage is identified, conserved and enhanced) by improving the accuracy of heritage information and aligning Schedule 5 with the NSW Heritage Register.</li> </ul> <p>The planning proposal is consistent with the Eastern City Region plan, as discussed in <b>Section 3.1</b>.</p>

## 3.4 State environmental planning policies (SEPPs)

The relevant state environmental planning policies are discussed below.

### 3.4.1 SEPP (Exempt and Complying Development Codes) 2008

The planning proposal seeks to introduce definitions and development standards for medium density housing typologies, defined in the Low Rise Housing Diversity Code, such as manor houses and multi-dwelling housing (terraces) into the CBLDP 2013. These proposed amendments are in response to the commencement of the Low Rise Housing Diversity Code (LRHD Code) under the Codes SEPP on 1 November 2019.

Under the Codes SEPP, the definitions of manor house and multi-dwelling housing (terraces) are as follows:

**Manor house** means a residential flat building containing 3 or 4 dwellings, where –

- (a) each dwelling is attached to another dwelling by a common wall or floor, and
- (b) at least 1 dwelling is partially or wholly located above another dwelling, and
- (c) the building contains no more than 2 storeys (excluding any basement)

**Multi dwelling housing (terraces)** means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads

### Development standards and definitions

The planning proposal seeks to introduce development standards into the CBLEP 2013 relating to manor houses and multi-dwelling housing (terraces), as identified in **Section 1.3.2**. The planning proposal is also seeking to include definitions for manor houses and multi-dwelling housing (terraces) as defined in the Codes SEPP.

#### Development Applications

Under Division 4.3 of the *Environmental Planning and Assessment Act 1979*, development standards for minimum lot size and lot width can be applied to development applications, through a LEP, for ‘manor house’ and ‘multi-dwelling housing (terraces)’.

To support these standards being included in the Canada Bay LEP as proposed, ‘manor house’ and ‘multi-dwelling housing (terraces)’ would need to be defined within the Canada Bay LEP. These definitions would need to be consistent with the current definitions in the Codes SEPP.

The mechanism for achieving this outcome in a LEP would be subject to future legal drafting by Parliamentary Counsel. The Department is satisfied the resolution of this issue would be considered further as part of future drafting.

To ensure these development standards are appropriate when using a development application pathway, the *Medium Density Design Guide for Development Applications* (the Design Guide) is currently in place. The Design Guide applies where no equivalent control applies in any other applicable LEP or DCP. As there are no existing development standards in Council’s LEP for manor houses or multi-dwelling housing (terraces) the Design Guide would apply. This is demonstrated in **Table 10**.

The Department notes the proposed development standards would not alter application of the Codes SEPP but would expand the opportunity for medium density housing development to be assessed through a DA pathway.



**Table 10 – Comparison of the development standards resulting from the planning proposal and the development standards contained in the LRHD Design Guide of Development Applications**

Control	Dwelling type	Development standards proposed	Development standards in the Design Guide
Maximum building height	Dual occupancies and secondary dwellings	8.5 m Rear dwelling maximum building height of 5.4 m An exception is proposed for corner lots or parallel lots with unique street frontages that are not a lane.	Defers to the local LEP or DCP provision. If there is no local provision: <ul style="list-style-type: none"> <li>• 8.5 m</li> <li>• 5.4 m for the rear dwelling in detached dual occupancies in a battle axe arrangement</li> </ul>
	Multi-dwelling housing (terraces)	9 m	Defers to the local LEP or DCP provision. If there is no local provision: <ul style="list-style-type: none"> <li>• 9 m in R1, R2 and RU5 zone</li> <li>• 11 m in R3 zone</li> </ul>
Minimum lot size in R3 zone	Manor House	600 m <sup>2</sup>	600 m <sup>2</sup>
	Multi dwelling housing (terraces)	600 m <sup>2</sup>	600 m <sup>2</sup>
Minimum lot width	Manor house	18 m	18 m
	Multi dwelling housing (terraces)	18 m	18 m

### Complying Development

The Codes SEPP stipulates that, for manor houses and multi-dwelling housing (terraces), the minimum lot size specified in the environmental planning instrument that applies to the land concerned should prevail when considering a complying development certificate (CDC).

The introduction of minimum lot sizes for manor houses and multi-dwelling housing (terraces) into CBLEP 2013 would subsequently apply this standard to a CDC. This is inconsequential in this circumstance as the proposed amendments would align the minimum lot size with the minimum lot size in the Codes SEPP, as shown in **Table 11**. Council have proposed a marginally larger minimum subdivision lot size for multi-dwelling housing (terraces) when compared to the Codes SEPP.

All other development standards will continue to apply as specified under the Codes SEPP. Complying development under the Codes SEPP does not give regard to the minimum lot width in a LEP for 'manor house' and 'multi dwelling housing (terraces)'.

**Table 11: Minimum lot size controls for manor houses and multi-dwelling housing (terraces)**

Control	Dwelling type	Existing control (LRHDC)	Applicable controls if this planning proposal proceeds with amendments
Minimum lot size	Manor house in R1 and R3 zone	600 m <sup>2</sup>	600 m <sup>2</sup> (Council's LEP)
	Multi dwelling housing (terraces) in R1 and R3 zone	600 m <sup>2</sup>	600 m <sup>2</sup> (Council's LEP)
Minimum subdivision lot size	Multi dwelling housing (terraces)	Minimum lot size of 200 m <sup>2</sup>	New LEP clause of 225 m <sup>2</sup> is proposed for land where each lot would have frontage of at least 6 m.  Note: Multi dwelling housing (terraces) development and subdivision may be approved concurrently under one complying development certificate.

The proposed introduction of a minimum lot size in the Canada Bay LEP for manor houses and multi dwelling housing (terraces) is suitable to proceed to exhibition, because:

- the proposed minimum lot sizes align with the minimum lot sizes in the Low Rise Housing Diversity Design Guide for development applications;
- the controls provide opportunity for manor houses and multi-dwelling housing (terraces) to be developed across the LGA through a DA pathway;
- applying minimum lot size controls for medium density land uses across the LGA would assist in providing certainty about which lots are suitable for these developments;
- Council has provided evidence in the Low Rise Medium Density Review Recommendations Report to support the proposed minimum lot size and width controls and have demonstrated that the controls are compatible with the relevantly zoned land.

### 3.4.2 Affordable Rental Housing SEPP

The Affordable Rental Housing SEPP sets out the permissibility and development standards for boarding house development across the state.

The planning proposal seeks to introduce a minimum lot size of 800sqm for Boarding Houses in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, and R4 High Density Residential zones. It is noted that the Canada Bay LEP 2013 currently provides a minimum lot size of 800sqm and a minimum frontage control of 20m for boarding houses in the R2 zone.

The proposed boarding house provisions are inconsistent with the ARH SEPP as the provisions would reduce the potential for boarding house development. The introduction of such a provision in all residential zones where boarding houses are permitted does not achieve the aims of the SEPP as it does not adopt a balanced approach to providing for and mitigating the loss of and affordable rental housing. The Department also notes that Clause 30A of the SEPP requires the consent authority to consider whether the design of the development is compatible with the character of the local area.

The explanation of intended effect (EIE) for State Environmental Planning Policy (Housing SEPP) was exhibited in July 2020. The Housing SEPP aims to facilitate the delivery of diverse housing that meets the needs of the State's growing population and includes state-wide controls for boarding houses.

The draft Housing SEPP proposes to remove boarding houses as a mandated use in the R2 Low Density zone and would allow Councils to choose whether to permit boarding houses in the R2 zone. As noted above, the Canada Bay LEP was recently amended to introduce a minimum lot size control of 800sqm for boarding houses in the R2 zone. This amendment was supported on the basis that the draft Housing SEPP had been on exhibition and identified that controls for boarding houses would no longer be mandated in the R2 zone.

A Gateway condition is recommended to amend the planning proposal to remove provisions relating to the proposed minimum lot size and minimum frontage controls for boarding houses in the R1, R3 and R4 residential zones.

## 4 Site-specific assessment

### 4.1 Environmental

There are no known critical habitats, threatened species or ecological communities that would be impacted by the planning proposal. The assessment of other potential environmental impacts associated with the planning proposal are provided below:

#### Victoria Road amendments

##### *Traffic Impacts*

The planning proposal is supported by a Traffic Assessment prepared by JMT Consulting dated 4 August 2020. The assessment considered the potential impacts associated with the proposed development of 158 dwellings along Victoria Road, a State road. The assessment concluded that the amendments would result in a relatively small increase in traffic movements and would not result in any significant impacts on the road network. The assessment determined there would be no change to the level of service for surrounding intersections.

The Department has recommended a condition in **Section 9** to require consultation with Roads and Maritime Services (RMS) and Transport for New South Wales (TfNSW).

##### *Acid Sulfate Soils*

As discussed in **Section 3.3**, part of the Victoria Road Shopping precinct has been identified as likely containing Class 5 Acid Sulfate Soils. A condition has been recommended in **Section 9** to address Direction 4.1 – Acid Sulfate Soils.

#### Concord West Flood Planning

As discussed in **Section 1.3.3**, the Department's package of flood prone land amendments will come into effect on 14 July 2021. The new mandatory LEP clause will remove flood planning maps from the LEP, with councils to define flood planning areas in the development control plan. The proposed amendment to the Flood Planning Map is inconsistent with flood prone land amendments, including *Considering flooding in land use planning guideline* and the new standard instrument clause and is to be removed from the planning proposal. The Department has included a recommended Gateway condition (Section 9) to remove the proposed amendment to the Flood Planning Map.

#### Medium Density Housing Amendments

This amendment is unlikely to result in any adverse environmental impacts as:

- applying minimum lot size controls for medium density land uses across the LGA will assist in providing certainty about which lots are suitable for these developments;
- the controls will assist in achieving the future desired character of the proposed medium and high density residential zones by requiring development to be sited commensurate to its scale;

- the proposed controls are consistent with the Low Rise Housing Diversity Design Guide for Development Applications.

#### Housekeeping amendments

As discussed in **Section 4.2**, the proposed heritage amendments are consistent with the LSPS planning priorities as they update CBLEP 2013 with accurate information for heritage items, remove items that no longer exist and include a new item of local significance to align Schedule 5 with the NSW State Heritage Register.

The Department considers the proposed amendments to be suitable for public exhibition and a condition of Gateway to consult with NSW Heritage has been recommended.

## 4.2 Social and economic

This planning proposal seeks to provide greater housing capacity and choice, in response to a growing population and changing demographics. This will result in social and economic benefits for the existing and future community of residents in Canada Bay LGA through contributing to the following outcomes:

- revitalisation of existing urban areas
- greater housing choice and diversity
- increased housing capacity
- more efficient use of existing infrastructure; and
- facilitating opportunities for the improvement of infrastructure.

## 4.3 Infrastructure

This planning proposal provides additional housing supply and diversity in existing urban areas serviced by existing infrastructure, including:

- commercial services
- public and private utilities
- schools
- public open space
- community facilities
- major roads
- public transport.

Certain land within the Concord West Precinct is identified on the Intensive Urban Development Area Map and satisfactory arrangements are required for the provision of designated State public infrastructure.

# 5 Consultation

## 5.1 Community

Council proposes a community consultation period of 28 days, including publicly exhibiting the proposal on the City of Canada Bay website (Collaborate Canada Bay). Council proposes to also advertise the exhibition in the 'City of Canada Bay News' and promoted through Council's social media channels.

The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

## 5.2 Agencies

The proposal does not specifically identify which agencies will be consulted.

The Department considers the following agencies should be consulted:

- NSW Environment, Energy and Science (EES)
- Transport for NSW
- Heritage NSW

A condition has been included in **Section 9** to require this.

## 6 Timeframe

Council proposes a nine month timeframe to complete the LEP.

The Department agrees that a timeframe of 9 months is suitable and would ensure the proposal is completed in line with the Department's commitment to reducing processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council have requested delegation to be the Local Plan-Making authority.

A gateway condition is not recommended to delegate Plan-making authority to Council, as the planning proposal contains interdependencies with state planning policies and proposes new definitions which require further consideration by the Department at finalisation.

## 8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- is consistent with the Eastern City District Plan;
- Is consistent with the Canada Bay LSPS;
- It is generally consistent with the relevant section 9.1 Ministerial Directions. Any inconsistencies or Directions which are not currently addressed, will be addressed by way of Gateway condition prior to exhibition;
- It is consistent with the relevant State Environmental Planning Policies, except ARH SEPP which will be addressed by a Gateway condition;
- provides additional housing capacity, choice and diversity by enabling more sites to be developed with medium density housing;
- resolves mapping anomalies and correct descriptions and references to heritage items.

As discussed in **Sections 3 and 4**, the proposal should be updated prior to exhibition to:

- address section 9.1 Direction 4.1 Acid Sulfate Soils;
- remove the proposed 800sqm minimum lot size and 20m minimum frontage control for boarding houses in the R1, R3 and R4 zones;
- remove the proposed amendment to the Flood Planning Map; and
- update the planning proposal to correct the inconsistencies and errors in the explanation of amendments

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Direction 4.1 is unresolved and will require justification.
- Note that a Gateway condition is proposed to remove the inconsistency with Direction 3.1.

It is recommended the delegate of the Minister 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:
  - address Ministerial Direction 4.1 Acid Sulfate Soils.
  - remove the proposed minimum lot size and minimum frontage controls for boarding houses in the R1 General Residential, R3 Medium Density Residential and R4 High Density Residential zones.
  - remove the proposed amendment to the Flood Planning Map.
  - correct the inconsistencies in the description of proposed amendments to accurately outline the changes sought, including correcting the errors relating to:
    - minimum lot size for multi dwelling housing (terraces) in the R1 and R3 zone
    - removing the proposed minimum lot size for manor houses in the R4 zone; and
    - removing the proposed amendment to the minimum lot size for multi-dwelling housing (terraces) in the R4 zone.
2. Consultation is required with the following public authorities:
  - NSW Environment, Energy and Science
  - Transport for NSW
  - NSW Heritage.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination. Council is required to adhere to the specified milestone dates as follows:
  - (a) Public exhibition of the planning proposal to commence within 3 months from date of Gateway determination.
  - (b) Post-exhibition report to Council within 6 months from the date of Gateway determination
  - (c) Council to send package to the Department for consideration of finalisation – no later than 7 months from date of Gateway determination.
5. Council should not be authorised to be the local plan making authority given the nature of the planning proposal.



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28 July 2021

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