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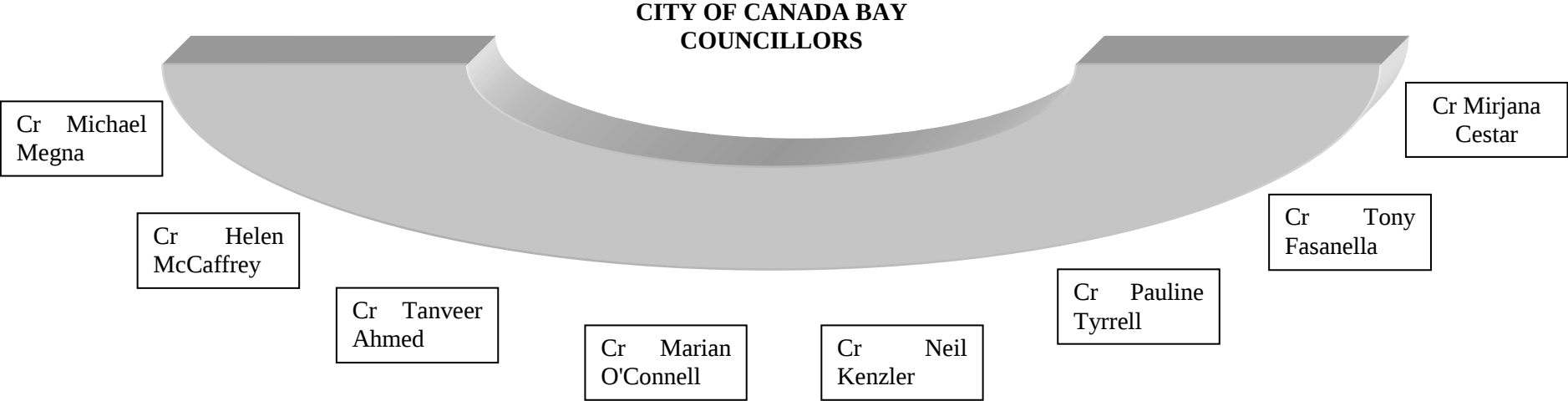
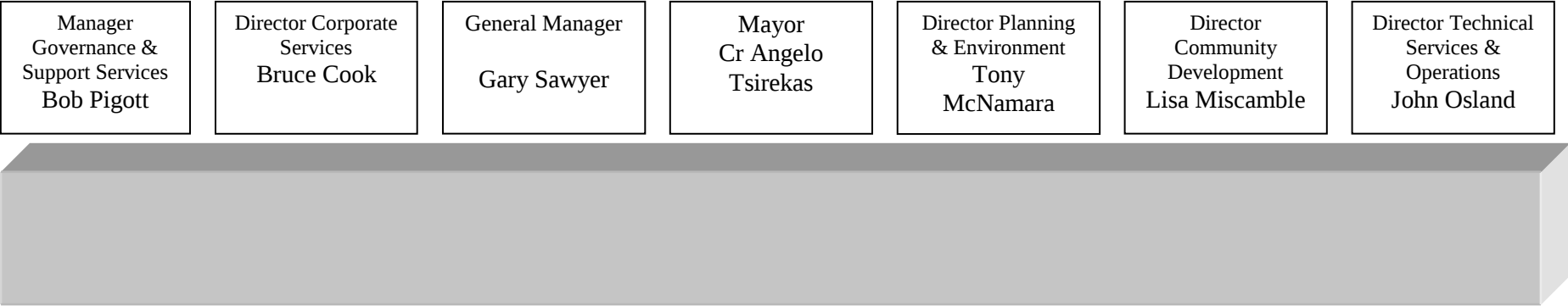
COUNCIL MEETING

AGENDA

*Council Chambers
Canada Bay Civic Centre
1a Marlborough Street
Drummoyne*

*Tuesday, 15 October 2013
Commencing at 6.00 pm*

Department of Planning Received 23 OCT 2013 Scanning Room
--





Dear Councillor,

An ordinary meeting of the Council will be held in the Council Chambers, Canada Bay Civic Centre, Drummoyne, on Tuesday, 15 October 2013 at 6.00pm.

AGENDA

1. Welcome to Country
2. Apologies
3. Disclosures of Pecuniary and Non-Pecuniary Interest
4. Confirmation of Minutes
 - Council Meeting – 30 September 2013
5. Public Forum
6. General Manager's Reports
7. Notices of Motion

A handwritten signature in black ink, appearing to read "Gary Sawyer", is positioned above the printed name.

Gary Sawyer
General Manager

11 October 2013

Table of contents

Council Meeting 15 October 2013

General Manager's Reports

ITEM-1	64 BURNS CRESENT, CHISWICK (DA100/2012); SUBDIVISION INTO TWO SEPERATE LOTS AND CONSTRUCTION OF A NEW DWELLING ON EACH LOT	ERROR! BOOKMARK NOT DEFINED.
ITEM-2	16 MYALL STREET, CONCORD WEST (DA312/2012); GROUND FLOOR ALTERATIONS AND ADDITIONS, FIRST FLOOR ADDITION TO EXISTING DWELLING, NEW CARPORT AND NEW GARAGE	ERROR! BOOKMARK NOT DEFINED.
ITEM-3	3 HIGH STREET, CONCORD (DA 385/2013); NEW ROOF & EXTERNAL CHANGES TO FLOOR TO CEILING & OVERALL BUILDING HEIGHTS, WINDOWS, BALCONIES, & PRIVACY SCREENS TO DWELLING CURRENTLY UNDER CONSTRUCTION	ERROR! BOOKMARK NOT DEFINED.
ITEM-4	PLANNING PROPOSAL FOR 69 RENWICK STREET, DRUMMOYNE	ERROR! BOOKMARK NOT DEFINED.
ITEM-5	FUNDING FOR STATION PRECINCT MASTERPLAN	ERROR! BOOKMARK NOT DEFINED.
ITEM-6	CITY OF CANADA BAY DRAFT S94 CONTRIBUTIONS PLAN 2013.	ERROR! BOOKMARK NOT DEFINED.
ITEM-7	SUSTAINABLE PROJECTS & WASTE COMMITTEE MINUTES - 10 SEPTEMBER & 8 OCTOBER 2013	ERROR! BOOKMARK NOT DEFINED.
ITEM-8	FINANCE REPORT - SEPTEMBER 2013	ERROR! BOOKMARK NOT DEFINED.
	COUNCIL IN CLOSED SESSION	ERROR! BOOKMARK NOT DEFINED.
ITEM-9	LEASE OF PART OF PRINCE EDWARD PARK	ERROR! BOOKMARK NOT DEFINED.

Please Note:

The use of private tape recorders or other electronic devices, including mobile phones, is not permitted.

**TEM-4 PLANNING PROPOSAL FOR 69 RENWICK STREET,
DRUMMOYNE**

Department Planning and Environment

Author Initials: PD

EXECUTIVE SUMMARY

The purpose of this report is to advise Council that correspondence has been received from the Minister for Planning and Infrastructure in relation to 69 Renwick Street, Drummoyne. The letter confirms that the Department of Planning and Infrastructure would give consideration to a Planning Proposal to remove the additional use that permits access to the adjoining development at 162-166 Victoria Road.

It is recommended that Council formally resolve to prepare a Planning Proposal.

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area:

IE1 We will openly communicate and collaborate clearly to respond to local issues.

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

REPORT

As Council is aware, an additional use was included in the Canada Bay Local Environmental Plan (LEP) 2013 to permit a car park in association with the adjoining development at 162-166 Victoria Road from 69 Renwick Street, Drummoyne.

This amendment was included in the LEP contrary to a Council resolution made on 6 November 2012 which deleted the additional use from the draft LEP.

On 12 September 2013, a meeting was held between the Minister for Planning and Infrastructure The Hon Brad Hazzard, the Mayor and residents of Renwick Street. At that meeting the issues of concern that had been raised by residents and Council were discussed with the Minister and Department of Planning staff. The Minister gave an undertaking that he would provide a written response to Council.

Following the meeting with Minister, Council resolved the following at its meeting on 17 September 2013:

That upon receipt of advice from the Minister for Planning and Infrastructure, a further report be presented to Council prior to

commencing preparation of a Planning Proposal to amend the Canada Bay Local Environmental Plan 2013 by removing the additional use in Schedule 1 that provides for the permitted use of land at 69 Renwick Street for a car park in association with the adjoining property 162-166 Victoria Road, Drummoyne.

The Minister has now written to Council and has advised that should Council resolve to prepare a Planning Proposal for the removal of this additional use, the Department of Planning and Infrastructure would give the Planning Proposal a detailed merit consideration. A copy of the letter is provided as an attachment to this report.

Council should note that following the gazettal of the amendment to the LEP on 2 August, 2013 a DA was lodged with Council on 16 August, 2013 and an appeal filed with the Land and Environment Court on 20 September, 2013. Under the provisions of Sections 82 and 97 of the Environmental Planning and Assessment Act 1979, an applicant has the right to Appeal to the Land and Environment Court 40 days after the Development Application has been lodged with the consent authority. This is defined as a Deemed Refusal of the Development Application. The first Directions Hearing on this matter is set down for 18 October, 2013. Therefore, the applicants have nominated to file a Land and Environment Court Appeal against the deemed refusal of the DA before Council's planning staff have had any opportunity to pursue the proposal further with them, or prepare a report to Council on the proposal.

In accordance with Council's previous resolution, it is recommended that Council resolve to prepare a Planning Proposal to remove the additional use for 69 Renwick Street, Drummoyne from the Canada Bay Local Environmental Plan and that the Planning Proposal be submitted to the Department of Planning and Infrastructure for a Gateway Determination.

Following the receipt of a Gateway determination the Planning proposal will be placed on public exhibition in accordance with the *Environmental Planning and Assessment Regulations, 2000*.

RECOMMENDATION

1. THAT a Planning Proposal be prepared to remove the additional use for 69 Renwick Street, Drummoyne from Schedule 1 of the Canada Bay Local Environmental Plan 2013.
2. THAT the Planning Proposal be submitted to the Department of Planning and Infrastructure for a Gateway determination.
3. THAT the Planning Proposal be placed on public exhibition should it proceed through Gateway.

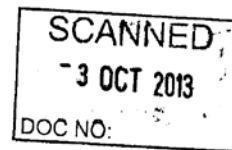
Attachments:

1. Letter from the Hon Brad Hazzard MP



The Hon Brad Hazzard MP

Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW



13/15405

Councillor Angelo Tsirekas
Mayor
City of Canada Bay Council
Locked Bag 1470
DRUMMOYNE NSW 1470

Dear Councillor Tsirekas

I refer to your letter requesting the removal of an additional use of car park at 69 Renwick Street, Drummoyne in Schedule 1 of the Canada Bay Local Environmental Plan 2013.

As discussed at our meeting on 12 September 2013, should Council resolve to prepare a Planning Proposal for the removal of this additional use, the Department of Planning and Infrastructure will give the Planning Proposal a detailed merit consideration.

If you have any further enquiries about this matter, I have arranged for Mr Neil McGaffin Acting Deputy Director General of Planning Operations & Regional Delivery within the Department of Planning and Infrastructure, to assist. Mr McGaffin can be contacted on 02 9228 6565.

Yours sincerely

HON BRAD HAZZARD MP
Minister



**DRAFT COPY ONLY (to be confirmed at Council's Meeting
of 12 November 2013)**

MEETING OF COUNCIL

Held in the Council Chambers
Canada Bay Civic Centre
1a Marlborough Street, Drummoyne
on Tuesday, 15 October 2013, commencing at 6.03pm

MINUTES

Present:	Cr Tsirekas (Mayor) Cr Tyrrell (Deputy Mayor) Cr Ahmed Cr Fasanella Cr Kenzler Cr McCaffrey Cr Megna Cr O'Connell
In attendance:	Mr Gary Sawyer (General Manager) Mr B Cook Mr J Osland Ms S Kelly Mr T McNamara Mr B Pigott Ms N Butler Ms B Gibson

Table of contents

Council Meeting 15 October 2013

General Manager's Reports

MM-1	MAYORAL MINUTE - FR BOB HAYE	ERROR! BOOKMARK NOT DEFINED.
ITEM-1	64 BURNS CRESENT, CHISWICK (DA100/2012); SUBDIVISION INTO TWO SEPERATE LOTS AND CONSTRUCTION OF A NEW DWELLING ON EACH LOT	ERROR! BOOKMARK NOT DEFINED.
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ITEM-3.1	MATTER ARISING: PRIVATE CERTIFIER	ERROR! BOOKMARK NOT DEFINED.
ITEM-4	PLANNING PROPOSAL FOR 69 RENWICK STREET, DRUMMOYNE	1
ITEM-5	FUNDING FOR STATION PRECINCT MASTERPLAN	ERROR! BOOKMARK NOT DEFINED.
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**ITEM-4 PLANNING PROPOSAL FOR 69 RENWICK STREET,
DRUMMOYNE**

M- 1 RESOLVED

(Crs Tyrrell/O'Connell)

1. THAT a Planning Proposal be prepared to remove the additional use for 69 Renwick Street, Drummoyne from Schedule 1 of the Canada Bay Local Environmental Plan 2013.
2. THAT the Planning Proposal be submitted to the Department of Planning and Infrastructure for a Gateway determination.
3. THAT the Planning Proposal be placed on public exhibition should it proceed through Gateway.

Councillors Kenzler and O'Connell called for a Division.

(FOR: Crs Ahmed, Fasanella, Kenzler, McCaffrey, Megna, O'Connell, Tsirekas and Tyrrell)

(AGAINST: Nil)

PLANNING
PROPOSAL

69 RENWICK STREET, DRUMMOYNE

October 2013

Contents

Introduction	3
Background.....	3
Site identification.....	4
Existing Planning Controls	5
Part 1 – Objectives and Intended Outcomes	5
Objectives	5
Intended Outcomes.....	5
Part 2 – Explanation of Provisions	5
Proposed amendments to Canada Bay Local Environmental Plan 2013.....	5
Part 3 – Justification.....	6
Section A - Need for a planning proposal	6
Section B - Relationship to strategic planning framework.....	6
Section C: Environmental, social and economic impact.....	10
Section D: State and Commonwealth interests	10
Part 4 – Mapping.....	11
Part 5 – Community Consultation.....	11
Part 6 – Project Timeline.....	11

Introduction

The purpose of this Planning Proposal is to remove the following additional use from the Canada Bay Local Environmental Plan 2013:

8. Use of certain land at 69 Renwick Street, Drummoyne

1. *This clause applies to land at 69 Renwick Street, Drummoyne, being Lot 203, DP 1059556.*
2. *Development for the purpose of a car park in association with the adjoining development at 162-166 Victoria Road, Drummoyne, is permitted with development consent.*

Background

The additional use was placed in Schedule 1 of the draft Canada Bay Local Environmental Plan following a submission being received from the landowner of 69 Renwick Street and 162-166 Victoria Road, Drummoyne. The intent of the clause was to permit access through 69 Renwick Street to the 162-166 Victoria Road. The owner wishes to develop 162-166 Victoria Road for a mixed use development.

Following the exhibition of the draft LEP, Council resolved the following on 6 November 2012:

69 Renwick Street, Drummoyne (Lot 203 DP 1059556)

1. *THAT no additional use be included in Schedule 1 of the draft LEP for 69 Renwick Street, Drummoyne to permit vehicle access to the land at 162-166 Victoria Road, Drummoyne (Lot 117 DP 135482, Lots 14-16 Sec 2 DP 862).*

The additional use was therefore not included in the draft LEP submitted to the Department of Planning and Infrastructure for consideration.

The LEP was amended by the Department of Planning and Infrastructure prior to its gazettal to include the following additional use in schedule:

8. Use of certain land at 69 Renwick Street, Drummoyne

1. *This clause applies to land at 69 Renwick Street, Drummoyne, being Lot 203, DP 1059556.*
Development for the purpose of a car park in association with the adjoining development at 162-166 Victoria Road, Drummoyne, is permitted with development consent.

On 12 September 2013, a meeting was held between the Minister for Planning and Infrastructure the Hon Brad Hazzard, Mayor Angelo Tsirekas and residents of Renwick Street. At that meeting the issues of concern that had been raised by residents and Council were discussed with the Minister and the Department of Planning staff. The Minister gave an undertaking that he would provide a written response to Council.

In a letter dated 3 October 2013, the Minister advised that should Council resolve to prepare a Planning Proposal for the removal of this additional use, the Department of Planning and Infrastructure would give the Planning Proposal a detailed merit consideration.

Accordingly, on 15 October 2013, Council resolved:

1. *THAT a Planning Proposal be prepared to remove the additional use for 69 Renwick Street, Drummoyne from Schedule 1 of the Canada Bay Local Environmental Plan 2013.*
2. *THAT a Planning Proposal be submitted to the Department of Planning and Infrastructure for a Gateway determination.*
3. *THAT the Planning Proposal be placed on public exhibition should it proceed through Gateway.*

Site identification

The site is known as Lot 203 DP 1059556 (69 Renwick Street, Drummoyne) and is located on the western side of Renwick Street. 69 Renwick Street is zoned R2 Low Density Residential.

The site is currently occupied by a driveway that serviced the former Drummoyne RSL Club, located to the west (162-166 Victoria Road, Drummoyne) for many years. This access was never formalised. A landscaped bed is also located within the front set back.

To the north and south of the site are single storey dwellings and on the opposite side of Renwick Street are one and two storey dwellings.

162-166 Victoria Road, Drummoyne is currently zoned B4 Mixed Use.



Figure 1: Aerial photograph of the subject location (outlined in red)

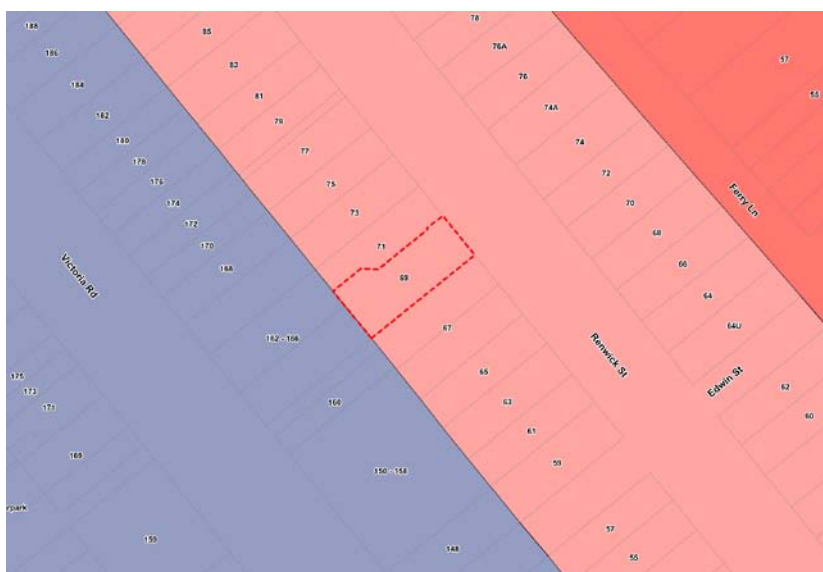


Figure 2: Subject location (outlined in red)

Existing Planning Controls

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

Control	Comment
Zoning	R2 Low Density Residential Promotes a low density residential environment.
Building Height	8.5 metre height limit.
Floor Space Ratio	Variable floor space ratio based on site area.
Heritage	Located in the Birkenhead and Dawson Estates Conservation Area.
Lot Size	Minimum Lot Size is 450m ²

Part 1 – Objectives and Intended Outcomes

Objectives

- To reduce amenity impacts upon the residents of Renwick Street.
- To reduce vehicular conflict with an established cycling route on Renwick Street.
- To reduce impacts on the Birkenhead and Dawson Estate Conservation Areas.

Intended Outcomes

- To amend the Canada Bay Local Environmental Plan 2013 to remove the additional use that permits a car park and associated access at 69 Renwick Street, Drummoyne.
- To facilitate access to the property at 162-166 Victoria Road, Drummoyne from Victoria Road in lieu of Renwick Street.

Part 2 – Explanation of Provisions

Proposed amendments to Canada Bay Local Environmental Plan 2013

Canada Bay Local Environmental Plan 2008	Amendments
Schedule 1 Additional Permitted Uses	Remove: 8. Use of certain land at 69 Renwick Street, Drummoyne 2. <i>This clause applies to land at 69 Renwick Street, Drummoyne, being Lot 203, DP 1059556.</i> 3. <i>Development for the purpose of a car park in association with the adjoining development at 162-166 Victoria Road, Drummoyne, is permitted with development consent.</i>

Part 3 – Justification

Section A - Need for a planning proposal

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

Following consideration of submissions, Council resolved to refuse the applicant's request to amend the draft Canada Bay LEP to facilitate vehicular access over 69 Renwick Street, Drummoyne to 162-166 Victoria Road, Drummoyne.

The additional use was subsequently inserted into the draft Canada Bay Local Environmental Plan 2013, following consideration by the Department of Planning and Infrastructure.

Council asserts that:

- The property located at 162-166 Victoria Road has an existing driveway cut out leading into the Victoria Road site, which was previously used for vehicle access and could readily be reactivated with Roads and Maritime Services agreement.
- All other properties on Renwick Street are residential properties in keeping with the R2 Low Density Residential zoning.
- No other property on Victoria Road has vehicular access through to Renwick Street, Drummoyne.
- Renwick Street is located within the Birkenhead and Dawson Estates Heritage Conservation Area.
- Renwick Street is the dedicated cycleway to and from the city; and
- The intersection at Renwick Street and Edwin Street has limited visibility, which would become more dangerous with increased traffic.

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

The Planning Proposal is necessary to remove the additional use from the Canada Bay Local Environmental Plan 2013.

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 Metropolitan Strategy, draft Metropolitan Strategy and draft Inner West Subregional Strategy emphasise the importance of planning for development in centres and corridors.

The removal of the additional use will not preclude the site at 162-166 Victoria Road, Drummoyne from achieving development in accordance with the relevant development controls as alternative access may be provided from Victoria Road.

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 themes outlined in FP20.

In summary the planning proposal is consistent with the following FP20 outcomes:

- We will openly communicate and collaborate clearly to respond to local issues.
- We will encourage sustainable design and conserve and celebrate local heritage.
- We will develop, enhance and promote walking and cycling facilities in the area.

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

Table 4 - State Environmental Planning Policies (SEPPs):

No.	SEPP Title	Consistency of Planning Proposal
1	Development Standards	Not applicable.
4	Development Without Consent and Miscellaneous Exempt and Complying Development	Not applicable.
6	Number of Storeys in a Building	Not applicable.
14	Coastal Wetlands	Not applicable.
15	Rural Landsharing Communities	Not applicable.
19	Bushland in Urban Areas	Not applicable.
21	Caravan Parks	Not applicable.
22	Shops and Commercial Premises	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.
44	Koala Habitat Protection	Not applicable.
47	Moore Park Showground	Not applicable.
50	Canal Estate Development	Not applicable.
52	Farm Dams and other works in Land and Water Management Plan Areas	Not applicable.
55	Remediation of Land	Not applicable.
59	Central Western Sydney Economic and Employment Area	Not applicable.
60	Exempt and Complying Development	Not applicable.
62	Sustainable Aquaculture	Not applicable.
64	Advertising and Signage	Not applicable.
65	Design Quality of Residential Flat Development	Not applicable.
70	Affordable Housing (revised Schemes)	Not applicable.
71	Coastal Protection	Not applicable.
	SEPP (Building Sustainability index: BASIX) 2004	Not applicable.
	SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable.
	SEPP (Major Development) 2005	Not applicable.
	SEPP (Sydney Region Growth Centres) 2006	Not applicable.
	SEPP (Infrastructure) 2007	Inconsistent. Refer below.
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable.

No.	SEPP Title	Consistency of Planning Proposal
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
	SEPP (Temporary Structures) 2007	Not applicable.
	SEPP (Exempt and Complying Development Codes) 2008	Not applicable.
	SEPP (Rural Lands) 2008	Not applicable.
	SEPP (Western Sydney Parklands) 2009	Not applicable.
	SEPP (Affordable Rental Housing) 2009	Not applicable.
	SEPP (Western Sydney Employment Area) 2009	Not applicable.
	SEPP (Kurnell Peninsula) 1989	Not applicable.
	SEPP (Penrith Lakes Scheme) 1989	Not applicable.
	SEPP (Urban Renewal) 2010	Not applicable.
	SEPP 53 (Transitional Provisions) 2011	Not applicable.
	SEPP (State and Regional Development) 2011	Not applicable.
	SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.

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

No.	REP Title	Consistency of LEP
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Not applicable.

Detailed discussion of key applicable SEPPs

SREP – Infrastructure

Clause 101 of the SEPP (Infrastructure) states (emphasis added):

101. Development with frontage to classified road

4. *The objectives of this clause are:*

- a. *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- b. *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

5. ***The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:***

- a. ***where practicable, vehicular access to the land is provided by a road other than the classified road, and***
- b. ***the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:***
 - i. ***the design of the vehicular access to the land, or***
 - ii. ***the emission of smoke or dust from the development, or***
 - iii. ***the nature, volume or frequency of vehicles using the classified road to gain access to the land, and***
- c. *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The Planning Proposal will result in vehicles entering the site at 162-166 Victoria Road from a classified road (Victoria Road) instead of a non classified road (Renwick Street).

In circumstances where no other property has vehicular access through to Renwick Street and using Renwick Street would conflict with an established cycleway, it is considered that there is limited justification to pursue access from a non classified road in this instance.

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

An assessment of the Planning Proposal has been undertaken in respect to the relevant s117 directions as follows:

Table 6 - Review of consistency of the Planning Proposal with the Ministerial Directions under s.117 of the Environmental Planning & Assessment Act 1979:

Direction		Comments	Consistency
1. Employment & Resources	1.1 Business & Industrial Zones	The Planning Proposal will not reduce the total potential floor space area for employment uses and related activities.	Y
2. Environment & Heritage	2.3 Heritage Conservation	The Planning Proposal will enable development that responds sympathetically to the heritage characteristics of the Precinct. The Planning Proposal does not contain provisions that contradict or would hinder application of this direction.	Y
4. Hazard and Risk	4.1 Acid Sulfate Soils	The site is located in an area identified as Class 5 Acid Sulfate Soils. The Planning Proposal does not propose an intensification of land uses on the land and is therefore consistent with the terms of the direction.	Y
5. Regional Planning	5.1 Implementation of Regional Strategies	The Planning Proposal does not have an effect on the realisation of the vision, land use strategy, policies or outcomes contained within the Inner West regional strategy.	Y
6. Local Plan Making	6.1 Approval and Referral Requirements	The Planning Proposal does not include any provisions that require the concurrence, consultation or referral of development.	Y
	6.2 Reserving Land for Public Purposes	The Planning Proposal does not reserve land for a public purpose.	Y
	6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The Planning Proposal seeks to remove an additional use from the Canada Bay LEP 2013 and will therefore not introduce any new provisions into the instrument. The Planning Proposal is therefore consistent with the terms of the direction.	Y

7. Metropolitan Planning	7.1 Implementation of Metropolitan Strategy	The Planning Proposal is consistent with the objective of this direction as it does not affect the vision, transport and land use strategy, policies, outcomes or actions contained within the Metropolitan Plan for Sydney.	Y
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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?

The subject site is located in an existing residential precinct in a built up area of Drummoyne. The Planning Proposal does not apply to land that has been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats.

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

Overview of Environmental Impacts

It is unlikely that the proposed amendments to the Canada Bay LEP 2013 will result in development creating any environmental effects that cannot already be controlled.

Indeed, it is considered that the proposed amendment to the Canada Bay LEP 2013 will create a better environmental outcome.

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

Heritage

The removal of vehicular access from Renwick Street would retain the traditional residential character of the Birkenhead and Dawson Estate Conservation Area. Further, this would allow additional landscaping to be provided on the site which is preferable to hard paving that would result from substantial vehicular access across the site.

Amenity

The removal of vehicular access from Renwick Street may improve the amenity for residents as vehicles would be required to access 162-166 Victoria Road from Victoria Road itself.

Section D: State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

There are considered to be minimal implications for existing established infrastructure.

Table 6 - Availability of public infrastructure

Infrastructure	Availability	Comment
Public Transport	Available	The site is in close proximity to public transport routes along Victoria Road.
Utilities	Available	The removal of the additional use does not have any implications for the provision of water, sewer or electricity.
Roads	Available	The site adjoins a classified road - Victoria Road. The RMS will be afforded an opportunity to comment on the Planning Proposal and any future development application.
Waste Management and Recycling services	Available	The planning proposal will not result in any significant implications for waste management and recycling services.
Essential Services	Available	The planning proposal does not seek to increase demand on essential services.

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

Relevant State public authorities will be consulted following the outcome of the gateway determination.

Part 4 – Mapping

The amendment to Schedule 1 of the Canada Bay LEP 2013 does not necessitate any map changes.

Part 5 – Community Consultation

Public consultation will take place in accordance with the Gateway determination made by the Minister for Planning, in accordance with Sections 56 and 57 of the EP&A Act.

It is proposed that, at a minimum, this involves the notification of the public exhibition of the Planning Proposal:

- on the City of Canada Bay website;
- in a newspaper that circulates widely in the City of Canada Bay local government area; and
- in writing to the owners and the adjoining and nearby in the immediate vicinity of the precinct.

It is suggested that the Planning proposal be publicly exhibited for a period of 14 days.

Part 6 – Project Timeline

Milestone	Timeframe and/or date
Anticipated Commencement Date	Date of Gateway determination
Anticipated timeframe for the completion of required technical information	Not applicable.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	As specified in Gateway determination. Anticipated timeframe is 14 days and to run concurrently with public exhibition period.
Commencement and completion dates for public exhibition period	Dates are dependent on date of Gateway determination. Anticipated timeframe for public exhibition is 14 days (although this will be longer if it occurs over the Dec 13/Jan 14 period).
Dates for public hearing (if required)	Not applicable.
Timeframe for consideration of submissions	2 weeks
Timeframe for consideration of a proposal post exhibition	6 weeks
Date of submission to the Department to finalise the LEP	April 2014
Anticipated date the Council make the plan if delegated	April/May 14
Anticipated date Council will forward to the department for notification	Not applicable.

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Canada Bay Council

Name of draft LEP:Amendment No. 4

Address of Land (if applicable): 69 Renwick Street, Drummoyne

Intent of draft LEP: To remove an additional use that permits a car park

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?		N/A		
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	N			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N			

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		

Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).	N			

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.