

**ITEM                      PLANNING PROPOSAL APPLICATION (PP2021-0003) -  
UNIT 1, 2 BECHERT ROAD CHISWICK**

**Department        Community and Environmental Planning**

**Author Initials: AW**

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**EXECUTIVE SUMMARY**

Council received a Planning Proposal from Burrell Threlfo Pagan Pty Ltd on 9 April 2021 for 1/2 Bechert Road Chiswick. The Planning Proposal seeks to amend Schedule 1 of *Canada Bay Local Environmental Plan 2013* (LEP 2013) to allow an additional permitted use (Business premises) to be carried out within the premises.

The property is currently unoccupied but was previously used as a site manager's office, which was ancillary to the surrounding residential uses.

A business premises use is appropriate in the context of the history of the site and would have minimal impact on the immediate locality.

It is recommended that the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome area:

EFF 4.2.1.     Provide Strategic and Land Use Planning to ensure the built and natural environment is highly liveable with quality and sustainable development incorporating best practice design.

**REPORT**

**Background**

*The site*

The subject property is located within the Nautica residential development on the northern side of Blackwall Point Road in Chiswick (refer to Figure 1).



Figure 1: Nautica development location map.

The subject property is specifically located within the building at 2 Bechert Road Chiswick on the south-eastern corner of the Nautica development (refer to Figure 2) and is also identified as Strata Plan SP69974.



Figure 2: Location of 2 Bechert Road Chiswick, SP69974.

The building at 2 Bechert Road has been subdivided into 19 strata lots within strata plan SP69974.

The subject property is known as 1/2 Bechert Road and comprises the following lots:

- Part Lot 1: Unit on level 2 (ground level) at the northern end of the building (refer to Figure 3).
- Part Lot 1: Parking space on level 1 (basement level) (refer to Figure 4).
- Lot 2: Storage room on level 1 (basement level) (refer to Figure 4).









Figure 5: North-western corner of the building containing the subject unit with dark tinted windows.



Figure 6: Southwestern corner of the building containing existing commercial uses.



Figure 7: 27 Windward Pde. Residential building located southwest of the subject site.



Figure 8: 1 Janoa Pl. Residential building located southwest of the subject site.

The unit is irregular in shape and is approximately 5m wide and 11m deep with a total area of 36sqm. It contains a reception area, office space and a small bathroom. The façade of the premises is comprised of floor to ceiling tinted glass. The storage unit in the basement level is 8sqm in area. Refer to Figures 9-13.

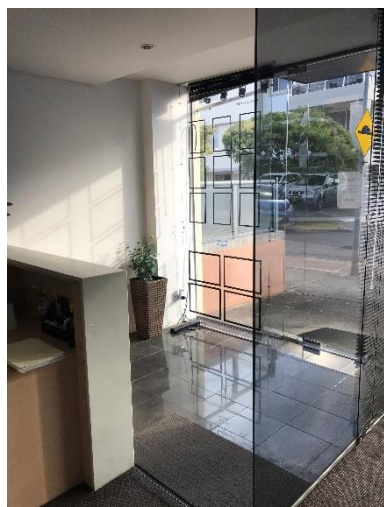


Figure 9: Reception area looking out toward street.



Figure 10: Meeting room next to reception and looking out toward street.



Figure 11: Looking towards rear of tenancy. Bathroom is out of view to the left.



Figure 12: Storage room



Figure 13: Car space.

### *Current permissibility*

The entire Nautica development is zoned R3 Medium Density Residential pursuant to the *Canada Bay Local Environmental Plan 2013*. This zoning does not permit Commercial premises.

The Nautica development does benefit from an Additional Permitted Use which is listed in Schedule 1 of the LEP as follows:

#### *3 Use of certain land at 1 Shore Road and 2 Bechert Road, Chiswick*

*(1) This clause applies to land at 1 Shore Road and 2 Bechert Road, Chiswick, being Part Lots 63, 64 and 73, SP 64846 and Part Lots 6 and 7, SP 69974.*

*(2) Development for the purposes of commercial premises is permitted with development consent.*



The above clause permits commercial premises, but only within specific lots in the development. The subject site (Lots 1 and 2 in SP 69974) is not included in the above clause. As such a commercial premises use within the subject premises is currently prohibited.

#### *Previous use*

The premises was originally identified as being used for retail premises when non-residential uses were possible on the site under the then *Drummoyne Local Environmental Plan 1986*. A modification to a subsequent development application (DA364/00) on 22 April 2002 converted the use of the site to a “Manager’s Office” that administered groundskeeping activities on the site. This use was also identified on a subsequent modification dated 22 October 2002. Refer to Figure 14.



Figure 14: Unit 1 – Reception and Managers Office



The subject unit was used by the site manager until the manager was relocated to a different part of the Nautica development in 2019. The premises has since been unoccupied.

### **Proponent's proposal**

The planning proposal is seeking to permit the use of the premises as a business premises. The applicant has proposed an amendment to Schedule 1 as detailed below:

#### *3A Use of certain land at 1/2 Bechert Road, Chiswick*

- (1) This clause applies to land at 1/2 Bechert Road, Chiswick, being Lots 1 and 2, SP 69974.*
- (2) Development for the purposes of business premises is permitted in Lot 1 with development consent.*
- (3) Lot 2 may be used for storage in conjunction with the business premises in Lot 1.*

### **Assessment of proponent proposal**

The use of the subject lots for the purpose of business premises is currently prohibited.

“Business premises” are defined as:

*Business premises means a building or place at or on which—*

*(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*

*(b) a service is provided directly to members of the public on a regular basis,*

*and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.*

The proponent seeks to conduct a real estate office from the ground floor unit, which would be considered a business premises.

As the subject unit (part Lot 1) directly adjoins a residential unit, it is important that potential impacts of any new use are minimised.

The additional permitted use for a 'business premises' would limit the range of uses permitted on the site in comparison to the alternative definition of "commercial premises" which applies to other ground floor lots under the existing Schedule 1 of the LEP and would provide certainty for neighbouring units. The use of this unit as a business premises is deemed to have less impacts than alternative uses arising from the application of the 'commercial premises' definition in relation to matters such as noise, hours of operation and traffic and parking.

The storage room (Lot 2) does not require an additional use to be permitted if it is to be used for storage ancillary to the business in Lot 1. It does have direct access from common property however it is small and unlikely to be used as a business premises independent to Lot 1 and is noted on the strata plan as 'Store'. Whilst Lot 2 could be independently sold, it is prudent to tie the business use of Lot 2 to Lot 1.

The use of the site for office or business premises is unlikely to give rise to any significant demand for parking. In this regard, the size of the premises would only require one parking space, which is consistent with the requirements of the *Canada Bay Development Control Plan*. Parking could be considered further at the time of the lodgement of a Complying Development Certificate or Development Application.

There are not many business uses that would be suitable within this premises due to the size and irregular shape of the lot and the proximity of adjoining residences.

A business premises use is considered to be the most appropriate future use of the subject site.

### **Local Planning Panel**

On 30 June 2021 the Planning Proposal was reviewed by the Local Planning Panel (LPP). The following advice was provided (as at Attachment 2):

1. The Panel agrees with the recommendation put forward by Council as this planning proposal rectifies an existing anomaly relating to a recent use of the lot and the impact from the planning proposal is minimal.
2. The Panel notes that issues such as signage will be dealt with in any subsequent Development Application.

### **Conclusion**

It is recommended that the application to permit business premises on the subject lot be supported and that the planning proposal be submitted to the Department of Planning, Industry and Environment for a Gateway Determination.

## **FINANCIAL IMPACT**

Nil.

## **RECOMMENDATION**

1. THAT the advice of the Local Planning Panel in relation to the Planning Proposal is noted.
2. THAT the Planning Proposal be endorsed for submission to the Department of Planning, Industry and Environment for a Gateway Determination.
3. THAT delegation be requested from the Department of Planning, Industry and Environment to manage the plan making process.
4. THAT authority be delegated to the General Manager to make any minor modifications to the Planning Proposal following receipt of a Gateway Determination.
5. THAT Council note should the Planning Proposal proceed to exhibition, following consideration of any submissions, the Planning Proposal will be reported back to Council.

### **Attachments:**

1. 2 Bechert Road Chiswick - B - Planning Proposal revised 20210604 (*provided in Attachment Booklet*)
2. Local Planning Panel Minutes, 30 June 2021 (*provided in Attachment Booklet*)



