



Planning,
Industry &
Environment

IRF21/3294

Gateway determination report – PP-2021-3003

Additional permitted use at Lot 1 and 2, 2 Bechert
Road, Chiswick

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Contents

1	Planning proposal.....	2
1.1	Overview.....	2
1.2	Objectives of planning proposal	2
1.3	Explanation of provisions	2
1.4	Site description and surrounding area.....	3
1.5	Development history	4
1.6	Mapping.....	5
2	Need for the planning proposal	5
3	Strategic assessment	6
3.1	District Plan	6
3.2	Local.....	6
3.3	Local planning panel recommendation.....	6
3.4	Section 9.1 Ministerial Directions	6
3.5	State environmental planning policies (SEPPs)	7
4	Site-specific assessment	7
4.1	Environmental.....	7
4.2	Social and economic.....	7
4.3	Infrastructure	8
5	Consultation.....	8
5.1	Community	8
5.2	Agencies.....	8
6	Timeframe	8
7	Local plan-making authority	8
8	Assessment summary	8
9	Recommendation.....	9

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Council Meeting Resolution, 20 July 2021
Council Meeting Report, 20 July 2021

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Canada Bay Council
PPA	Canada Bay Council
NAME	Additional Permitted Use at Unit 1 and Unit 2, 2 Bechert Road, Chiswick
NUMBER	PP-2020-3003
LEP TO BE AMENDED	Canada Bay Local Environmental Plan 2013
ADDRESS	Unit 1 and 2, 2 Bechert Road, Chiswick
DESCRIPTION	Lot 1 and 2, SP 69974
RECEIVED	4/08/2021
FILE NO.	IRF21/35610
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

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

The objective of the planning proposal is to allow business premises as an additional permitted use at Lot 1 and Lot 2, Bechert Road, Chiswick. The proposed amendment will permit business premises at the former onsite managers office and storeroom.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Canada Bay Council Local Environmental Plan 2013 (Canada Bay LEP) to include business premises (and associated storage space) as an additional permitted use at Lot 1 and 2, 2 Bechert Road, Chiswick.

The site is zoned R3 Medium Density Residential. Business premises are a prohibited use in the R3 zone. Clause 2.5 of the Canada Bay LEP allows additional permitted uses in accordance with Schedule 1.

The amendment to Schedule 1 and would permit business premises, with consent, at the site. It is also proposed to allow Lot 2 to be used for ancillary storage purposes in conjunction with the proposed business premises at Lot 1.

The Department notes that Schedule 1 of the Canada Bay LEP currently includes 'commercial premises' as an additional permitted use for certain sites at 2 Bechert Road, Chiswick.

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

1.4 Site description and surrounding area

The site is located on the eastern side of Bechert Road, Chiswick, in the Canada Bay local government area (LGA). The site forms part of the 'Nautica Development', a predominantly residential development built in 2002 (**Figure 1**). The site is zoned R3 Medium Density Residential, with commercial premises (restaurant and convenience store) located on the ground floor (Lot 6 and Lot 7).

Lot 1 is an irregular shaped site located on ground level with a five-metre frontage to Bechert Road (**Figure 2**) and a floor area of 36 m². A single car parking space is also associated with Lot 1 and is located in the basement. Lot 2 comprises an 8 m² storage room that is also located on the Basement Level (**Figure 3**). Until mid-2019, Lot 1 and Lot 2 was used for the purpose of a manager's office and storeroom.

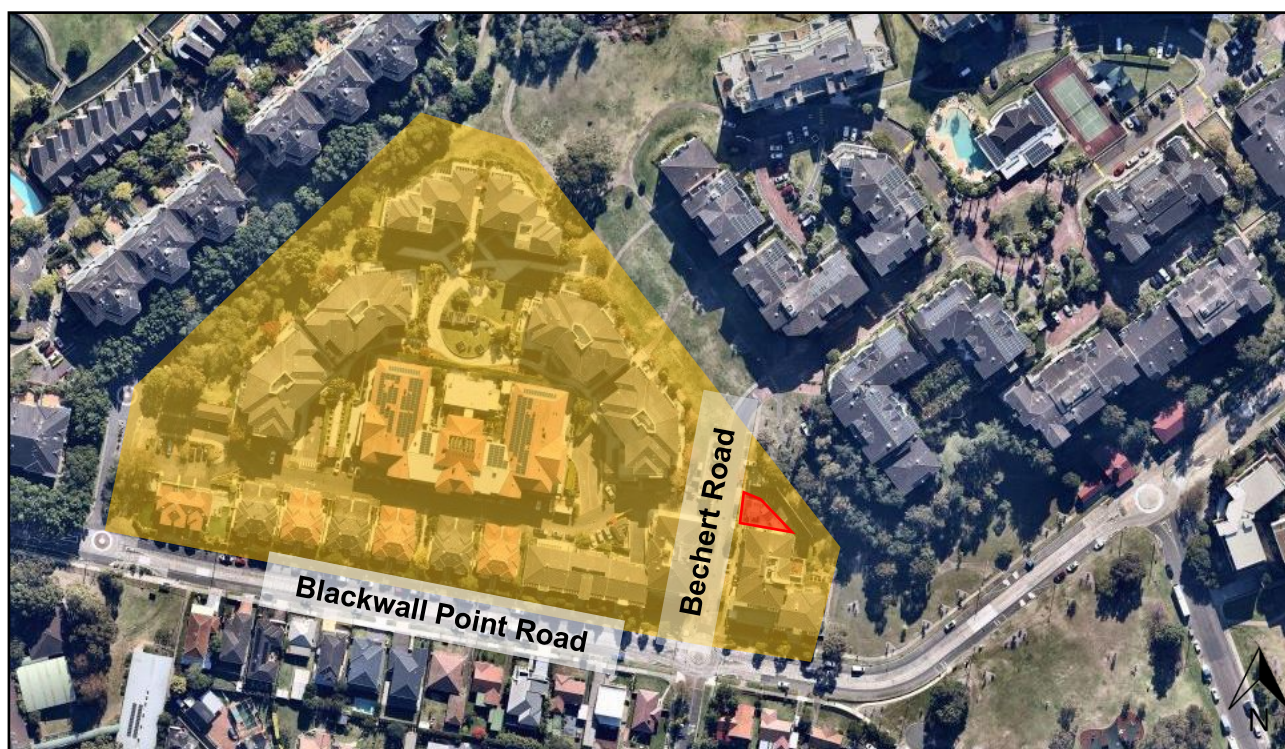


Figure 1: The site shown by the red shading and the Nautica development site is shown by the orange shading (Base source: Nearmaps)



Figure 2: The site as viewed from Bechert Road (Source: Google maps)

1.5 Development history

In 2000 DA 364/00 ('Nautica Development') was approved for 264 residential apartments and office/retail space on the ground floor. Ancillary to the primarily residential use, Lot 1 was used as the manager's office and Lot 2 was used as a maintenance storeroom.

Previous Canada Bay LEP's allowed various retail and commercial uses at the site; however, the Canada Bay LEP 2013 only allows commercial premises as an additional permitted use at Lot 6 and Lot 7 at the site. Lot 6 is currently used as a restaurant and Lot 7 as a convenience store.

In mid-2019, the manager's office and maintenance storeroom (Lot 1 and 2) was relocated off-site and the tenancy sold for the purpose of a real estate business (business premises). The use of Lot 1 and 2 for the purpose of business premises is not a permitted use in the R3 zone under the Canada Bay LEP 2013.

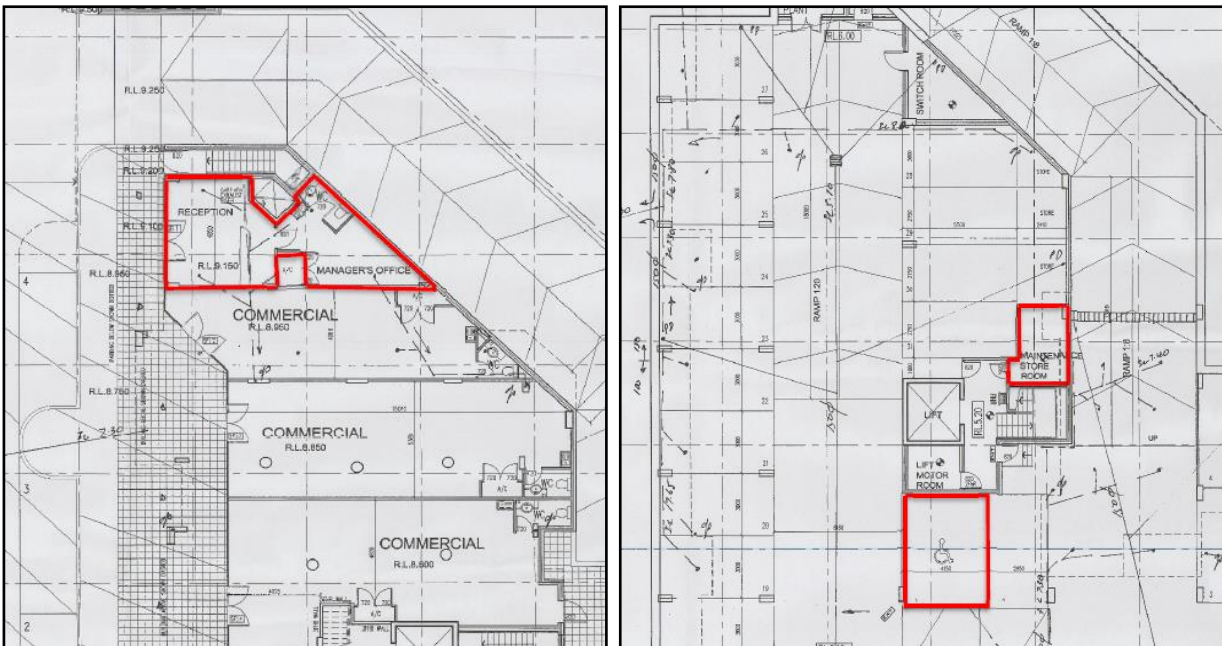


Figure 3: The floor plan of Lot 1 (left) and Lot 2 (right) (Source: DA 364/00)

1.6 Mapping

The planning proposal does not include any changes to mapping. Canada Bay LEP does not include an Additional Permitted Uses Map. Site details relating to additional permitted uses are contained in Schedule 1.

The site would remain zoned R3 medium density residential (**Figure 4**).

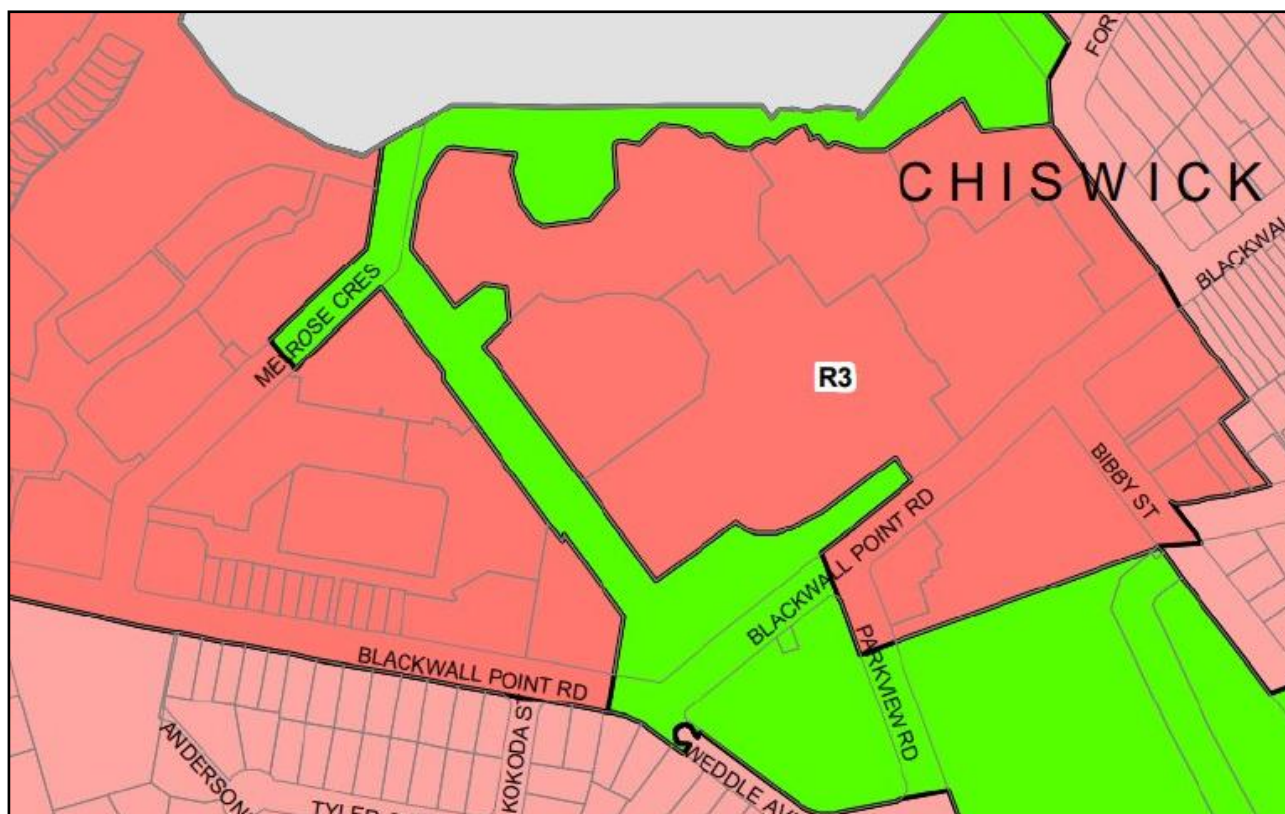


Figure 4: Current zoning map (Source: NSW Legislation)

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?

No.

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

The proposed use is currently prohibited in the R3 zone. The previous use was ancillary to the residential development and therefore, the use of the site for business premises cannot be progressed as a change of use development application. A planning proposal is required to allow business premises at the site and the planning proposal is the best means of achieving the intended outcome.

3 Strategic assessment

3.1 District Plan

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 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*.

The planning proposal would permit business premises in a previously used commercial space, ensuring the orderly and economic use of the site. Permitting business premises would create a small number of local jobs in close proximity to public transport and residential areas.

3.2 Local

The proposal states that it is consistent with *the Canada Bay Local Strategic Planning Statement* (LSPS). It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Priority	Justification
Local Strategic Planning Statement	<p>The planning proposal is consistent with the endorsed Canada Bay LSPS, particularly with the following actions:</p> <p><u>Action 5.2 – Outside of identified urban renewal areas, development is to be compatible with the character and prevailing density of established neighbourhoods</u></p> <p>The site is located outside any identified renewal area and is consistent with the existing character of the surrounding ground floor commercial tenancies. The proposal would not result in any change to the built form of the site and relates to the internal use only.</p> <p><u>Action 6.6 – Limit change for sites and precincts not identified for land use change</u></p> <p>The proposal would allow a business premises to operate at the site. The planning proposal would not change the density or built form of the site.</p>

3.3 Local planning panel recommendation

On 30 June 2021, the planning proposal was reviewed by the Strathfield Local Planning Panel (LPP). The LPP supported the proposal being forwarded to the Department of Planning, Industry and Environment on the basis that the impacts resulting from the planning proposal would be minimal.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
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2.2 Coastal Management	Consistent	The Coastal Management SEPP identifies the site within the 'coastal environment area' and the 'coastal use area'. The consent authority must consider the matters raised in Clause 13 and Clause 14 of the Coastal Management SEPP. As the site is also identified as Foreshores and Waterways area under the Sydney Harbour REP, these clauses do not apply.
3.1 Residential Zones	Consistent	The planning proposal is consistent as it would not reduce the permissible residential density of the site. The Department notes the tenancy was previously used as a commercial office and is not suited to residential use due to its irregular shape and unfeasible floor space.
3.4 Integrating Land Use and Transport	Consistent	The planning proposal is consistent as it supports the objective of locating jobs and services in areas within walking, cycling and public transport access of residential areas.
5.10 Implementation of Regional Plans	Consistent	The planning proposal is not inconsistent with the Region Plan.
6.3 Site Specific provisions	Consistent	The planning proposal is consistent as it would enable an additional permitted use at the site without imposing any additional development standard or requirement.

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

There are no critical habitat areas, threatened species populations or ecological communities or their habitats present on the subject site. The planning proposal would not likely result in any adverse environmental effects as it relates to the use of the former managers office for a business premises.

Social: The planning proposal is not likely to result in any adverse social impacts. The planning proposal would contribute to the activation of Bechert Street and would result in a minor increase to the passive surveillance of the adjoining footpath and roadway.

Economic: The additional permitted use of business premises at the site would result in an economic benefit for the owner of the site who would be permitted to lawfully operate a business premises. The planning proposal would result in the orderly and economic use of a site that is currently vacant.

The Department notes the proposal would not change the zoning or development standards at the site and would have no visible impact upon the built form.

4.2 Infrastructure

There is no significant infrastructure demand that will result from the planning proposal. The proposed amendment does not include any provision to facilitate intensified development at the site. The site has access to adequate public infrastructure such as water, sewer, electricity and telephone services.

5 Consultation

5.1 Community

Council proposed a community consultation period of 14 days.

The Department considers the standard 28 day community consultation period is appropriate for this proposal. This requirement is included as a condition of the Gateway determination.

5.2 Agencies

Council did not nominate to consult with any government agencies in relation to the proposal. Given the minor nature of the proposal and minor likelihood of causing any adverse impacts, the Department does not require consultation with any other government agency.

6 Timeframe

Council did not propose a time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that the Gateway determination 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 has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal relates to a single site, is minor in nature and is unlikely to result in any adverse impacts, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- The planning proposal is not inconsistent with any region or local plan and is not inconsistent with any Section 9.1 Ministerial Direction.
- The planning proposal would result in the orderly and economic use of the site for the purpose of business premises.
- The planning proposal would not likely result in any adverse impacts.

9 Recommendation

It is recommended the delegate of the Minister determine the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to community consultation to update the project timeline to reflect the timeframe allowed to complete the LEP.
2. The planning proposal is to be made publicly available for community consultation for a minimum of 28 days.
3. The timeframe for completing the LEP is to be 8 months from the date of Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.

(Signature)

(Date)

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27 August 2021

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