

CANADA BAY LOCAL
ENVIRONMENTAL PLAN 2013
(PP2022/0001)

PLANNING PROPOSAL - LOCAL CHARACTER AREAS (Type 3 LCA - To be maintained)

February 2022

Table of Contents

Introduction	3
Part 1 - Objectives or Intended Outcomes	3
Part 2 - Explanation of Provisions	3
Proposal -----	3
Background and rationale -----	5
Part 3 - Justification	15
Section A – Need for the planning proposal	15
Section B – Relationship to strategic planning framework	16
Section C – Environmental, social and economic impact	22
Section D – State and Commonwealth interests	22
Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies	22
Part 5 - Community Consultation	22
Part 6 - Project Timeline	23
Appendix A – Draft Local Character Areas Maps – Proposed	24

Attachments

Local Character Statement – Concord West LCA
Local Character Statement – Concord – North Strathfield LCA
Local Character Statement – Concord North LCA
Local Character Statement – Concord East LCA
Local Character Statement – Canada Bay LCA
Local Character Statement – Russell Lea LCA
Local Character Statement – Croker Estate LCA
Local Character Statement – Five Dock North LCA
Local Character Statement – Five Dock LCA
Local Character Statement – Rodd Point LCA
Local Character Review – Appendix 01 Baseline review and context analysis
Local Character Review – Appendix 02 Analysis and supporting research
Local Character Review – Community Survey – Report of Findings – July 2021
Local Housing Strategy (LHS) 2019
Local Strategic Planning Statement (LSPS) 2020
Council Report – 15 February 2022
Council Resolution – 15 February 2022

Introduction

This planning proposal seeks to amend the Canada Bay Local Environmental Plan (CBLEP) 2013 to give effect to the *Eastern Sydney District Plan*, the *Canada Bay Local Strategic Planning Statement* (LSPS) and the *Canada Bay Local Housing Strategy* (LHS) by introducing Local Character Areas that have character that is to be maintained (Type 3 LCA).

The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and addresses the requirements of cl 3.8 (3) of the EP&A Act 'on the preparation of planning proposals under section 3.33 to give effect to the district strategic plan'. It is also in accordance with relevant Department of Planning, Industry and Environment Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

Part 1 - Objectives or Intended Outcomes

The objective of the planning proposal is to amend the *Canada Bay Local Environmental Plan 2013* (CBLEP) to progress the implementation of Council's LSPS and LHS by introducing the proposed Local Character Areas for areas to be maintained (Type 3 LCAs) for areas that the community has identified as having an established, unique and special local character that should be maintained.

The **Objective** of the planning proposals is to:

- Maintain the character of areas with established and distinctive local character.

The **Intended Outcome** of the planning proposal is that:

- The character is maintained in Local Character Areas that have been identified as having established and unique character that is to be protected.

Part 2 - Explanation of Provisions

Proposal

The planning proposal seeks to amend the CBLEP 2013 by introducing a new clause and maps, to maintain the character of areas that have been recognised by the community as having an established and unique local character. This is in accordance with Action 7.2 of Council's LSPS.

Council's intention is that the clause will refer to and give statutory weight to stand-alone Local Character Statements for each of the proposed Local Character Areas (LCA). The clause will be consistent with the Department of Planning, Industry and Environment's Standard Instrument LEP clause, which is currently being finalised. Council is seeking to progress the planning proposal to exhibition, with finalisation of the LEP to occur subsequent to finalisation of the SI LEP Local Character clause.

The Local Character Statements (refer [Attachments 1-10 – Local Character Areas Statements](#)) include recent analysis of the proposed LCAs (refer [Attachment – Appendix 01 – Baseline review and context analysis](#), and [Attachment – Appendix 02 – Analysis and supporting research](#)). The analysis was comprehensive, detailed and informed by tailored community consultation. It was undertaken consistently with the Department's *Local Character and Place Guideline* (February 2019) (refer to [Attachment - Local Character Review – Community Survey – Report of Findings – July 2021](#)).

The maps designate the boundary of each proposed LCA (refer Part 4, section 1 below and [Appendix A – Draft Local Character Area Maps - Proposed](#)).

The planning proposal relates to areas that have been recognised as having an established unique local character that should be maintained (Type 3 LCA – To be maintained). Note that other types of local character areas have been identified within the LGA (Type 1 LCA – To undergo change; and Type 2 LCA – To be enhanced). Council is currently developing Local Character Statements for these character areas, with the intention that they will be incrementally introduced into the Canada Bay LEP 2013 via subsequent planning proposals. To

date, the following Local Character Statements have been produced, or are under production and awaiting finalisation of the SI LEP clause to be appended to the Canada Bay LEP 2013 via planning proposals:

- Type 1 LCAs - Areas that will experience significant change: *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) Precincts – Stage 1; Sydney Metro West Station Precincts.
- Type 2 LCAs - Areas that will experience some change and where the recognised local character will be enhanced: Centres renewal framework (Housing Diversity Investigation Areas).
- Type 3 LCAs - Areas in which the established local character is to be maintained and protected due to significance and uniqueness: The LCAs proposed in this planning proposal.

Implementation of the stand-alone Local Character Statements will also be supported by new controls in Council's *Development Control Plan* (DCP). The Local Character Statements will be exhibited with the planning proposal.

Figure 1: Draft local Character Areas proposed in this planning proposal (Type 3 – To be maintained)

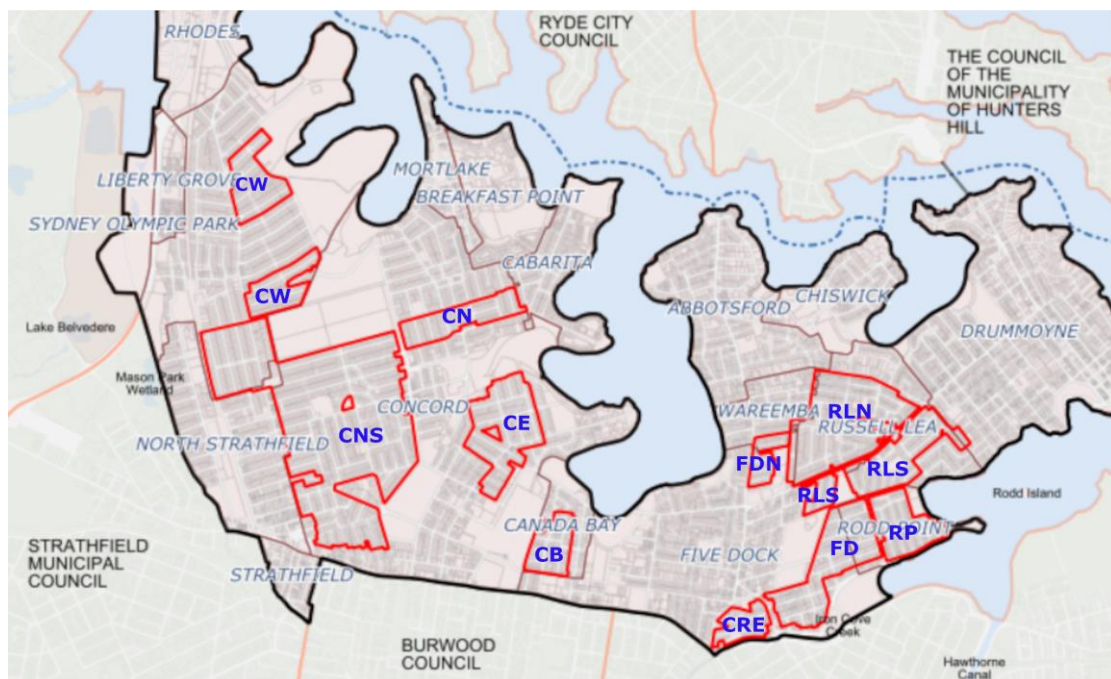


Table 1: Draft Local Character Areas – Current and proposed zoning, FSR, maximum building height, number of lots

	Abbreviation	Zone	FSR	Building height	Number of Lots
Concord West	CW	R2	0.5:1; Area 1	8.5m	410
Concord / North Strathfield	CNS	R2 / RE1	0.5:1; Area 1	8.5m	1891 / 25*
Concord North	CN	R2 / RE1	0.5:1; Area 1	8.5m	241 / 1*
Concord East	CE	R2	0.5:1; Area 1	8.5m	450
Canada Bay	CB	R2	0.5:1; Area 1	8.5m	208
Russell Lea North	RLN	R2 / RE1	0.5:1; Area 1	8.5m	776 / 1*
Russell Lea South	RLS	R2 / RE1	0.5:1; Area 1	8.5m	497
Croker Estate	CRE	R2 / RE1	0.5:1; Area 1	8.5m	152 / 1*
Five Dock North	FDN	R2	0.5:1; Area 1	8.5m	143
Five Dock	FD	R2 / RE1	0.5:1; Area 1	8.5m	523 / 2*
Rodd Point	RP	R2 / RE1	0.5:1; Area 1	8.5m	344 / 1*

* Lots that are zoned RE1 Public recreation

Background and rationale

In 2009, Council undertook a comprehensive assessment of local character in the Canada Bay LGA, which was based on the original subdivision pattern of the area. It assessed the age, style and urban character of the subdivision precincts. This work formed the evidence-base for an addition to the Canada Bay DCP, Appendix E – Character Areas in August 2009.

In February 2017, Council adopted an amended DCP that removed Appendix E – Character Areas. This decision was made as it was apparent that Complying Development under the Housing Code was undermining the established character of the Character Areas and there were limited statutory mechanisms available to Council, beyond those for Heritage Conservation Areas, to protect local character: Local character differs from heritage and heritage controls are not appropriate for local character areas.

Subsequently, in March 2019, the *Greater Sydney Region Plan* and *Eastern City District Plan* required Council to prepare a Local Housing Strategy (LHS) consistent with the Principles for Housing Strategies, which include recognition of the distinctive and valued combination of characteristics that contribute to local identity.

The LHS is also required to be consistent with:

- DPIE's *Local Housing Strategy Guideline – A step-by-step process for producing a local housing strategy 2018*. The Guideline states that opportunities to identify existing and desired future local character will be important considerations for the delivery of housing needs, noting though that good design outcomes should not preclude some additional housing in these areas; and
- Planning Circular PS 18–001 *Respecting and enhancing local character in the planning system* (16 January 2018). The Circular states that *The Local Housing Strategy will aim to identify areas of exceptional local character. Local Housing Strategies will need*

to find a balance between respecting and enhancing the local character of an area and identifying and accommodating the community's future housing, infrastructure and social needs ... Character can be reflected in a LEP ... through additional local provisions.

The *Greater Sydney Region Plan* and *Eastern City District Plan* also inform the preparation and endorsement of *Local Strategic Planning Statements* (LSPSs) by Councils to provide an effective alignment between regional plans and local plans. LSPSs are also required to be consistent with a Council's *Community Strategic Plan* (CSP) prepared under the *Local Government Act 1993*.

This planning proposal is consistent with current Government policy, the *Greater Sydney Region Plan*, the *Eastern City District Plan*, and the City of Canada Bay LSPS, LHS and CSP.

City of Canada Bay Local Housing Strategy

The Canada Bay Local Housing Strategy (LHS) is a primary technical study undertaken by Council to inform the LSPS and the Local Character Areas.

The scope for the LHS was to:

- (a) Understand the type of housing that currently exists in the LGA;
- (b) Respond to constraints and opportunities associated with the delivery of new housing (feasibility, heritage, local character, environmental, employment and infrastructure) to achieve the requirements of the *Eastern City District Plan*;
- (c) Follow the process and reporting structure described in the Department of Planning, Industry and Environment's *Local Housing Strategy Guideline*.

The LHS included specific consideration of the DPIE *Local Character and Place Guideline* 2019.

Key issues and opportunities identified by the LHS are:

Providing a balanced housing strategy is a direction set by Council's Community Strategic Plan

Council's Community Strategic Plan identifies the following directions in relation to housing and character:

- developing a balanced housing mix;
- ensuring high quality housing and renewal;
- encouraging sustainable housing and design; and
- considering impact on the character of the area.

The LHS noted that delivering housing diversity whilst maintaining local character is an important policy direction for Council. It is clear that the local community's expectations are that the LGA's established areas of neighbourhood character are, if not preserved, then at least respected by new development. Incremental medium-density development should therefore be required to adhere to the height, scale and form of local streetscapes. This will not reduce the existing development potential in those areas but, also, apartment development in major and local centres and State-planned urban renewal precincts around PRUTS, Rhodes East and Sydney Metro West Stations will accommodate the bulk of the dwelling demand.

The LHS further identified that:

- The LGA's relatively central and accessible location means that it may come under pressure to accommodate significant volumes of infill re-development that may change the valued character of existing residential neighbourhoods. So, it is important to plan well to ensure that the LGA considers the accommodation of growth in a manner that balances this with achieving other liveability objectives.

- Council's previous DCP character areas provide a basis for local character areas and have been given consideration in the development of the LHS. Further work may be needed to refine the local character areas in accordance with the *Local Character and Place Guideline*.
- The liveability of both existing and future residents needs to be retained. The City of Canada Bay possesses a broad range of pleasant residential neighbourhoods with a strong character. Whilst it will be important to ensure that adequate planning addresses accommodation of future populations, existing residents and established character should be considered in a balanced approach to setting a dwelling target and housing strategy for Canada Bay.

Key findings from the Local Housing Strategy background analysis include:

- That the forecast housing need to 2036 will be met via the supply that is being delivered in the Parramatta Road Corridor precincts and the Rhodes Planned Precinct, plus infill development under existing planning controls in residential and business zones. Also that housing diversity will be delivered via encouragement of medium density housing in Council's proposed Housing Diversity Investigation Areas.
- *With such a high volume of apartments forecast [at Rhodes and in the PRCUTS Precincts], it will be important for council to manage amenity outcomes to ensure affected areas remain liveable for existing and future areas.*
- *Policy Direction: Ensure that all new development adheres to and respects local character and streetscapes. This is particularly important for urban renewal precincts, where in some instances, there is a greater challenge given the volume of development expected.*

The relevant housing priorities and recommended action for Local Character Areas is that:

6. All character areas be identified and protected, with sensitive infill development, as part of retaining a diversity of housing types and residential streetscapes.

City of Canada Bay Local Strategic Planning Statement and Community Strategic Plan

On 25 March 2020, the Greater Sydney Commission (GSC) endorsed the Canada Bay LSPS. The LSPS sets out Council's vision for how the LGA will respond to significant residential growth, which Council's LHS estimates at 3,800 dwellings to 2026 and 12,500 to 2036.

The LSPS was endorsed with Actions 7.2 and 7.3 as follows:

7.2 Seek DPIE endorsement of Local Character Statements, including desired future character statements, as part of the endorsement of the Local Housing Strategy. These should consider:

- *the staged introduction of Local Character Statements to align with infrastructure delivery;*
- *areas identified for change, including Planned Precincts and other localities undergoing renewal; and*
- *areas identified for investigation on Map 10, due to having been identified as having distinctive urban form and character to be retained and protected (Local Character Areas).*

7.3 Seek an exclusion for Complying Development under the Housing Code and Low Rise Medium Density Code in Local Character Areas.

The LSPS Structure Plan identified areas designated for:

- a) change – Rhodes Planned Precinct and the Parramatta Road Corridor, which will provide for most of the housing demand and which will generally comprise high-density residential flat development;
- b) enhancement – areas to be investigated for encouraging and prioritising terraces and dual occupancies; and

- c) maintaining – areas previously identified as having special and unique local character (LSPS Map 10).

Figure 2: LSPS Map 7, amended to clarify the locations of each of the three types of Local Character Areas.



State Government policy for the protection of local character

Since June 2017, when the NSW State Government announced the *NSW Housing Affordability Strategy*, it has been Council's intention to seek to revise Council's previous Local Character Areas and to introduce areas with established unique local character into Council's planning framework. The Strategy cited Government policy that Councils will be assisted to protect the character of important local areas while supporting housing supply. The Canada Bay LGA has long been identified as an area for significant new housing supply under State Government policy: the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) (November 2016) and the *Rhodes Place Strategy* (gazetted 30 October 2021).

In February 2019, following an awareness campaign of the importance of local character by DPIE throughout 2018, DPIE published the *Local Character and Place Guideline*. Council then commenced the process to introduce Local Character Areas into the LEP. Councils were led to assume that the Local Character Overlay, which DPIE had circulated a Discussion Paper about along with the published *Local Housing Strategy Guideline*, would be available in time to support the introduction of LCAs into Councils' LSPS planning proposals. In addition, the Local Character Overlay had been consistently reinforced by State Government policy, events and publications, both before publication of the Guideline and since:

- A *Metropolis of Three Cities* (October 2017) required Councils to prepare housing strategies that respond to the principles for housing strategies and housing targets published in the District Plans (Action 3). Also the *Eastern City District Plan* requires Councils to comply with Principles for housing strategies, which include *Local character: recognising the distinctive and valued combination of characteristics that contribute to local identity*.
- DPIE hosted a lecture series to raise awareness about local character for Councils and industry throughout 2018.

- *Planning Circular PS 18-001 Respecting and enhancing local character in the planning system* (16 January 2018) states that The Local Housing Strategy will aim to identify areas of exceptional local character. Local Housing Strategies will need to find a balance between respecting and enhancing the local character of an area and identifying and accommodating the community's future housing, infrastructure and social needs ... Character can be reflected in a LEP ... through additional local provisions.
- DPIE hosted a Local Character Symposium on 30 May 2018
- DPIE published the *Local Housing Strategy Guideline* (October 2018), which requires Councils to consider Areas to be conserved and establishing future local character - Opportunities to identify existing and desired future local character will be important considerations for the delivery of housing needs. In association with this, councils will need to demonstrate an overall capacity to deliver enough and the right types of homes in the right locations.
- DPIE's *Media Release - Local character statements a win for community planning* was released 14 October 2018.
- The *Low Rise Medium Density Housing Code Independent Review Report* by Roberta Ryan and Neil Selmon (prepared for the Minister for Planning, July 2019) was published on the DPIE website and states that:

6. It is recommended that the application of the Code be further deferred until 1 July 2020. Areas identified as being of Special Local Character can be excluded from the Code.

This aligns with the current directions of the planning system as articulated in the Planning Circular PS 18-001 emphasising the importance of respecting and enhancing local character, and the mechanisms to achieve this are outlined in the Discussion Paper – Local Character Overlays, Feb 2019.

- DPIE's current website has a page devoted to Local Character, which states that:
The NSW Government is committed to ensuring strategic planning recognises and enhances the local character of an area....The department has developed a local character overlay and draft local character clause that will allow councils to insert a reference to local character in their LEP via a Local Character Statement and map.

No timeframe for the making of the overlay is given.

The Minister's Planning Principles

On 2 December 2021, the Minister for Planning and Public Spaces, and Minister for Transport and Roads, released the Minister's Planning Principles. These are intended to guide planning and development in New South Wales, specifically planning proposals and strategic planning.

The subject planning proposal is consistent with all the Minister's Principles, but it particularly responds to Principle 6.11, that:

Places change over time to cater for the needs of growing communities. Local strategic planning should support this evolution by enabling a transition between different types of homes, while also being sympathetic to an area's existing character and heritage.

Council's LHS has identified that Council is facilitating sufficient housing supply to meet future demand, including for affordable and diverse housing. The LHS also recommends that to balance the significant change and uplift that will occur in Rhodes East and the PRCUTS precincts, it is necessary to maintain areas of low density housing that are prized and valued by the local community.

Council's progress to date to introduce Local Character Areas into the Canada Bay LEP

On 12 December 2019, Council submitted the LSPS Planning Proposal (PP_2020_CANAD_001_00) to the Department for a Gateway determination. The planning Proposal sought to introduce LCAs into the LEP. On 28 April 2020, it was given Gateway approval to be publicly exhibited on condition that the LCAs were removed prior to exhibition, including references to Council's intention to seek a separate exemption from complying development under the *Housing Code* and the *Low Rise Housing Diversity Code*. One reason given was the absence of policy certainty at a State level for local character in Local Environment Plans.

On 29 June 2020, Council was given verbal approval by the Minister for Planning and Public Spaces at a meeting with Council and the Department to progress a Local Character Areas planning proposal and to have the areas exempted from application of *SEPP (Exempt and Complying Development Codes) 2008*. Council was required to ensure consistency with the *DPIE Local Character and Place Guideline 2019*.

On 28 October 2020, Council submitted a new planning proposal to the Department that was seeking to introduce LCAs into the LEP. The planning proposal was informed and underpinned by substantially more analysis of the potential LCAs and was undertaken consistently with the *Local Character and Place Guideline*. Council also advised that additional tailored community engagement would be undertaken during exhibition of the planning proposal and that the LEP clause would be agreed with the Department during the plan making process.

On 24 December 2020, Council received a letter from the Department advising that the Department was unable to accept the planning proposal, as an Explanation of Intended Effect (EIE) for draft standard local character area provisions had been subsequently placed on public exhibition by the Department, from 12 November 2020 to 29 January 2021, and the planning proposal was inconsistent with the EIE.

On 16 February 2021, Council resolved:

- 1. THAT Council note the letter received from the Department of Planning, Industry and Environment dated 23 December 2020 regarding progressing Council's Local Character Area planning proposal.*
- 2. THAT Council confirm that it intends to proceed with the planning proposal to introduce Local Character Areas into the Canada Bay Local Environmental Plan 2013, subject to the removal of the request for an exemption from the Low Rise Housing Diversity Code and Housing Code.*
- 3. THAT following community engagement and consideration of any submission, the Planning Proposal, the draft Local Character Areas and the draft Local Character Areas Statements be reported back to Council prior to public exhibition of the planning proposal.*

This planning proposal

Council has now completed a recent substantial, comprehensive and evidence-based review of local character across the LGA. The Review reviewed local character across the LGA with a focus on areas in which the established character was identified as being unique and special and should be maintained (Type 3 LCAs). Note that Council is also producing Local Character Statements for areas in which the current character will change (Type 1) and areas in which the current character will be enhanced (Type 2).

A comprehensive and evidence-based review of local character across the LGA underpins the scope and extent of the proposed Local Character Areas. This informed the production of Local Character Statements for each proposed Local Character Area.

The Statements describe the established characteristics and the Desired Future Character of the draft Local Character Areas, comprising photos, maps, Snapshot on a Page, Principles and built form guidelines (refer Attachments – Local Character Statements and Attachment – Local Character Area Maps – Proposed).

The planning proposal is seeking to adopt the Department's Standard Instrument LEP clause for Local Character Areas, when finalised, and maps, to give statutory weight to stand-alone Local Character Statements for each of the proposed Local Character Areas.

Review & Analysis

The review included an analysis of the policy background, context and defining characteristics of the investigation areas (refer [Attachment – Appendix 01 – Baseline review and context analysis](#), and [Attachment – Appendix 02 – Analysis and supporting research](#)).

The Local Character Areas that were previously included in Council's DCP, plus the surrounding areas, formed a starting point for the Review as these areas were deemed to most likely have a high concentration of established, unique and special character.

The review was undertaken in accordance with the Department's *Local Character and Place Guideline* (February 2019) and included:

- an analysis of the policy background;
- analysis of the context; and
- defining characteristics of the investigation areas.

Refer [Attachment – Appendix 01 – Baseline review and context analysis](#), and [Attachment – Appendix 02 – Analysis and supporting research](#)).

Community engagement

The review was supplemented and informed by a program of community engagement which consisted of a tailored and targeted community survey to ascertain the areas that have established character and the characteristics that define them. . The survey was hosted on Council's community engagement website, *Collaborate*, for four weeks from 5 to 25 July 2021. Individual notification letters were also posted to the 6,336 properties within the study area. Refer to [Attachment – Local Character Review – Community Survey – Report of Findings](#).

The survey found that a majority of residents want to see future change that is sympathetic to their area's current look and feel, although there was some support for the areas to stay exactly as they are now. Almost all respondents felt that some intervention to maintain the local character is important and that the ongoing loss of the traditional character of the areas should be stopped. The characteristics that were deemed to have the strongest influence on the area's current look and feel were the local parks and green spaces, the safe and welcoming feeling, the local history and heritage buildings, and the area's walkability.

Canada Bay Local Planning Panel

On 27 January 2022, the Local Planning Panel considered the planning proposal and was supportive, in principle, of the planning proposal and the Local Character Statements. Refer to [Attachment – Canada Bay Local Planning Panel – Minutes – 27 January 2022](#).

Assessment against DPIE criteria for introducing a local character overlay

The DPIE *Discussion Paper – Local Character Overlays* (February 2019) outlines draft criteria that Councils would be required to satisfy when submitting a planning proposal to add a local character overlay. The requirements assume that the Council has undertaken a strategic planning process, as well as ideally having followed the relevant LSPS and LHS, which Council has comprehensively completed.

This planning proposal is subsequent to the City of Canada Bay's extensive strategic planning process and is consistent with Council's evidence-based Local Strategic Planning Process (assured by the GSC on 25 March 2020) and Local Housing Strategy (submitted to DPIE for endorsement on 13 December 2019).

Council has assessed the proposed Local Character Areas (Type 3 – To be maintained) against Table 1 in the Discussion Paper – Local Character Overlays to support the planning proposal.

Note that Council is seeking to introduce the LCAs into the LEP with the intention of applying for an exemption from the Low Rise Housing Diversity Code (LRHDC), part 3B in SEPP (Exempt and Complying) 2008, for the LCAs in a subsequent planning proposal as per the process outlined in the *Local Character and Place Guideline*.

Table 2: Criteria and supporting information for a planning proposal to introduce a local character overlay

	Criteria	Indicative supporting information
1	Proposal	<p>The LCA overlay is intended to protect the character of areas that have been recognised as areas that possess unique local character that should be preserved.</p> <p>The LCA overlay seeks to put protections in place that aim to ensure that new development in the LCAs is consistent with the desired future character, so that there is no further loss of the unique local character. This is critical in view of the anticipated development activity and significant development uplift that is planned for the City of Canada Bay LGA. It is also intended to build trust in the planning system by informing the development industry and the community of Council's intention to protect areas that have established unique local character.</p> <p>Council's intention is that all development applications within the LCA will be assessed against a desired future character statement, which will have statutory weight by way of a reference in the LEP to a stand-alone Local Character Statement.</p> <p>The Local Character Statements include comprehensive analysis of the area, consistent with the DPIE <i>Local Character and Place Guideline</i>, and a desired future character statement. The Local Character Statements will be exhibited with the planning proposal (refer to Attachments – Local Character Statements). Council's DCP will also be amended to include the planning controls that will give effect to the desired future character statement. The DCP will be finalised following the public exhibition of the planning proposal, so as to incorporate the community's feedback.</p> <p>The number of lots included in each LCA is listed in Table 1 above. The size, scope and desired local character statements of the LCAs will be further reviewed following the public exhibition of the planning proposal.</p> <p>The proposed LCAs are wholly within the Canada Bay LGA.</p>
2	Alignment to the strategic context	<p>The proposed LCAs align with Objective 10 – Greater housing supply of <i>A Metropolis of Three Cities</i>:</p> <ul style="list-style-type: none"> Action 3 – Prepare housing strategies that respond to the principles for housing strategies and housing targets published in the District Plans. <p>The Eastern City District Plan principles for housing strategies include:</p> <ul style="list-style-type: none"> Local character: recognising the distinctive and valued combination of characteristics that contribute to local identity. <p>The DPIE <i>Local Character and Place Guideline</i> (published</p>

		<p>February 2019) aims to encourage consideration of local character in strategic planning, provide tools for identifying existing local character and guidance on how government and communities might go about producing a character assessment and setting the desired future character of an area. Council's review of local character has comprehensively adhered to the steps set out in the Guideline.</p> <p>The LSPS is also underpinned by Council's evidence-based Local Housing Strategy (LHS); and Local Employment and Productivity Strategy, which establish and make recommendations for ensuring the forecast needed housing and jobs are provided with respect to residential, commercial and industrial land supply. The proposed LCAs are consistent with the LSPS and the recommendations in the LHS and Local Employment and Productivity Strategy.</p> <p>The proposed LCAs will not reduce the development potential of the land. The intention is to ensure that new development is compatible with the desired future character statement of the areas and not to reduce development potential. The current highest and best use for the land is dual occupancies. This will not be reduced.</p> <p>Council's LHS determined that the forecast housing need to 2036 will be met via the supply that is being delivered in the Parramatta Road Corridor precincts and the Rhodes Planned Precinct, plus infill development under existing planning controls in residential and business zones. Also that housing diversity will be delivered via encouragement of medium density housing in Council's proposed Housing Diversity Investigation Areas.</p> <p>The integrated planning and reporting framework community engagement that was undertaken to inform Council's Community Strategic Plan (CSP) – Your Future 2030 found that:</p> <ul style="list-style-type: none"> • Canada Bay's residents highly value the area's local character; and • there is general concern that high-rise development is eroding the local character. <p>The CSP Engagement Outcomes Report (February 2018) states that "many identified protecting open spaces, federation and art deco homes and buildings as key priorities that will be critical to maintaining the local character into the future [and that] many participants expressed concern with the scale and quality of new developments. Ensuring new developments are well designed, made from high quality materials and fit within the existing character of the area were noted as key priorities for the area at all workshops."</p> <p>Goal 1.3 of the CSP is:</p> <ul style="list-style-type: none"> • Our sense of place and of belonging is strong with our diversity respected and celebrated and local heritage and character promoted in friendly village neighbourhoods and vibrant and prosperous centres.
3	Has community consultation on LSPS and, if applicable, LHS been undertaken?	<p>The LSPS was informed by Council's Community Strategic Plan (CSP), supporting technical studies and a program of LGA-wide community engagement.</p> <p>Key findings from the CSP community engagement are outlined above. The supporting technical studies were informed by</p>

		<p>targeted key stakeholder engagement undertaken by each focus area consultancy from November 2018 to January 2019. A program of LGA-wide community engagement was undertaken from February to March 2019 to supplement the findings of the engagement for the CSP and the supporting technical studies to inform the LSPS. The engagement included an online survey, notifications sent to all households and businesses in the LGA and face to face pop-up sessions.</p> <p>Key findings from the LSPS community engagement were that:</p> <ul style="list-style-type: none"> • Canada Bay has many beautiful character homes which define the area and should be protected. New housing and density must reflect this character; and • 76% strongly agree that new development should reflect surrounding character and a further 15% somewhat agree. <p>The draft LSPS and draft LHS were publicly exhibited for 28 days, from 25 June 2019 to 22 July 2019. Following exhibition and prior to Assurance being granted by the GSC, Action 7.2 of the LSPS was amended to its current wording (see page 7 above).</p>
4	<p>Character assessment in conjunction with the community of the area, characterisation of the character area and attributes of the place that are cherished and to be supported.</p>	<p>Council has completed a recent comprehensive and evidence-based review of local character across the LGA. This included a tailored and targeted community survey to ascertain the areas that have established character and the characteristics that define them. The review was undertaken consistently with the Department's <i>Local Character and Place Guideline</i> (February 2019), notably considering Part 2 – Character assessment toolkit.</p> <p>The review included an analysis of the policy background, context and defining characteristics of the investigation areas (refer <u>Attachment – Appendix 01 – Baseline review and context analysis</u>, and <u>Attachment – Appendix 02 – Analysis and supporting research</u>). This informed the production of Local Character Statements for each proposed Local Character Area (refer <u>Attachments – Local Character Statements</u> and <u>Attachment – Local Character Area Maps – Proposed</u>). The Statements describe the established characteristics and the Desired Future Character of the draft Local Character Areas, comprising photos, maps, Snapshot on a Page, Principles and built form guidelines.</p> <p>Each Local Character Statement includes the following:</p> <ol style="list-style-type: none"> 1 Acknowledgement of Country <ol style="list-style-type: none"> 1.1 Statement 2 Introduction <ol style="list-style-type: none"> 2.1 Overview 2.2 Methodology 3 Local Character Statement <ol style="list-style-type: none"> 3.1 Snapshot on a Page 4 Overview <ol style="list-style-type: none"> 4.1 Site photos and observations 4.2 Key findings and Summary 5 Desired Future Character <ol style="list-style-type: none"> 5.1 Principles 5.2 Built form guidelines <p>The Local Character Statements also include the following</p>

		<p>Appendices:</p> <ol style="list-style-type: none"> 1 Policy and Background Studies 2 Context Analysis 3 Character Areas Analysis
5	Map layer in accordance with standard technical requirements for spatial datasets and maps and drafted a clause.	<p>Maps of the Local Character Areas are included in Part 4, section 1 and at <u>Appendix A - Local Character Areas Maps – Proposed</u>. The maps are produced in accordance with the Standard Instrument Local Environmental Plan format. Spatial data will be provided via the NSW Planning Portal for finalisation.</p> <p>The proposed clause will be as per the Department of Planning, Industry and Environment's SI LEP clause.</p>

Plain English explanation of the changes sought:

The planning proposal is seeking to introduce a clause into the Canada Bay LEP 2013, to be consistent with the DPIE SI LEP clause. The clause is intended to refer to, and give statutory weight to, stand-alone Local Character Statements. Each proposed Local Character Area (LCA) will have an accompanying Local Character Statement, which will include a Desired Future Character Statement for each LCA.

The clause that was publicly exhibited by the Department was:

Local character areas

(1) The objectives of this clause are as follows—

(a) to identify local character areas,

(b) to promote the desired future character of local character areas.

(2) The local character and desired future character for a local character area is specified in the Local Character Areas Statement published by [insert the name of the body responsible for the publication] at [insert the place of publication] on [insert the date of publication].

(3) Development consent must not be granted to development on land in a local character area unless the consent authority has taken into account the Local Character Areas Statement for the land.

(4) In this clause—

local character area means land identified as “local character area” on the Local Character Areas Map.

Drafting note 2.1 *The following definition should be included in the Dictionary—*

Local Character Areas Map means the [Name of local government area or other relevant name] Local Environmental Plan [Year] Local Character Areas Map.

Part 3 - Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the result of a substantial, comprehensive and evidence-based review of local character across the LGA with the aim of reviewing the previous Local Character Statements. Refer to Attachment – Appendix 01 – Baseline review and context analysis, and Attachment – Appendix 02 – Analysis and supporting research.

The objective of the Review was to produce holistically revised Local Character Statements for 'areas to be maintained' (Type 3 LCAs). Note that Council is also producing Local Character Statements for areas in which the current character will change (Type 1) and areas in which the current character will be enhanced (Type 2). Refer to Attachments – Local Character Statements.

The review was supplemented and informed by additional comprehensive community engagement which consisted of a tailored and targeted community survey. The survey was hosted on Council's community engagement website, Collaborate, for four weeks from 5 to 25 July 2021. Individual notification letters were also posted to the 6,336 properties within the study area. Refer to Attachment – Local Character Review – Community Survey – Report of Findings – July 2021.

The Local Character Review also actions Council's LSPS, which was endorsed by the Greater Sydney Commission on 25 March 2020, and Council's LHS, which was endorsed by the Department on 1 May 2021.

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

The planning proposal is the only means to achieve the intended outcome, as the planning proposal is seeking to make changes to the Canada Bay LEP2013.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Assessment Criteria

a) Does the proposal have strategic merit? Will it:

- **give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or**
- **give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or**
- **responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.**

The planning proposal has strategic merit and is consistent with the Greater Sydney Region Plan in that it will ensure:

- Greater Sydney's communities are culturally rich with diverse neighbourhoods (Objective 9).
- Consistency with the principles for housing strategies and housing targets published in the District Plans, recognising the distinctive and valued combination of characteristics that contribute to local identity (Action 3).

It is further consistent with the Eastern City District Plan in that it will:

- Create and renew great places and local centres, and respect the District's heritage (Planning Priority E6).

- Deliver the housing strategy requirements outlined in Objective 10 of *A Metropolis of Three Cities*, by recognising the distinctive and valued combination of characteristics that contribute to local identity (Action 16).

The planning proposal is also in accordance with Council's endorsed LSPS Action 7.2.

The planning proposal also responds to the changing demographic profile of the LGA, which is described and quantified in the Local Housing Strategy. The Local Character Areas specifically respond to changing circumstances and the significant population increase that will occur within State-planned urban renewal precincts across the LGA, by seeking to protect areas with unique local character from the impacts of the developmental uplift.

b) Does the proposal have site specific merit, having regard to the following?

- **The natural environment (including known significant environmental values, resources or hazards) and**
- **The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and**
- **The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.**

The planning proposal has site specific merit in that the Local Character Areas acknowledge characteristics of established areas that should be protected to ensure no further loss of identified, unique and special local character.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

In addition to consistency with Council's Local Strategic Planning Statement, the planning proposal is consequential to and consistent with Council's Community Strategic Plan – Your Future 2030 (CSP)

The CSP identifies directions including developing a balanced housing mix; ensuring high quality housing and renewal; and considering impacts on the character of the area. The approach to achieving a balanced housing strategy that seeks to maintain character, including the character established by open spaces, vegetation and the views and access into the various bays around the LGA, whilst also accommodating a diverse range of housing types is an important policy direction when considering the development of a housing strategy vision and options.

Local Housing Strategy (2019)

The Local Housing Strategy (LHS) quantitatively establishes that there will be no loss of development potential in the LGA as a result of introducing the Local Character Areas and that the residential uplift in the Rhodes and PRCUTS precincts will provide sufficient housing to meet the forecast future population increase. The LHS also proposes Housing Diversity Investigation Areas to provide housing choices. The LHS proposes that character areas be protected to offset this uplift. The LHS includes the following recommended housing priority and action:

Housing Priority 6. All character areas be identified and protected, with sensitive infill development, as part of retaining a diversity of housing types and residential streetscapes.

Recommended Action 6. Character areas be identified and protected, with sensitive infill development, as part retaining a diversity of housing types and also residential neighbourhoods.

These studies / strategies formed part of Council's LSPS, which was submitted to the Greater Sydney Commission for Assurance of the LSPS.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes the planning proposal is generally consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs.

No.	SEPP Title	Consistency
1	Development Standards	Consistent.
19	Bushland in Urban Areas	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
21	Caravan Parks	N/A
33	Hazardous and Offensive Development	N/A
36	Manufactured Home Estates	N/A
44	Koala Habitat Protection	N/A
47	Moore Park Showground	N/A
50	Canal Estate Development	N/A
55	Remediation of Land	N/A
64	Advertising and Signage	N/A
65	Design Quality of Residential Flat Development	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
70	Affordable Housing (Revised Schemes)	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
	SEPP (Aboriginal Land) 2019	N/A
	SEPP (Affordable Rental Housing) 2009	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
	SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
	SEPP (Coastal Management) 2018	N/A
	SEPP (Concurrences) 2018	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
	SEPP (Educational Establishments and Child Care Facilities) 2017	N/A
	SEPP (Exempt and Complying Development Codes) 2008	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.

		However, it is Council's intention to seek exclusion from Part 3B of SEPP (Exempt and Complying Development Codes) 2008 (Low Rise Housing Diversity Code) subsequent to this planning proposal and as Step 2 in the Department's process for creating Local Character Areas. This is critical to supporting the intention of the subject planning proposal to protect areas of local character. It will also not reduce the current development capacity of the areas, in which dual-occupancies are and will be permissible.
	SEPP (Gosford City Centre) 2018	N/A
	SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Infrastructure) 2007	Consistent. The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A
	SEPP (Kurnell Peninsula) 1989	N/A
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A
	SEPP (Miscellaneous Consent Provisions) 2007	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Penrith Lakes Scheme) 1989	N/A
	SEPP (Primary Production and Rural Development) 2019	N/A
	SEPP (State and Regional Development) 2011	N/A
	SEPP (State Significant Precincts) 2005	N/A
	SEPP (Sydney Drinking Water Catchment) 2011	N/A
	SEPP (Sydney Region Growth Centres) 2006	N/A
	SEPP (Three Ports) 2013	N/A
	SEPP (Urban Renewal) 2010	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Vegetation in Non-Rural	The planning proposal does not contain

	Areas) 2017	provisions that contradict or would hinder application of this SEPP.
	SEPP (Western Sydney Employment Area) 2009	N/A
	SEPP (Western Sydney Parklands) 2009	N/A
	SREP Title	Consistency
	Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	N/A
	Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	N/A
	Sydney Regional Environmental Plan No 16—Walsh Bay	N/A
	Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	N/A
	Sydney Regional Environmental Plan No 24—Homebush Bay Area	N/A
	Sydney Regional Environmental Plan No 26—City West	N/A
	Sydney Regional Environmental Plan No 30—St Marys	N/A
	Sydney Regional Environmental Plan No 33—Cooks Cove	N/A
	SREP (Sydney Harbour Catchment) 2005	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Council has undertaken a review to ensure the planning proposal is consistent with all relevant Section 9.1 Ministerial Directions. Relevant Directions are discussed in detail below:

Direction	Comments
2. Environment & Heritage	
2.1 Environment Protection Zones	<p>The planning proposal will not restrict the application of environmental protection planning controls.</p> <p>The proposed LCAs are zoned R2 Low Density residential or RE1 Public Recreation.</p>
2.3 Heritage Conservation	<p>The planning proposal does not contain provisions that contradict or would hinder application of heritage conservation controls.</p> <p>The proposed LCAs do not include land that is within a Heritage</p>

	Conservation Area.
3. Housing, Infrastructure & Urban Development	
3.1 Residential Zones	<p>The planning proposal does not contain provisions that contradict or would hinder application of this direction.</p> <p>The planning proposal seeks to ensure that developments in the proposed Local Character Areas respond sympathetically to the established urban form and characteristics of the Precinct, without restricting or limiting the development of alternative, but compatible, new housing types.</p> <p>Council's LSPS proposes to concentrate future housing diversity and housing intensification activity within proposed housing diversity precincts in the vicinity of existing and planned rail stations.</p>
3.4 Integrating Land Use & Transport	<p>The planning proposal is consistent with the aims, objectives and principles of <i>Improving Transport Choice</i> and <i>The right Place for Business and Services</i>.</p> <p>The proposed Local Character Areas are located so as to enable areas with optimal access to current and future mass public transport to accommodate high density residential development. No draft Local Character Area is within the vicinity of the Sydney Metro West stations. The future development uplift in the vicinity of the stations will not be impacted or constrained by the draft LCAs.</p>
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The proposed Local Character Areas are partly affected by Class 5 Acid Sulfate Soils. The planning proposal does not seek to intensify the use of the land in the Precincts to an extent that would warrant an acid sulfate soils study being undertaken.
5. Regional Planning	
5.10 Implementation of Regional Strategies	The planning proposal is consistent with key strategic directions of the <i>Greater Sydney region Plan – A Metropolis of Three Cities</i> and the <i>Eastern City District Plan</i> . Council's LSPS received Assurance by Greater Sydney Commission on 25 March 2020.
6. Local Plan Making	
6.1 Approval and Referral Requirements	The planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.
6.3 Site Specific Provisions	<p>The proposal is consistent with the Department of Planning, Industry and Environment's <i>Local Character and Place Guideline</i> and the <i>Eastern City District Plan</i>.</p> <p>Whilst the planning proposal seeks to introduce additional requirements for development within proposed Local Character Areas to be assessed for consistency with the Desired Future Character, this additional requirement is in line with community aspirations and is not deemed to be onerous.</p>
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The planning proposal is consistent with the aims, objectives and provisions of <i>A Metropolis of Three Cities</i> and the <i>Eastern City District Plan</i> .

Objective 10 – Greater housing supply of *A Metropolis of Three Cities*:

- Action 3 – Prepare housing strategies that respond to the principles for housing strategies and housing targets published in the District Plans.

The *Eastern City District Plan* principles for housing strategies include:

- Local character: recognising the distinctive and valued combination of characteristics that contribute to local identity.

Section C – Environmental, social and economic impact

Q7. 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 proposed changes will not adversely affect critical habitat for threatened and endangered species, as it relates to land that is proposed to remain zoned R2 Low Density Residential and RE1 Public Recreation.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal seeks to protect and maintain the character of existing special built environments. There are no other likely environmental effects as a result of the planning proposal.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is seeking to address needed types of housing, whilst ensuring local amenity and character is preserved. The proposed changes will result in social benefits and will have no adverse economic effects.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

There is adequate public infrastructure in place to support the planning proposal.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of any relevant State and Commonwealth agencies will be sought through consultation following receipt of the Gateway Determination.

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

Map sheets are included at Appendix A – Draft Local Character Area Maps - Proposed

Detailed maps are included in Attachment – Local Character Statements

Part 5 - Community Consultation

It is intended to publicly exhibit the draft plan for a minimum period of 28 days.

Council intends to consult with the following agencies in respect of the planning proposal:

- Greater Sydney Commission
- Office of Environment and Heritage
- Sydney Metro
- Department of Education

Part 6 - Project Timeline

It is anticipated the planning proposal will take a minimum of **6** months to finalise. An indicative project timeline for this minimum period is provided below.

Action	Timeframe
Gateway Determination	May 2022
Government Agency Consultation	June / July 2022 (28 days)
Exhibition Period	June / July 2022 (28 days)
Consideration of submissions	July / August 2022
Consideration of proposal	August 2022
Council Meeting (TBC and 45 day lead time)	September 2022
Date of submission to the Department for drafting and finalisation	October 2022

Appendix A – Draft Local Character Areas Maps – Proposed