



Planning Proposal

131P Henley Marine Drive, Drummoyne

BMA **URBAN**

Submitted to: Canada Bay Council

On behalf of: Aqua Luna

Date: March 2026

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Executive Summary

This Planning Proposal has been prepared by BMA Urban on behalf of Aqua Luna (the proponent) in support of a proposed amendment to the Canada Bay Local Environmental Plan 2013 (CBLEP 2013). The application for a Planning Proposal seeks to amend CBLEP 2013 to insert an "Additional Permitted Use" in the form of function centres.

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Department of Planning and Environment (DPE) Local Environmental Plan Making Guideline (the LEP Guideline) dated September 2022.

The following table has been prepared to respond to the relevant requirements listed in Section 2 of the LEP Guideline.

Table 1 - Overview

Item	Description
Site Address	131P Henley Marine Drive, Drummoyne
Legal Description	Lot 461 in DP 752023 Lot 1 in DP 1032986 Lot 2 in DP 1032986 Lot 3 in 1032986
Existing Planning Controls	Canada Bay Local Environmental Plan 2013 - Land Use Zone: RE1 - Public Recreation - Height of Building: No control - Floor Space Ratio (FSR): No control State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Land Use Zone 2 - Environment Protection
Proposed Amendments	Introduce a new clause in Schedule 1 of Canada Bay LEP 2013 which enables additional permitted uses on the site for <i>function centres</i> .

Technical Studies

The Planning Proposal has been informed by the following technical documents and studies:

- Survey Plan prepared by C.M.S Surveyors Pty Limited (Appendix A)
- Existing Architectural Plans prepared by LUFi Architects (Appendix B)
- Revised Traffic & Parking Assessment Report prepared by CTP Consulting Engineers (Appendix C)
- Development Consent DA2016/0126 issued by Canada Bay Council (Appendix D)

The Planning Proposal has been subject to a rigorous assessment process which demonstrates the proposed Additional Permitted Use within CBLEP 2013 is entirely appropriate and justified based on the following matters:

Strategic Merit

- The Draft Planning Proposal gives effect to the Greater Sydney Region Plan and the Eastern City District Plan and is entirely consistent with the Canada Bay Local Strategic Planning Statement.
- The Draft Planning Proposal aligns with the Regional and District Plans and Local Strategic Planning Statement by bolstering local employment and economic activity on employment-without undermining the role and viability of the Drummoyne Centre, as its function centre offering is vastly different from the nature of that commercial centre.
- The proposal will support the retention of RE-1 zoned land within the Eastern City District and generate additional employment opportunities within an accessible location.

Site Specific Merit

- The proposal maintains employment uses on-site and prevent their replacement by residential or mixed-use developments.
- The proposal reflects current land use dynamics and supports the ongoing viability of such.
- Ensures that the Planning Proposal also permits all uses allowed within the RE 1 zone, ensuring no loss of RE 1 zoned land.
- The proposal accommodates the growing demand for function centres within the Canada Bay LGA, reduce leakage to other LGAs, and enhance local amenities.
- Infrastructure services are readily available from the existing utility service operators.

A Gateway Determination was issued by the Department of Planning, Housing and Infrastructure on 24 December 2025. The requested changes to this PP have been reflected in this report which requested removal of the proposed amendment to SEPP (Biodiversity and Conservation) 2021 and updating of the project timeline.

1. INTRODUCTION

This Draft Planning Proposal has been prepared by BMA Urban on behalf of Aqua Luna to amend CBLEP 2013 as it relates to land at 131P Henley Marine Drive, Drummoyne.

1.1 Vision and Objectives

The Draft Planning Proposal seeks amendments to support function centres on the subject site on Henley Marine Drive. The Planning Proposal will provide for an additional land use to be permitted with consent on the site. The proposed additional permitted land use would facilitate an efficient use of the land, consistent with the relevant plans and strategies. The proposal reflects current land uses dynamics and supports the ongoing viability of the land.

1.2 Proposed Plan Amendments

A Planning Proposal Request has been prepared in accordance with Section 3.33 of the EP&A Act and the LEP Guidelines dated September 2022. This Planning Proposal seeks to amend the CBLEP 2013 by:

- Introducing a new clause in Schedule 1 which enables additional permitted uses on the site in the form of function centres.

No changes are proposed to the RE-1 Public Recreation zone provisions which currently apply under CBLEP 2013 or the Zone 2 – Environment Protection zone provisions which apply to the portions of the site/building below the mean high water mark under SEPP (Biodiversity and Conservation) 2021.

1.3 Report Structure

The Planning Proposal report is structured as follows:

- **Section 2:** detailed description of the site and locality context.
- **Section 3:** project history including preliminary consultation with Canada Bay Council and other agencies/authorities.
- **Section 4:** summary of current statutory planning framework, including local planning controls and development contributions.
- **Section 5:** detailed assessment of the Planning Proposal in accordance with the DPHI guidelines.

2. SITE CONTEXT

This section of the report describes the site and surrounding land, including the immediate locality and regional context. It identifies the key site features and the opportunities and constraints relevant to the proposed plan amendments. It also identifies the strategic policy context relevant to the site and its future development.

2.1 Site Description

The land to which this Planning Proposal relates is 131P Henley Marine Drive as shown in **Figure 1**.

The land is comprised of the following:

- 131P Henley Marine Drive, Drummoyne (Lot 461 in DP 752023 and Lot 1 in DP 1032986, Lot 2 in DP 1032986 and Lot 3 in DP 1032986).

The Survey Plan accompanying the Planning Proposal details the site as 461 Henley Marine Drive, Drummoyne. Lot 1 in DP 1032986 immediately adjoins Lot 461 (see **Figure 2**) at its southern (i.e. – towards the waterway) which is located below the Mean High Water Mark. The existing building extends across Lot 1 in DP 1032986. Further, Lots 2 and 3 within DP 1032986 are immediately adjoining to the west, also below the Mean High Water Mark.

Lots 1, 2 and 3 within DP 1032986 are not affected by existing zoning provisions in CBLEP 2013 as they are zoned Zone 2 – Environment Protection in accordance with SEPP (Biodiversity and Conservation) 2021.

The subject sites are located on the southern side of Henley Marine Drive. The key features of the allotments, including the site areas, legal description, natural and built environment are summarised in **Table 2** below. Aerial photographs of the site and surroundings are provided in **Figures 2 and 3**.



Figure 1: Survey Plan extract
Source: Survey Plan



Figure 2: Aerial photo
Source: NearMap



Figure 3: Aerial photo site and surroundings
Source: NearMap

Table 2 - Site overview

Feature	Description
Legal Description	Lot 461 in Deposited Plan 752023 Lots 1,2 and 3 in Deposited Plan 1032986
Site Area	1043m ² (approx. by Title)
Easement, Restrictions and Leases	There are no easements or restrictions on the land. The Title indicates that Lot 461 in DP 752023 is subject to: 7760672 Crown Lease to Drummoyne Rowing Club Ltd (LE319590). A Survey Plan which identifies the Leases has been prepared by C.M.S Surveyors and is submitted with the Planning Proposal.
Site Topography	The site has a cross fall which runs from north to south. From street level along Henley Marine Drive, the change in topography down towards the Mean High Water Mark extends up to approximately 8m.

Mean High Water Mark (MHW)	The MHW intersects the existing building on the subject site. The approximate position of the MHW is reflected on the Survey Plan (Appendix A).
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Scenic and Culturally Important Landscapes	There are no known scenic or culturally important landscapes. The site is identified as being 'Environmentally Sensitive Land' in accordance with clause 6.3 within CBLEP 2013.
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Heritage (Aboriginal and Non-Aboriginal)	The site does not contain any listed heritage items under SLEP 2015 or the State Heritage Register. However, there are listed heritage items in the immediate vicinity of the site, including: • Item I200 - House - 18 Formosa Street • Item I201 - Pair of semi detached houses - 20 to 22 Formosa Street • Item I242 - Natural foreshore between Ullathorne Street and Drummoyne Swimming Pool - Henley Marine Drive • Item I244 - Iron Cove Foreshore Drive - Henley Marine Drive and Timbrel Drive
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Existing Development	The subject site contains the existing 'Aqua Luna' Waterfront Dining building. It is a three storey brick and clad building with metal roof. The lower (southern end) portion of the building is below the MHW. Further beyond that is an existing jetty and timber pontoon and Sisters Bay/Parramatta River. There are some existing trees and other vegetation on the western side of the existing building on the site. A bitumen car parking area immediately adjoins the site to the east within what appears to be a public car park. Further beyond that is the Drummoyne Swimming Centre.
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Services and Utilities	The existing site is serviced by established infrastructure in the future of water, electricity and the like.
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2.2 Locality Context

The subject site is located within the Canada Bay LGA, 7 kilometres north west of the Sydney CBD, and approximately 700m from the cluster of existing shops along Victoria Road, Drummoyne. It has strong regional access via Victoria Road and the Iron Cove Bridge, a major thoroughfare that connects the subject site to the remainder of Sydney. There are several bus stops located in close proximity to the site along Victoria Road. Adjoining the site to the north, on the opposite side of Henley Marine Drive is Brett Park which is a large area of public open space (**Figure 4**). Brett Park is bound by Henley Marine Drive, Formosa Street, Sisters Crescent, Day Street and Tranmere Street. Adjoining the site to the west is cluster of trees and other vegetation adjacent to the MHW. Adjoining the site to the east is an existing bitumen car parking area and further beyond that is the Drummoyne Swimming Centre (**Figures 5 and 6**).



Figure 4: Brett Park opposite the subject site
Source: Google



Figure 5: Car parking area immediately adjacent to the eastern side of the subject site
Source: Google



Figure 6: Remainder of the car parking area towards Drummoyne swimming pool
Source: Google

3. PROJECT HISTORY

3.1 Previous Planning Proposal

There are no previous Planning Proposal's on the subject site.

3.2 Development Consent

DA2016/0126 for *Alterations and Additions to existing approved restaurant (No Change to Approved Hours of Operation or Number of Seats) and Construction of a Café Proposed to be open from Monday to Friday 7.00am to 4.00pm* was approved by Canada Bay Council on 6 July 2016.

Relevantly, condition 3 within this consent states the following which explicitly does not permit use of the premises are a function centre:

3. DAGCA08 - Café/Restaurant approval

This consent grants approval for the premises to be operated as a café, restaurant and ancillary bar. The premises shall be operated at all times in accordance with the definition of a restaurant or café under the Canada Bay Local Environmental Plan 2013. At no time, shall the premises be used as a function centre as also defined under the Canada Bay Local Environmental Plan 2013 as it is noted that such use is prohibited under the current RE1 Public Recreation zone that applies to the subject site.

(Reason: To confirm and clarify the terms of consent)

A copy of the abovementioned Development Consent is included at **Appendix D**.

3.3 Stakeholder Consultation

The proponent undertook preliminary consultation with key stakeholders prior to preparing the Planning Proposal. Details of the consultation undertaken are identified in **Table 3** below:

Table 3 - Summary of Preliminary Stakeholder Engagement

Stakeholder and Key Issues	Proponent response
<i>Canada Bay Council</i> <i>No major issues.</i>	The consent authority did not raise any major matters relevant to this planning proposal during the course of dialogue carried out between August 7, 2023 to date.

3.4 Subject Planning Proposal (PP2024/0007)

- The subject Planning Proposal, PP2024/0007, was submitted with Canada Bay Council on 2 January 2025.
- Advice was sought on the Planning Proposal from the Local Planning Panel (LPP) at its meeting on 17 February 2025. Council's report on the agenda of this LPP meeting provided the following recommendation:

RECOMMENDATION

1. THAT the Planning Proposal be endorsed for submission to the Department of Planning, Housing and Infrastructure, subject to:
 - (a) update of the proposal to justify inconsistency with Local Planning Direction 1.4 – Site Specific Provisions.
 - (b) update the Traffic and Parking Assessment Report to provide further analysis in relation to availability of on and off-street car parking within a 200m radius of the site.

Ultimately, the LPP made the following unanimous resolution:

RESOLVED

The Panel:

1. Notes that the site is currently being used as a function centre and the purpose of the planning proposal is to make the use permissible.
2. Notes that part of the site is located below mean high water mark and is subject to the Biodiversity and Conservation SEPP 2021.
3. Supports the planning proposal in principle subject to:
 - a. the matters raised by Council in their report to the Panel being satisfactorily addressed
 - b. the proponent clarifying the implication of the Environmental Protection zoning applying to part of the land under the Biodiversity and Conservation SEPP.
 - c. The proposal being updated to include all parcels of land to which the proposed additional permitted use will apply
4. Notes the key matters relating to traffic, noise and parking potentially affecting local amenity will need to be appropriately addressed in any future development application.

- A Revised Traffic & Parking Assessment Report was provided to Council on 1 April 2025. The revised report responded to the traffic and parking issues identified by Council in its report to the LPP. In particular, Council advised that *the report does not clearly indicate the exact location of available spaces and the difference between on-street and off-street car parking availability. The following additional information was requested:*

- Available on-street parking spaces within 200m radius
- Available off-street parking spaces within 200m radius
- A map/ diagram indicating the number of available spaces in each street and the location of off-street spaces.
- Parking availability on Saturdays between 11:30am and 5:00pm and Sundays between 5:30pm and 10:00pm.

- The subject PP was forwarded to the Ordinary Council meeting held on 15 April 2025 with the following recommendation:

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That:

- Council endorse the Planning Proposal – 131P Henley Marine Drive, Drummoyne, to include an Additional Permitted Use to be added to Schedule 1 of the *Canada Bay Local Environmental Plan 2013* to permit a Function centre with consent, for submission to the Department of Planning, Housing and Infrastructure, with a request for a Gateway Determination, subject to the proposal being updated to:
 - clarify all parcels of land to which the proposed additional permitted use will apply and address how a function centre will be made permissible pursuant to *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.
 - justify the inconsistency with Local Planning Direction 1.4 – Site Specific Provisions.
- Authority be delegated to the General Manager to make any minor modifications to the planning proposal prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination.
- The Planning Proposal be endorsed for public exhibition in accordance with relevant conditions imposed under the Gateway Determination.

Ultimately, the elected Council made resolution 053/25 as follows:

That:

- Council endorse the Planning Proposal – 131P Henley Marine Drive, Drummoyne, to include an Additional Permitted Use to be added to Schedule 1 of the *Canada Bay Local Environmental Plan 2013* to permit a Function centre with consent, for submission to the Department of Planning, Housing and Infrastructure, with a request for a Gateway Determination, subject to the proposal being updated to:
 - clarify all parcels of land to which the proposed additional permitted use will apply and address how a function centre will be made permissible pursuant to *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.
 - justify the inconsistency with Local Planning Direction 1.4 – Site Specific Provisions.
- Authority be delegated to the General Manager to make any minor modifications to the planning proposal prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination.
- The Planning Proposal be endorsed for public exhibition in accordance with relevant conditions imposed under the Gateway Determination.

- On 17 April 2025, Council requested that the PP is updated to including the following:
 - clarify all parcels of land to which the proposed additional permitted use will apply and address how a function centre will be made permissible pursuant to *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.
 - justify the inconsistency with Local Planning Direction 1.4 – Site Specific Provisions.

In addition to the above, Council's traffic engineers reviewed the Revised Traffic & Parking Assessment Report and requested additional information as identified below:

It is noted that the updated traffic report included additional parking surveys dated 01 to 02 March 2025 to further correspond with the restaurant's typical busiest trading hours. It is outlined in Appendix B that the total capacity during that survey is 377 spaces (vs 378 spaces during the 2023 survey). The consultant is to confirm and sort the discrepancy to ensure consistency throughout the report.

The traffic report should include discussions regarding how many car spaces remain available when considering the premises being at full capacity of 240 patrons during the peak period of the day (worst case scenario) and whether the proposal does not materially impact/exceed the total parking capacity.

The proponent is to confirm whether the proposed function centre in the first floor of the development is closely aligned with the existing restaurant operation in terms of potential patron numbers, hours of operation, and event-based activity. Function centres may have different arrival/departure patterns compared to regular restaurant dining (e.g. concentrated peak arrival / departure periods).

Response to issues identified by Council and the Local Planning Panel

The following key issues have been identified throughout the assessment phase of the subject PP:

Clarification of parcels of land to which the proposed additional permitted use will apply and permissibility of function centres pursuant to SEPP (Biodiversity and Conservation) 2021.

Response: **Section 2** of this PP Report has been amended to clarify all parcels of land the subject of the PP. The PP incorporates four (4) separate parcels of land as described in **Section 2**. Three land parcels are zoned under SEPP (Biodiversity and Conservation) 2021 and one parcel is zoned under Canada Bay LEP 2013. Furthermore, **Part 4 - Statutory Context** within this report has been updated having regard to the provisions SEPP (Biodiversity and Conservation) 2021 as it relates to the subject site.

Inconsistency with Local Planning Direction 1.4 - Site Specific Provisions.

Response: **Table 8** of this report has been updated to provide justification for the inconsistency with Local Planning Direction 1.4 - Site Specific Provisions.

Various issues identified in the Traffic and Parking Assessment Report

Response: In accordance with Council's advice, the Traffic and Parking Assessment Report has been amended to address the concerns raised.

4. STATUTORY CONTEXT

This section of the report identifies the core local planning controls which currently apply to the site.

4.1 Canada Bay Local Environmental Plan 2013

Canada Bay Local Environmental Plan 2013 (CBLEP 2013) is the primary environmental planning instrument for the site. The site is zoned RE1 – Public Recreation as shown in **Figure 7**. The zone objectives, permitted and prohibited uses are also re-produced below for reference.



Figure 7: Zoning Map extract
Source: NSW Planning Portal

Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To facilitate public access to and along the foreshore.
- To conserve public open space that enhances the scenic and environmental quality of Canada Bay.

Permitted with consent

Aquaculture; Biosolids treatment facilities; Boat sheds; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Water recycling facilities.

Prohibited

Any development not specified in item 2 or 3

It is proposed to create an additional clause in Schedule 1 Additional permitted uses to enable *function centres* as being a permissible use on the sites the subject of this Planning Proposal. *Function centres* are defined as follows under CBLEP 2013:

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

The Planning Proposal does not seek to make any changes to the RE 1 – Public Recreation zone provisions, including the zone objectives, permitted uses and prohibited uses. The additional land use activity is to be listed in a new clause under Schedule 1, enabling *function centres* to be permitted on the site as outlined and justified further within this report.

There are no Building Height or Floor Space Ratio (FSR) development standards applying to the site. No changes are proposed in this respect. There are heritage items in the vicinity of the site (see **Figure 8**) as follows:

- Item I200 – House – 18 Formosa Street
- Item I201 – Pair of semi detached houses – 20 to 22 Formosa Street
- Item I242 – Natural foreshore between Ullathorne Street and Drummoyne Swimming Pool – Henley Marine Drive
- Item I244 – Iron Cove Foreshore Drive – Henley Marine Drive and Timbrell Drive

The site is identified as being *Environmentally Sensitive Land* in accordance with clause 6.3 of CBLEP 2013 (see **Figure 9**).



Figure 8: Heritage Map extract
Source: NSW Planning Portal



Figure 9: Environmentally Sensitive Land Map extract
Source: NSW Planning Portal

4.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Lots 1,2 and 3 within Deposited Plan 1032986 forming part of the land at 131P Henley Marine Drive are the subject of SEPP (Biodiversity and Conservation) 2021.

Division 2 of Part 6 of the SEPP makes provision for “Zoning of Foreshores and Waterways Area”. In accordance with clause 6.26 -Zoning of Foreshores and Waterways Area, part of the subject land is zoned under the Foreshores and Waterways Area Map as “Zone 2 - Environment Protection” (see **Figure 10**). The lower portion of the existing building on the subject site extends into the area zoned under this SEPP (i.e. – below the Mean High Water Mark).



Figure 10: Zoning map extract - SEPP
Source: NSW Planning Portal

Pursuant to clause 6.26(2) of SEPP (Biodiversity and Conservation) 2021:

"A zone boundary that follows the water's edge, as shown on the Foreshores and Waterways Area Map, is taken to follow the mean high water mark".

Part of the existing building is below the mean high water mark and therefore within the zoned waterway.

Clause 6.27 of the SEPP (Biodiversity and Conservation) 2021 contains the zone objectives and the Land Use Table which is re-produced below:

Zone 2 Environment Protection

1 Objectives of zone

- *To protect the natural and cultural values of waters in the zone.*
- *To prevent damage to, or the possibility of long term adverse impact on, the natural and cultural values of waters in the zone and adjoining foreshores.*
- *To enhance and rehabilitate the natural and cultural values of waters in the zone and adjoining foreshores.*
- *To provide for the long term management of the natural and cultural values of waters in the zone and adjoining foreshores.*

2 Permitted without consent

Aids to navigation; Demolition, other than demolition of a heritage item; General restoration works; Naval activities; Single moorings

3 Permitted with consent

Boat launching ramps; Community facilities; Dredging; Flora and fauna enclosures; Maintenance dredging; Private landing steps; Public boardwalks; Public water recreational facilities; Public water transport facilities; Recreational or club facilities; Telecommunications facilities

4 Prohibited

Above-water boat lifts; Advertisements; Advertising structures; Aviation facilities; Boat building and repair facilities; Boat lifts; Boat sheds; Charter and tourism boating facilities; Commercial port facilities; Floating boat platforms; Houseboats; Intertidal dredging; Marinas; Mooring pens; Private landing facilities; Private swimming enclosures; Reclamation works; Residential accommodation; Skids; Slipways; Swimming pools; Tourist facilities; Water-based restaurants and entertainment facilities; Waterfront access stairs

No amendments are proposed to SEPP (Biodiversity and Conservation) 2021 as requested in the Gateway Conditions dated 24 December 2025. *Function centres* are not permissible with consent in Zone 2 – Environmental Protection, however, the provisions within clause 6.27(2) of SEPP (Biodiversity and Conservation) 2021 provides a permissibility pathway for the development to be endorsed by the consent authority. This clause effectively enables prohibited clauses to be considered provided that they are not inconsistent with the objectives for development in the zone, are not inconsistent with the provisions of another environmental planning instruments and will not otherwise have adverse impacts.

5. PLANNING PROPOSAL ASSESSMENT

The Draft Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and the DPE 'Local Environmental Plan Making Guideline' dated September 2022.

This section addresses each of the matters to be addressed as outlined in the guidelines, including:

- Objectives and intended outcomes.
- Explanation of provisions.
- Justification of strategic and site-specific merit.
- Community consultation.
- Project timeline.

Each of these matters has been informed by the technical deliverables lodged with the Draft Planning Proposal, including the indicative concept design and the detailed assessment reports.

5.1 Part 1: Objectives and Intended Outcomes

The objectives of the Planning Proposal are to provide for *function centres* as a permitted land use on the site under the provisions of CBLEP 2013.

The intended outcomes include:

- Expanding the range of permitted employment-based uses.
- Provide landowners with the ability to consider development for the purposes of a function centre as permissible development subject to that development addressing the environmental impacts of the development via a Development Application (DA).
- Maintain employment uses on-site and prevent their replacement by residential or mixed-use developments.
- Ensure that the Planning Proposal also permits all uses allowed within the RE 1 zone, ensuring no loss of RE 1 zoned land.
- Accommodate the growing demand for function centres within the Canada Bay LGA, reduce leakage to other LGAs, and enhance local amenities.

The objectives and intended outcomes for the Planning Proposal are aligned with the strategic planning policies as discussed in further detail in this report.

5.2 Part 2: Explanation of Provisions

Canada Bay Local Environmental Plan 2013

The proposed changes to the wording for the new clause to be inserted in Schedule 1 are provided below.

New Clause 30

30 *Use of certain land at 131P Henley Marine Drive, Drummoyne*

(1) This clause applies to the following land in Drummoyne

(a) 131P Henley Marine Drive, being Lot 461 in DP 752023

(2) Development for the purposes of function centres is permitted with development consent.

The new clause in Schedule 1 will facilitate a planning approvals pathway for complementary land use activities ('function centres') which would not otherwise be permitted on land within the RE1 - Public Recreation zone.

5.3 Part 3: Justification of Strategic and Site-Specific Merit

5.3.1 Section A - Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal is not the result of any specific strategic study or report. The proposal seeks to increase the options for development permissible with consent on the subject site that is within the RE-1 Public Recreation zone under the LEP. The proposal would encourage and promote land uses in the RE-1 zone that is consistent with the zone objectives. The proposal enables land owners to diversify land uses in sympathy with the prevailing public recreation nature of the zone.

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

Yes - expanding the additional permitted uses within CBLEP 2013 is the most efficient and time-effective approach to realising the objectives of the Planning Proposal.

5.3.2 Section B - Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, district plan or strategy (including any exhibited draft plans or strategies)?

Yes - the Planning Proposal will give effect to the objectives and actions of the applicable relevant objectives, priorities and actions in the Greater Sydney Region Plan and the Eastern City District Plan as outlined in detail below.

Greater Sydney Region Plan: A Metropolis of Three Cities - Connecting People

The Greater Sydney Region Plan - A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years. The vision of the Region Plan is to create a metropolis of three cities, specifically the Western Parkland City, Central River City and the Eastern Harbour City. The subject site is located within the Eastern Harbour City.

To help in the implementation and monitoring of the Region Plan, 40 objectives and their supporting indicators were developed. The Planning Proposal is consistent with the relevant objectives as discussed below:

Objective 22: Investment and business activity in centres: Although the subject site is not within a designated strategic centre, the Planning Proposal will not undermine the role, function and viability of nearby Drummoyne Strategic Centres as its standalone function centre offer will be vastly different from that centres. The provision of a function centre presents a different offer that does not compete with the strategic centres but maintains on-site employment uses, bolstering local employment and the economy. Therefore, the proposal generally aligns with this objective.

Objective 25: The coast and waterways are protected and healthier: The subject site is identified in CBLEP 2013 as being Environmentally Sensitive Land. Strategy 25.1 seeks to protect environmentally sensitive areas of waterways and the coastal environment area. The Planning Proposal does not introduce any new uses that would be likely to adversely impact upon the adjacent urban waterway. Existing liveability in terms of access to the waterway and foreshore area would not be altered.

Objective 28: Scenic and cultural landscapes are protected: The Planning Proposal does not introduce any new uses that would increase the potential for exposure to natural and urban hazards such as bushfire, flooding, noise, odour, pollution or contamination. The Planning Proposal does not seek to introduce any new land uses that would otherwise be considered 'sensitive'.

Objective 31: Public open space is accessible, protected and enhanced: The Planning Proposal would not compromise or alter the extent to which the existing foreshore is accessible. There are extensive existing walking and cycling links (i.e. – 'The Bay Run') which the proposed additional land use would not impact on.

Overall, it is considered the Draft Planning Proposal is entirely aligned and consistent with the Greater Sydney Region Plan and will contribute to the delivery of its objectives.

Eastern City District Plan

The Eastern City District Plan (District Plan) is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning. The District Plan maps out the 20-year vision for the District, which encompasses the LGAs of Bayside, Burwood, Canada Bay, City of Sydney, Inner West, Randwick, Strathfield, Waverley and Woollahra. The District Plan sets out planning priorities and actions to achieve a liveable, productive and sustainable future for the District. The relevant Planning Priorities align closely with those of the District Plan, particularly within the context of the Planning Proposal as demonstrated in **Table 4** below:

Table 4 - Consistency with Eastern City District Plan

District Plan	Justification
Priorities	
<i>Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage</i>	This planning priority is relevant to the extent that it relates to respecting the District's heritage. The subject site does not contain any listed heritage items. However, there are locally listed items in its vicinity, including: • Item I200 - House - 18 Formosa Street • Item I201 - Pair of semi detached houses - 20 to 22 Formosa Street • Item I242 - Natural foreshore between Ullathorne Street and Drummoyne Swimming Pool - Henley Marine Drive • Item I244 - Iron Cove Foreshore Drive - Henley Marine Drive and Timbrell Drive The proposed additional land use is unlikely to compromise the heritage significance of the abovementioned items. Importantly, any future Development Application must also demonstrate that the requirements of clause 5.10 - Heritage conservation within CBLEP 2013 are satisfied.
<i>Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city</i>	Permitting <i>function centres</i> on the site will support the concentration of this land use in a location that is readily accessible to most of the Canada Bay Local Government Area as well as other parts of Sydney, including the Central Business District. This supports the notion of a 30-minute city.
<i>Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres.</i>	Although the subject site is not within a designated strategic centre, the planning proposal will not undermine the role, function and viability of nearby Drummoyne centre as its standalone function centre offer will be vastly different from that centre. The function centre offering presents a different offer that does not compete with the strategic centres but maintains on-site employment uses, bolstering local employment and the economy.
<i>Planning Priority E13: Supporting growth of targeted industry sectors</i>	Amongst a range of things, this planning priority seeks to develop and coordinate development strategies to grow key sectors of the economy, including the visitor economy. The proposed additional land use has the potential to add to the tourist economy noting that a function centre is essentially a tourist-related land use that will attract populations to visit and invest in this part of the Canada Bay LGA, thereby supporting Action 57 which states: <i>Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation.</i>

*Planning Priority
E15: Protecting and
enhancing bushland
and biodiversity &*

The Planning Proposal is for an additional permitted use only. Accordingly, it will not directly impact upon the existing vegetation of the subject site and on surrounding lands. The existing scenic landscape of the site and surroundings would complement the additional land use sought given the high level of amenity. The proposal would be consistent with Action 64 as it would not alter any of the existing views of scenic and cultural landscapes from the public realm.

*Planning Priority
E16: Protecting and
enhancing scenic
and cultural
landscapes*

*Planning Priority
E20: Adapting to the
impacts of urban
and natural hazards
and climate change*

The Planning Proposal does not introduce any new uses which would increase the potential for low impact urban hazards (noise, odour, pollution, traffic, industrial waste, soil, water or contamination).

Overall, the proposed additional permitted use is considered generally consistent with the planning priorities outlined within the Eastern City District Plan and will contribute to the delivery of the identified actions to achieve its desired outcomes.

Assessment Criteria for Strategic and Site-Specific Merit

The following section outlines the way in which the Draft Planning Proposal complies with the strategic merit considerations outlined in the LEP Guideline.

Does the proposal:

- *Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy?*

Yes - the Draft Planning Proposal will give effect to the Greater Sydney Region Plan and the Eastern City District Plan as outlined in detail above in this report.

- *Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan?*

Yes - the Draft Planning Proposal is entirely consistent with the Canada Bay Local Strategic Planning Statement as outlined in **Table 3** below.

- *Respond to a change in circumstances that has not been recognised by the existing planning framework?*

N/A - the Draft Planning Proposal does not rely upon a change in circumstances that has not been recognised by the existing strategic planning framework as identified above. It has been demonstrated the Draft Planning Proposal is consistent with the Greater Sydney Region Plan, the Eastern City District Plan and the Canada Bay LSPS.

The site-specific merit of the Planning Proposal is discussed in detail in **Section 5.3.3** of this report, including a comprehensive assessment of the impacts of the proposal on the natural and built environments, the compatibility of the future development with the locality and the services and infrastructure required to accommodate the land use activity sought.

Q4. Is the planning proposal consistent with a Council LSPS that been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes - the Draft Planning Proposal is consistent with the Canada Bay Local Strategic Planning Statement, the Local Employment and Productivity Strategy, the Recreation and the Open Space Strategy. Refer to **Tables 5** and **6** below.

Table 5 - Canada Bay Local Strategic Planning Statement

Local Strategic

Justification

Planning Statement

Priorities

*Planning Priority 1:
Planning for a City that is
supported by
Infrastructure*

This priority seeks to consider the capacity of existing infrastructure, committed improvements and forecast demand from the existing and anticipated population when planning for the future. The subject site is already serviced by essential infrastructure. The locality is well serviced by existing infrastructure (local amenities, transport and the like) being located in close proximity to Victoria Road.

*Planning Priority 7:
Create vibrant places that
respect local heritage
and character*

This priority identifies that the City of Canada Bay has a rich cultural heritage and the protection of these places is of vital importance. Whilst the subject site itself is not an identified heritage item, nor is it within a HCA, there are various heritage items surrounding the site as follows:

- Item I200 – House – 18 Formosa Street
- Item I201 – Pair of semi detached houses – 20 to 22 Formosa Street
- Item I242 – Natural foreshore between Ullathorne Street and Drummoyne Swimming Pool – Henley Marine Drive
- Item I244 – Iron Cove Foreshore Drive – Henley Marine Drive and Timbrell Drive

The proposed additional land use is unlikely to compromise the heritage significance of the abovementioned items. Importantly, any future Development Application must also demonstrate that the requirements of clause 5.10 – Heritage conservation within CBLEP 2013 are satisfied.

*Planning Priority 9:
Enhance employment
and economic
opportunities in Local
Centres*

The subject site is within close proximity to the Drummoyne centre which is identified in the LSPS as being the largest of the Local Centres in the LGA's east. The Planning Proposal will not undermine the role, function and viability of nearby Drummoyne centre (along Victoria Road) as its standalone function centre offer will be vastly different from that centre. The function centre offering presents a different offer that does not compete with the strategic centres but maintains on-site employment uses, bolstering local employment and the economy.

<i>Planning Priority 14: Protect and enhance bushland and biodiversity & Planning Priority 15: Protect and enhance scenic and cultural landscapes</i>	It is noted that these Planning Priority also appear within the Eastern City District Plan (see Table 4). The Planning Proposal is for an additional permitted use only. Accordingly, it will not directly impact upon the existing vegetation of the subject site and on surrounding lands. The existing scenic landscape of the site and surroundings would complement the additional land use sought given the high level of amenity. The proposal would not alter any of the existing views of scenic and cultural landscapes from the public realm.
<i>Planning Priority 19: Adapt to the impacts of urban and natural hazards and climate change</i>	The Planning Proposal does not introduce any new uses which would increase the potential for low impact urban hazards (noise, odour, pollution, traffic, industrial waste, soil, water or contamination).

Table 6 - Other Local Strategies

Local Strategies	Justification
Local Employment and Productivity Strategy	This strategy highlights a number of considerations including: strategy commitments for Rhodes East and Parramatta Road, provision of Rhodes as a key centre for growth and a strong emphasis within various strategies in creating an accessible, 30 minutes city which has highlighted the need to improve accessibility through improving connectivity at a local level. The Planning Proposal to introduce an additional permitted use on the subject site would not be counterinitative to any of the key findings within this study.
Recreation and Open Space Strategy	For the purposes of this Strategy and Action Plan, open space refers to public land that is used for recreation, leisure and outdoor entertainment purposes. Recreation includes a broad range of passive and active leisure activities that we participate in for fun, relaxation, health and wellbeing. It is acknowledged that the subject site is zoned RE-1 Public Recreation in accordance with CBLEP 2013. However, this site is not land that is used for public open space or recreational purposes. The Planning Proposal would not reduce opportunities in this regard. It is noted that there is significant public recreation and open space areas surrounding the site.

Q5. Is the planning proposal consistent with applicable State and regional studies or strategies?

Yes - the Planning Proposal is consistent with *Future Transport Strategy 2056* which sets the State-wide outcomes to guide investment, services and policy and framework for network planning and investment aimed at supporting transport infrastructure. The site is well-serviced by existing road infrastructure, with excellent connections to the Sydney metropolitan road network.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes - the Planning Proposal is consistent with relevant State Environmental Planning Policies (**SEPP**) as identified and discussed in **Table 7** below. It is noted that there is an inconsistency in terms of Ministerial Direction 1.4 – Site Specific Provisions as it relates to SEPP (Biodiversity and Conservation) 2021 which has been addressed in **Table 8**.

Table 7 – Consistency with SEPPs

Relevant SEPP	Consistency
SEPP (Biodiversity and Conservation) 2021	State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to biodiversity and conservation planning matters. Chapter 2 of this state policy applies to the non-rural areas of the State inclusive of the subject local government area and aims to (a) protect the biodiversity values of trees and other vegetation in non-rural areas of the State and (b) preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Any future development application will have regard to Part 2.2 of the SEPP. Chapter 6 of this state policy applies to land within several water catchments including the Sydney Harbour Catchment which also incorporates the subject site. The controls on development generally as set out in Division 2 of Part 6.2 of this chapter. The Draft Planning Proposal to incorporate an additional permitted use on the land: • Would have a neutral effect on the quality of water entering the harbour and associated tributaries. • Would not reduce or alter public access to and from natural waterbodies in the vicinity of the site. <i>Function centres</i> are not permissible with consent in Zone 2 – Environmental Protection, however, the provisions within clause 6.27(2) of SEPP (Biodiversity and Conservation) 2021 provides a permissibility pathway for the development to be endorsed by the

	consent authority. This clause effectively enables prohibited clauses to be considered provided that they are not inconsistent with the objectives for development in the zone, are not inconsistent with the provisions of another environmental planning instruments and will not otherwise have adverse impact. This would be required to be demonstrated at Development Application stage.
SEPP (Resilience and Hazards) 2021	State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP 2021) provides the planning framework for the management of contaminated land in NSW. The site contains an established restaurant building. Clause 4.6 of the Resilience and Hazards SEPP 2021 states that a consent authority must not consent to development unless it has considered whether the land is contaminated and if required, it is satisfied that the land will be remediated before the land is used for that purpose. This would need to be substantiated at DA stage. The site is identified as being within the 'coastal zone' and more particularly the 'coastal environment' and 'coastal use' areas pursuant to the SEPP. In accordance with sub-clauses 2.10 (3) and 2.11 (3) of the SEPP, the matters for consideration and prerequisites to the granting of consent for development on land within the coastal environment area and coastal use area are not triggered in this case, as the site is within the 'Foreshores and Waterways Area' within the meaning of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6. The proposal for an additional permitted use in the form of a function centre is unlikely to cause increased risk of coastal hazards on the site and within the locality and is unlikely to impede upon the functions of the foreshore. Further assessment would be undertaken at DA stage.
SEPP (Sustainable Buildings) 2022	State Environmental Planning Policy (Sustainable Buildings) 2022 encourages the design and delivery of more sustainable buildings. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials. Chapter 3 of the SEPP outlines the standards for non-residential development to minimise waste and energy consumption. This is capable of being addressed at DA stage.
SEPP (Transport and Infrastructure) 2021	State Environmental Planning Policy (Transport and Infrastructure) 2021 provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. Whilst this Planning Proposal does not seek development consent for

building works, any future DA will need to be assessed in accordance with various clauses within this SEPP, where relevant.

SEPP (Industry and Employment) 2021

The future development of the site, including function centres may contain signage that is compatible with the desired amenity and visual character of this part of Henley Marine Drive. The design principles for signage provided in Schedule 5 of the Industry and Employment SEPP 2021 will be addressed as part of a detailed development application after this Planning Proposal.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes - The Planning Proposal is consistent with relevant Ministerial directions under section 9.1 of the EP&A Act as identified and summarised in the following table. It is noted that there is a minor inconsistency with Direction 1.4 – Site Specific Provisions which this Planning Proposal has addressed and justified.

Table 8 - Consistency with Section 9.1 Directions

Directions	Consistency
1.1 Implementation of Regional Plans	The analysis provided throughout Section 5 demonstrates that the Planning Proposal has strategic alignment with the Greater Sydney Region Plan: A Metropolis of Three Cities and the Eastern City District Plan.
1.4 Site Specific Provisions	The objective of this direction is to discourage unnecessarily site specific planning controls. Permitting function centres within the RE 1 Public Recreation Zone (CBLEP 2013) would often be inconsistent with the objectives of this zone, which relate to the recreation and environmental use of parkland. However, the subject premises is sited in a location and within an existing building where the operation of a function centre is unlikely to have unacceptable environmental impacts or adversely impact upon the use/availability of public recreation. Further, permitting a function centre on the subject site would not undermine the intended use of parkland/open space elsewhere in the RE1 Public Recreation Zone. As a result, the most appropriate approach to facilitate a function centre on the site is an additional permitted use. The inconsistency of the Planning Proposal with Direction 1.4 – Site Specific Provisions is considered to be of minor significance and is thus acceptable noting that this Direction states: <i>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an</i>

officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.

3.7 Public Bushland

The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland. The Planning Proposal would be consistent with this direction as it would not impact on any existing public bushland or other nearby bushland.

3.9 Sydney Harbour Foreshores and Waterways Area

This subject site is identified as land within the Foreshores and Waterways Area as defined in the State Environmental Planning Policy (Biodiversity and Conservation) 2021. The Planning Proposal would be consistent with this Direction in that:

- There would be no additional impacts with respect to the protection, maintenance and enhancement of the natural assets and unique environmental, visual and cultural qualities of Sydney Harbour and its islands and foreshores.
- Existing public access to and along the foreshore and to and from the waterways for public recreational purposes would be maintained.

4.2 Coastal Management

This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

The site is identified as being within the 'coastal zone' and more particularly the 'coastal environment' and 'coastal use' areas pursuant to the SEPP. The proposal is unlikely to cause increased risk of coastal hazards on the site and unlikely to impede upon the functions of the foreshore. Further assessment would be undertaken at DA stage. The Planning Proposal does not seek to amend any of the mapping as referred to in part (4) of this Direction. In terms of Consistency, this Planning Proposal is considered to be 'of minor significance' as per item (c).

4.4 Remediation of Contaminated Land

Direction 2.6 aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the Planning Proposal stage. The Planning Proposal does not seek to permit any sensitive uses such as residential accommodation.

	Any future development on the land would be subject to the contaminated land provisions of State Environmental Planning Policy (Resilience and Hazard) 2021 during the development assessment phase.
4.5 Acid Sulfate Soils	The site is not identified within the LEP mapping as being affected by acid sulfate soils.
5.1 Integrated Land Use and Transport	Direction 3.4 requires a planning proposal to consider improving access to housing, jobs and services by walking, cycling and public transport and reducing reliance on cars. The proposal will assist in facilitating increased local employment opportunities and reduce the need to travel for work. This will help to improve resident worker containment and contribute to the aim of the 30-minute city.

5.3.3 Section C - Environmental, Social and Economic Impacts

Q8. 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?

No - the Planning Proposal is highly unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats. The subject site is already significantly developed with built form structures.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No significant effects - The site has already been developed for various purposes and is free of major constraints.

The following sections provide a comprehensive summary of the technical deliverables submitted with the Draft Planning Proposal and demonstrate the appropriateness of the proposed changes to CBLEP 2013.

Traffic & Parking Impact Assessment

A Traffic & Parking Impact Assessment has been prepared which assesses the potential traffic impacts of the Draft Planning Proposal associated with the complementary land use activities to be included in Schedule 1 of CBLEP 2013. The key findings of the Traffic & Parking Impact Assessment are summarised below:

- The road hierarchy in the vicinity of the site, including key roads and intersections are summarised as follows:
 - Victoria Road is classified as a State Road and provides another major east-west road link in the Sydney area, linking Rozelle to Parramatta.
 - Lyons Road and Great North Road (south of Lyons Road) are also classified as State Roads which provide a key road link through the Drummoyne, Russell Lee & Five Dock areas, linking Victoria Road to Parramatta Road.
 - Brent Street, Henley Marine Drive (between Brent Street & Timbrell Drive) & Timbrell Drive are all classified as Regional Roads which provide a key north-south road link between Dobroyd Parade & Lyons Road.
 - Henley Marine Drive (east of Brent Street and west of Timbrell Drive) is a local road which provides vehicular and pedestrian access to frontage properties. Two-way traffic flow is permitted, with kerbside parking generally permitted.

- Car parking accumulation surveys undertaken on a typical Friday, Saturday & Sunday as part of this study during large Aqua Luna restaurant bookings, which indicates that there is spare capacity within easy walking distance of the site.
- The site is located within 400m walking distance to bus services along Victoria Road which also provide access to railway stations.
- The Planning Proposal will not result in any change in traffic generation potential to Aqua Luna, such that the Planning Proposal will not result in any unacceptable traffic or environmental capacity implications to the surrounding road network.
- The Planning Proposal will not result in any increase in parking demand, given the floor area and maximum seating capacity of Aqua Luna will remain unchanged.
- The existing floor plans, operational hours, loading and waste collection, all remain unchanged as part of the PP.
- It is concluded that the proposed development is supportable on vehicular access, traffic, parking and servicing grounds and will not result in any unacceptable implications.

Overall, the Traffic Impact Assessment demonstrates the Draft Planning Proposal can be supported from a transport perspective. A further detailed assessment of the potential impacts will be required at the DA stage.

Q10. Has the planning proposal adequately addressed any social and economic effects?

Economic Impact

Permitting *function centres* on the subject site allows existing the existing facility to continue operations with the option to expand to meet future growth if and as required. Consequently, the Planning Proposal is anticipated to contribute to meeting the growing demand for function centres within the existing high amenity location within the Canada Bay LGA.

The proposal will provide economic benefits by ensuring that the site incorporates additional and expanded employment generating uses by not introducing any residential uses. Retaining the uses on site will ensure that these services remain local for the community to use and provide employment within Canada Bay.

Social Impact

Expanding employment uses for this land will have a positive social impact on the immediate and broader locality within the Canada Bay LGA as residents will have greater opportunities to work within the LGA, reducing traffic congestion and travel times to employment.

5.3.4 Section D - Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

Yes – there is adequate public infrastructure. The site is located within an existing urban area is good access to public transport and other infrastructure. It is considered that the Draft Planning Proposal is appropriate from an infrastructure perspective and will not require any significant upgrades which could impact upon Local, State or Commonwealth funding arrangements.

5.3.5 Section E - State and Commonwealth interests

Q11. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Canada Bay Council will undertake further consultation with State and Federal public authorities and government agencies following the lodgement of the Draft Planning Proposal. In the meantime, the proponent has undertaken preliminary and ongoing stakeholder consultation to ensure relevant parties have been made aware of the proposed plan amendments and been provided with the opportunity to provide feedback.

The Gateway Determination will confirm the public authorities to be consulted as part of the assessment process. Any issues raised will be incorporated into the final Planning Proposal and the LEP amendments.

5.4 Part 4: Mapping

The proposed new clause to Schedule 1 - Additional Permitted Uses within CBLEP 2013 would necessitate to the updating of the Additional Permitted Uses Map. Indicative mapping is provided below in **Figure 11**.

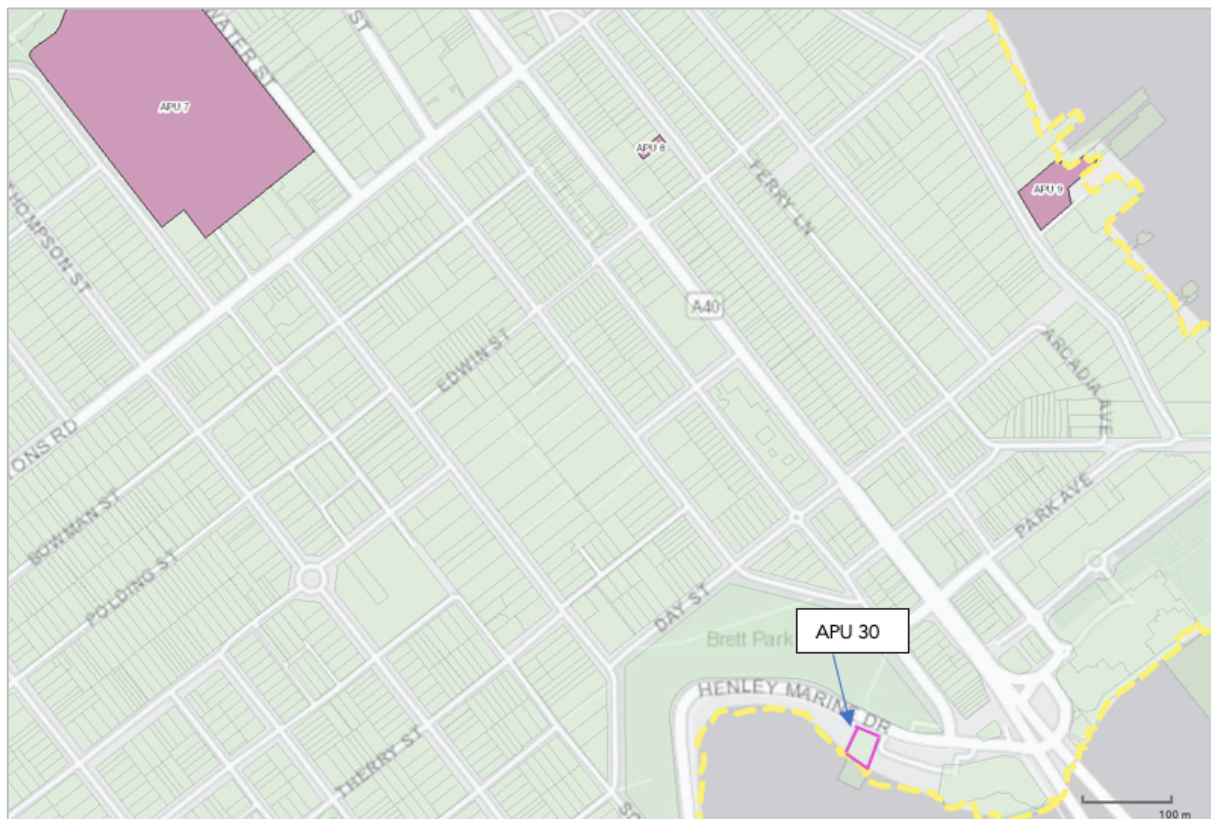


Figure 11: Indicative updated Additional Permitted Uses Map
Source: Base Map - NSW Planning Portal

5.5 Part 5: Community Consultation

Section 3.34 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is expected the Planning Proposal will be publicly exhibited for 28 days and consultation will be undertaken with any relevant agencies and stakeholders.

5.6 Part 6: Project Timeline

Table 7 sets the anticipated project timeline in accordance with the DPHI guidelines. The key milestones and overall timeframe will be subject to further detailed discussions with Council and the DPHI.

Table 9 - Anticipated Project Timeline

Process	Indicative Timeframe
Gateway Determination	December 2025
Public exhibition and review of submissions	April 2026 - May 2026
Finalisation of Planning	June 2026-August 2026
Gazettal of LEP amendment	On or before 14 September 2026

DISCLAIMER

This report incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of BMA Urban Pty Ltd opinion in this report. BMA Urban prepared this report on the instructions, and for the benefit only, Aqua Luna (Instructing Party) for the purpose of the Statement of Environmental Effects and (Purpose). To the extent permitted by applicable law, BMA Urban expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, BMA Urban was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to BMA Urban at the date of this report, and upon which BMA Urban relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which BMA Urban has no control.

Whilst BMA Urban has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. BMA Urban (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which BMA Urban relies, provided that such errors or omissions are not made by BMA Urban recklessly or in bad faith.

This report has been prepared with due care and diligence by BMA Urban and the statements and opinions given by BMA Urban in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.