

CANADA BAY LOCAL
ENVIRONMENTAL PLAN
2013 (PP2025/0004)

PLANNING PROPOSAL – Miscellaneous Amendments 2025

PP2025/0004

October 2025

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Introduction

This planning proposal (the Proposal) seeks to amend the *Canada Bay Local Environmental Plan 2013 (CBLEP)* to correct errors and introduce minor updates to improve the legibility and accuracy of the CBLEP.

The Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Local Environmental Plan Making Guideline*.

Part 1 - Objectives or Intended Outcomes

The **Objectives** of the Proposal is to amend the Canada Bay Local Environmental Plan 2013 (CBLEP) to:

- Improve the accuracy, clarity and usability of the CBLEP by correcting mapping anomalies, updating heritage descriptions, and rectifying drafting errors.
- Ensure heritage conservation controls are correctly applied by updating conservation area boundaries, realigning heritage curtilages, and removing listings where heritage value no longer exists.
- Strengthen the effectiveness of built-form controls, including updates to Floor Space Ratio provisions and objectives to ensure development is proportionate, context-appropriate and responsive to view-sharing considerations.
- Apply contemporary design quality standards to specific housing types, including boarding houses and co-living housing within mixed-use developments.
- Support economic activity and active centres by updating land use tables, applying accurate active street frontage mapping, and correcting additional permitted uses.
- Protect the function and viability of Concord Oval as a critical community and professional sporting facility through the introduction of minimum solar access controls.
- Enhance foreshore protection and environmental resilience by expanding clause objectives relating to natural processes, landscape character, public access and sea level rise.
- Remove outdated or duplicated provisions, including superseded BASIX incentive clauses and minimum lot size requirements now governed by State policy.

The **Intended Outcomes** of the Proposal is to:

- Deliver an internally consistent LEP with corrected mapping, updated land descriptions and clearer statutory provisions.
- Improve the accuracy and targeting of heritage controls, ensuring assessment only applies where genuine heritage significance is present.
- Enable more consistent and equitable development outcomes, including the application of correct FSR controls in E1 Local Centre zones.
- Ensure high-quality design outcomes for boarding houses and co-living housing by applying the design quality framework of the Housing SEPP.
- Provide clearer pathways for small-scale economic uses such as home businesses within residential zones.
- Safeguard the ongoing use and performance of Concord Oval, ensuring no additional overshadowing in midwinter.
- Strengthen environmental and foreshore management outcomes, supporting ecological processes, visual amenity and long-term coastal resilience.

- Improve the efficiency of the planning system, reducing confusion for applicants, the community and assessment staff through clearer controls and removal of superseded provisions.

Part 2 - Explanation of Provisions

Proposal

The Proposal seeks to make a number of amendments to the CBLEP 2013. The proposed amendments are summarised below:

A. Heritage mapping and Schedule 5 updates

- Amendments to the Moore Street Conservation Area boundary to remove a redeveloped site that no longer contributes to the character of the conservation area
- Amendments to the Powell's Estate Conservation Area to remove sites affected by land clearing associated with the WestConnex project, resulting in vacant lots that no longer hold heritage value or contribute to the character of the conservation area.
- Amendment of the curtilage of Joanna Walter Memorial Children's Hospital, Thomas Walker Hospital Group, and Concord Repatriation Hospital to align with the State Heritage mapping of these items.
- Reduction of the area of 1A Marlborough Street, Drummoyne mapped as a heritage item as only part of the site (the War Memorial) is of heritage significance.
- Amendment to the extent of trees along Lyons Road currently mapped as containing heritage significance, as only portions of the road contain trees that reflect the heritage character of the area.
- Remove heritage listing of heritage item at 42P Swan Avenue, Strathfield (cedar trees) as trees have been removed.
- Remove heritage listing of item 37 Llewellyn Street, Rhodes (house) as house was demolished under a court approved DA.
- Update various lot descriptions, street addresses and heritage item descriptions to more accurately identify heritage items in Schedule 5 of the CBLEP. These were either drafting errors, lot title changes and/or more precise descriptions of the heritage items themselves to better understand the items' heritage value.

B. Floor Space Ratio (FSR) updates

- Increasing the FSR standard for 545-551 Great Northern Road, Abbotsford from 0.5:1 to 1:1, to be consistent with the FSR on adjacent land also zoned E1 Local Centre.
- Including two additional objectives under clause 4.4 Floor Space Ratio.
 - The first additional objective is to encourage development with a built form and density proportionate to the size on land zoned R2 Low Density Residential. This objective will reinforce the underlying purpose of the Floor Space Ratio standard, which is to control the amount of Gross Floor Space as a ratio to site area.

- The second additional objective relates to view impacts, recognising the value of view sharing whilst not restricting the reasonable development potential of land.

C. 160 Burwood Road, Concord mapping correction

- Map additional permitted uses at 160 Burwood Road, Concord as, due to a drafting error, this was omitted from the Additional Permitted Uses Map at the time. These additional uses are already in the CBLEP written instrument and consequently need adding to the map.

D. Identify Rhodes West Active Street Frontages in CBLEP

- Identify an Active Street Frontage along River Boulevard, Rhodes West. The Canada Bay Development Control Plan (DCP) identifies this area in Rhodes West as having an activity strip, however this is not identified in the Active Street Frontage LEP Map. The Active Street Frontage LEP Map needs updating to reflect this.

E. Land use table updates

- Amend Zone R2 Low Density Residential and Zone R3 Medium Density Residential land zoning tables to include 'Home business' as a use permitted with consent. This will enable a home business to be undertaken in a dwelling or in a building ancillary to a dwelling.

F. Minimum lot sizes for boarding houses

- Update Clause 4.1A – 'Minimum lot sizes for certain types of development', to remove references to boarding houses. *State Environmental Planning Policy (Housing)* permits boarding houses in R2 Low Density Residential zones where the land is within an accessible area or otherwise located within the vicinity of commercial zones. In these instances, a minimum lot size of 600m² is required pursuant to the SEPP. For all other land in an R2 Low Density zone, Boarding houses are prohibited. The removal of the minimum lot size standard in the LEP will therefore reduce duplication.

G. Exempt development updates

- Amending Exempt Development criteria for bus shelter advertising to introduce a new criteria requiring bus shelter advertising be erected by or on behalf of Council. These amendments will ensure bus shelter advertising is provided in appropriate localities and in locations authorised by Council.

H. Removal of BASIX incentive clauses

- Removal of clauses 7.11 and 8.9 of the CBLEP to remove the 5% bonus FSR for development that exceeds certain minimum BASIX requirements for energy and water. With industry wide specific standards now achieving higher minimum standards that assumed at the time of the introduction of these

clauses, the FSR bonus is deemed to be outdated and no longer relevant to incentivise sustainable.

I. Design quality of certain boarding houses and co-living housing

- Amending the CBLEP to apply the design quality requirements of Chapter 4 of the Housing SEPP 2021 to boarding houses or co-living housing within a mixed-use development. This amendment will ensure quality apartment design is achieved for all types of housing, including more affordable housing typologies.

J. Sun access at Concord Oval.

- Insert a new local clause in the CBLEP to limit overshadowing of the Concord Oval open space area by surrounding development. Additional overshadowing of the open space will impact the critical local and professional level open space facility, reducing its quality and useability for the community and professional sporting groups.

K. Additional objectives for limited development on the foreshore

- Insert additional objectives to protect natural foreshore processes, the natural landform and landscape of the foreshore, visual amenity and public view of the foreshore, and development from potential sea level rise.

Proposed amendments in detail

A. Heritage mapping and Schedule 5 updates

Background

The Heritage map and Schedule 5 of the CBLEP are required to be updated to reflect correct Lot and DP descriptions, correct heritage item addresses, provide more accurate heritage item descriptions, remove a number of heritage items due to approved development, clearing or demolition of those sites, and more accurately define heritage conservation area boundaries.

Explanation of changes sought

Heritage Item number/description	Address	Changes sought
Moore Street Conservation Area – Labelled “CN”	40A Moore Street, Drummoyne	Description: Amend CBLEP Heritage Map to remove 40A Moore Street, Drummoyne from the Moore Street Conservation Area. Justification: The site is located on the boundary of the conservation area and is currently included as a

		contributory building. A new dwelling has been constructed on this site, extinguishing the property's contribution to the conservation area. This amendment will ensure that the conservation area boundary accurately reflects properties that contribute to the heritage value of this area. For clarity, 40 Moore Street is to be retained as a heritage item and remain in the conservation area.
 Figure 1: Current boundary of the conservation area - including 40A Moore St, Drummoyne (highlighted in dark red) on the northern edge.		



Figure 2. Aerial view of 40A Moore Street, Drummoyne - showing construction of a new dwelling.



Figure 3. Proposed amendment to the Heritage Map - to remove 40A Moore Street, Drummoyne from the conservation area.

Powell's Estate Conservation Area "CT" and heritage items I433 (11 Sydney Street - House) and	9 to 25 Sydney Street, and 68 to 74 Concord Road, North Strathfield.	Description: Amend CBLEP Heritage map and Schedule 5 to reduce the extent of the Powell's Estate Conservation Area as indicated in Figure 4 and remove
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I434 (23 Sydney Street - House,		items I433 (11 Sydney Street) and I434 (23 Sydney Street). Justification: A portion of the Powell's Estate Conservation Area has been used as a construction site to support delivery of the WestConnex motorway project, resulting in the demolition of all heritage listed items and conservation area contributory buildings across the site (Extent of construction site shown highlighted by blue outline below). The construction site is now vacant land, with the exception of a substation, which is not of heritage value or significance. As the heritage value of these sites has now been extinguished it is proposed to remove heritage controls from the relevant properties by amending the Heritage Map and Schedule 5 of CBLEP 2013. This includes the removal of heritage items I433 (11 Sydney Street) and I434 (23 Sydney Street). This amendment will ensure that the conservation area boundary accurately reflects properties that contribute to the heritage value of this area.
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Figure 4. Heritage affectation in the area - Current extent of heritage items (shaded light brown) and Powell's Estate Conservation Area (hatched in red). Land parcels subject to this amendment are those within the blue outline.



Figure 5. Historical aerial view (2016) – Status of the sites in 2016, showing historical development across the site.



Figure 6. Historical aerial view (2019), showing the site and surrounding area in 2019, including use of the site as a construction site by the WestConnex Project.



Figure 7. Current aerial view (2025) showing current state of the site and surrounding area, including site as vacant land and clear of all items of heritage significance.		
I544 - Joanna Walter Memorial Children’s Hospital I257 – Thomas Walker Hospital Group I256 – Concord Repatriation Hospital	1A Hospital Road, 1C and 1H Hospital Road, Concord West	Description: Amend CBLEP heritage map and Schedule 5 to align items I544, I257 and I256 with State heritage mapping as outlined in Figure 9. Justification: Joanna Walter, Thomas Walker and Concord Repatriation Hospitals sites are State heritage listed. These items are identified on both the CBLEP Heritage map and NSW State heritage mapping. However, their boundaries in the CLBEP Heritage map are misaligned to their State Heritage mapping, specifically on the southern boundary. The CBLEP Heritage map is proposed to be realigned to be consistent with the State heritage mapping for these items.

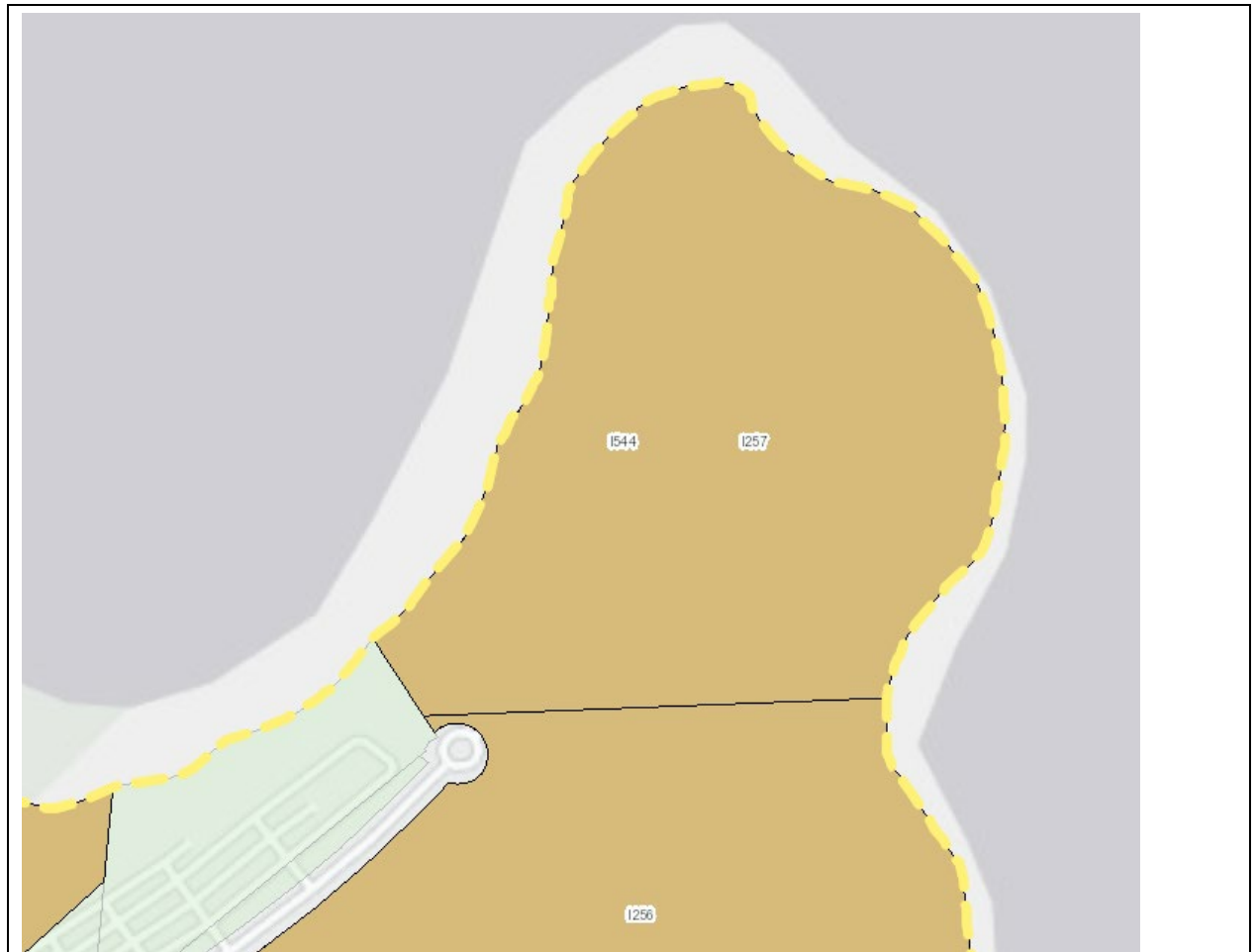


Figure 8. Current CLEP Heritage map of items and their curtilage.

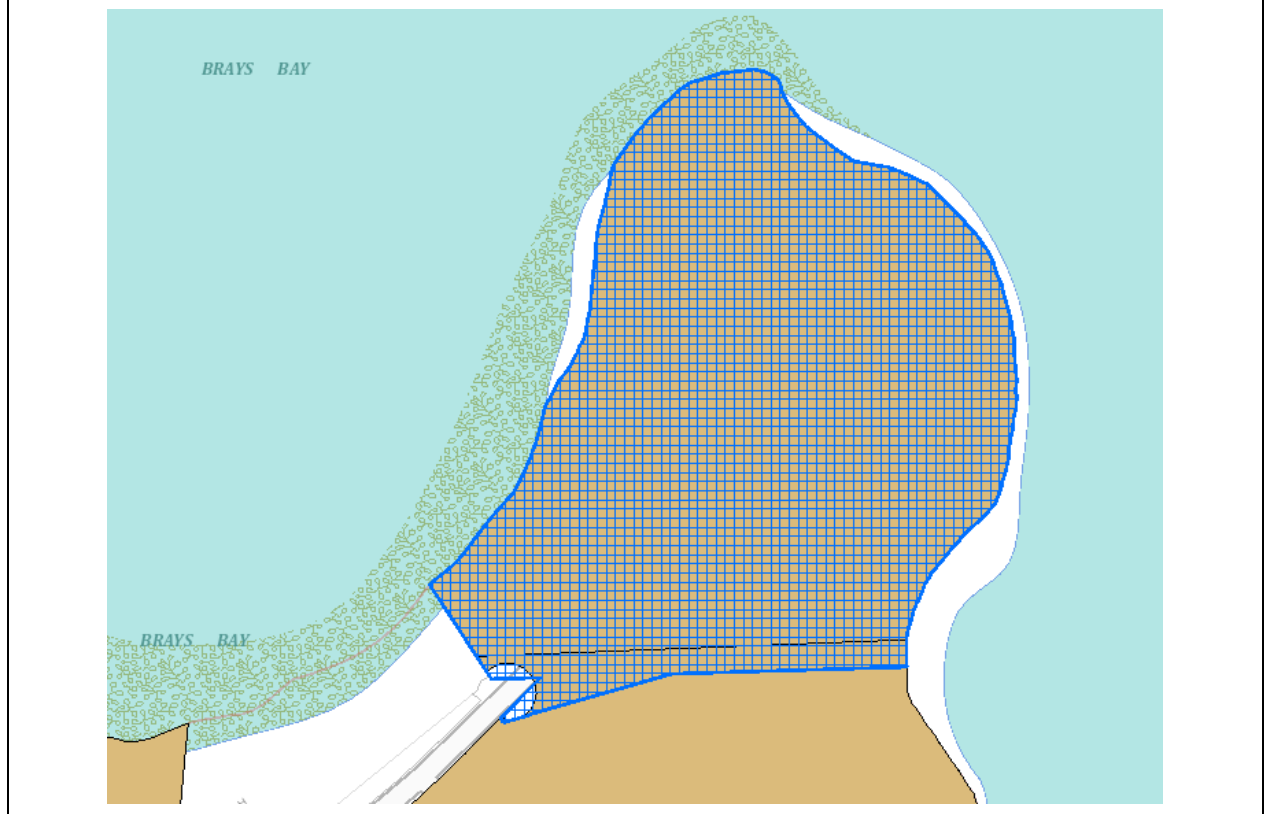


Figure 9. Heritage Mapping comparison - The blue hatched area is the curtilage of the subject State listed heritage item under the Heritage Act 1977. The CBLEP 2013 Heritage Mapping, shown in light brown, requires alignment with the State Heritage map at the south-western edge of the site.

I343 – War Memorial Monument on grounds of Council Chambers

1A Marlborough Street, Drummoyne

Description: Amend CBLEP heritage map and Schedule 5 to realign extent of I343 – War Memorial on grounds of Council Chambers to align with Figure 12.

Justification: Current mapping for heritage item *I343 -War Memorial Monument* identifies the full extent of Lot 1 DP 724469 (part of 1A Marlborough Street, Drummoyne) as a heritage item. (See Figure 10 below). While the war memorial has previously been assessed to be of heritage significance, the remainder of the lot has not been assessed as being contributory to its heritage value.

This amendment aims to ensure that the Heritage Item affectation focuses on the item of value and removes heritage controls from portions of the site that do not require this protection.

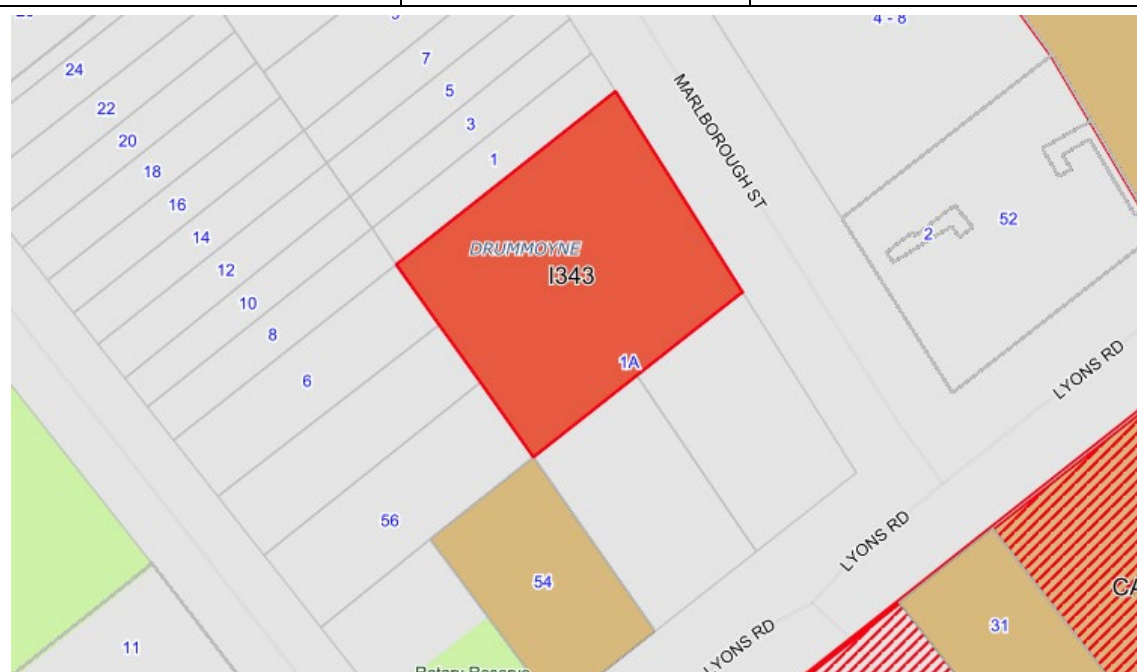


Figure 10. Current extent of heritage item - Lot 1 DP 724469 (part of 1A Marlborough Street, Drummoyne) - highlighted red.



Figure 11a. Aerial view of current heritage item affectation – showing the war memorial occupying a small portion of the site, on the south-eastern corner of the lot.



Figure 11b. Street View of war memorial (July 2024) - from Marlborough St, Drummoyne (Source: Google).



Figure 12. Proposed amendment to the Heritage Map: Indicative new curtilage, showing the current heritage item curtilage (light brown shading) and the proposed revised heritage item curtilage (red shading), focusing on the war memorial and its immediate surrounds.

I310 – Trees – Palms, Camphor Laurels, Brush Box and Hill's Figs	Lyons Road, Drummoyne	Description: Amend CBLEP Heritage map to change portions of land identify in the heritage map from certain street frontages along Lyons Rd. This includes: • expanding the area along the south side to College St (Figure 14): • removing areas between Denning St and Bayswater St (Figure 16): • widening the area between Denning St and Gipps St (Figure 19); removing areas between Hampton Rd and Gears Ave (Figure 20): and, • remove areas between Lithgow St and Brent St (Figure 22 and 23). Justification: Street trees along Lyons Road are currently listed as heritage items due to being established since at least 1943, adding a historical context and character along the road. However, current mapping does not accurately reflect historical locations, with historical photographic evidence from 1943 showing some listed portions did not contain trees at this time and other locations, where no protections exist, contain significant landscape value. The CBLEP Heritage map needs amending to accurately reflect the historical location of these street trees.
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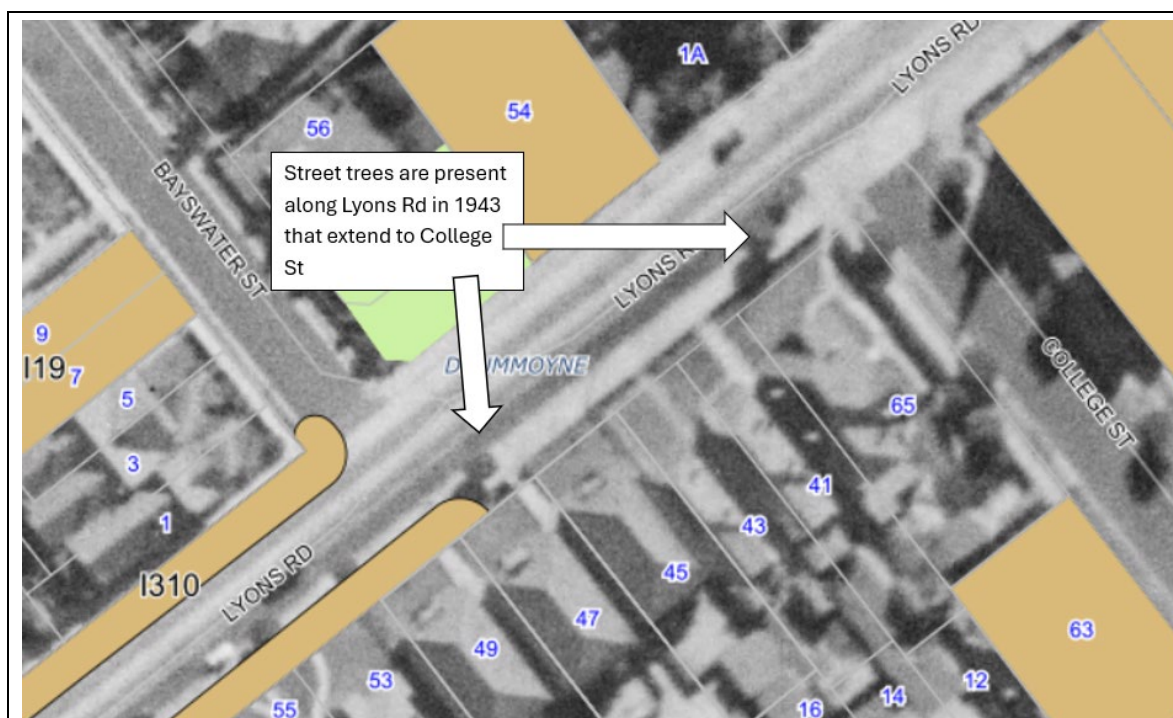


Figure 14a. Proposed amendment to the Heritage Map: Street trees are present along Lyons Rd, south side, in 1943, that extend to College St.



Figure 14b. Proposed amendment to the Heritage Map: extend heritage item listing along Lyons Road, Drummoyne, from 47 Lyons Road to College Street as street trees are evident in 1943 photo.



Figure 16. Proposed amendment to the Heritage Map: remove heritage item listing on the north side of Lyons Road, Drummoyne, between Denning Street and Bayswater Street, as no street trees are evident in 1943 photos (see below).



Figure 17. Historical Photo (1943) – Lyons Road Drummoyne, between Denning Street and Bayswater Street - showing no historical evidence of street trees in 1943.



Figure 18. Proposed amendment to the Heritage Map: widen heritage item affectation along Lyons Road, Drummoyne, between Gipps and Denning Street, to include the significant trees in this location (see photo below) and better protect historical tree planting.



Figure 19. Existing CBLEP heritage item mapping - fails to cover the full width of verge on the north side of Lyons Road, between Gipps St and Denning St, leaving significant trees at risk and creating inconsistencies across the listing.



Figure 20. Proposed amendment to the Heritage Map - Remove heritage item listing on the north side of Lyons Road, Drummoyne, between Hampden Rd and Gears Ave, as no street trees are evident in 1943 photos (see below). Note: Current state - no existing street trees along this strip.

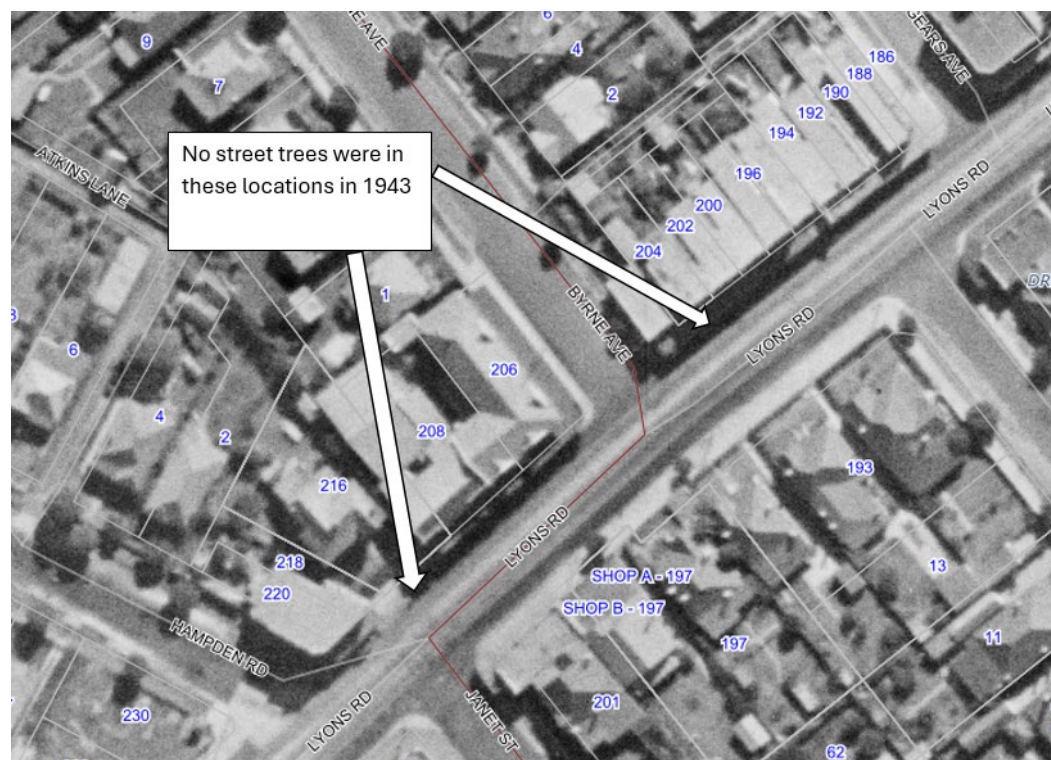


Figure 21. Historical photo (1943) - Lyons Road, Drummoyne, between Hampden Rd and Gears Ave showing no historical evidence of street trees.



Figure 22. Proposed amendment to the Heritage Map - Remove listing on the south side, between Lithgow St and Brent St as no street trees were evident in 1943 photos (see below). Note: one existing street tree exists (not from 1943) along this strip.



Figure 23. Historical photo - 1943. South side of Lyons Road, Drummoyne between Lithgow St and Brent St showing no historical evidence of street trees.

Heritage Item number/description	Address	Changes sought
I428 – Milling Place – mature deodar cedar tress (known as Swan Avenue Reserve)	42P Swan Avenue, Strathfield	Description: Amend CBLEP heritage map and Schedule 5 to remove listing of heritage item I428 . Justification: The heritage listed trees in this location are no longer present on the site and would appear to have been removed in or prior to 2014. It is unclear why the trees were removed as Council have no documentation of approval to remove the trees, or a record of unauthorised works at the site relating to the trees. As the remainder of the site contains no additional heritage significance (with only the cedar trees listed as of heritage significance in Schedule 5 of CBLEP), amendments are proposed to remove the heritage listing over the property.



Figure 24. Current heritage mapping: Showing portion of site affected by heritage listing I428 (42P Swan Street, Strathfield).

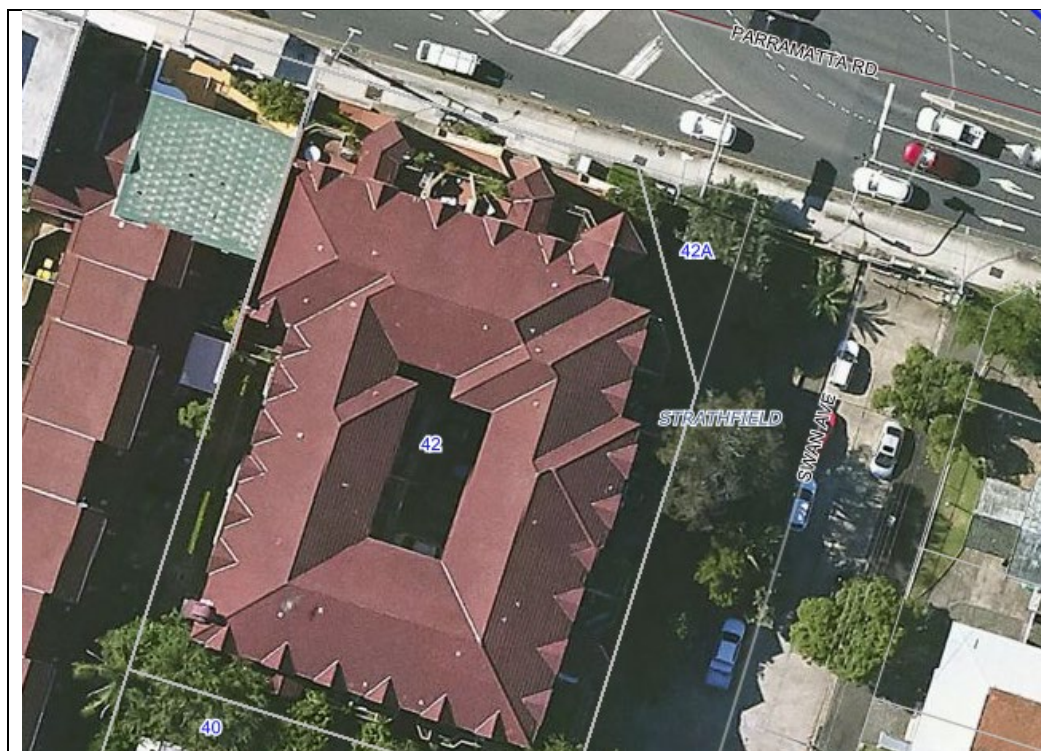


Figure 25a. Current aerial view (2025) – showing existing tree coverage at 42P Swan Street, Strathfield.



Figure 25b. Historical aerial view (2012) – 42P Swan Street, Strathfield showing canopy of previous cedar trees.



Figure 26a. Current streetview (2025) - from Parramatta Road looking onto I428 with cedar trees removed.



Figure 26b. Historical streetview (2010) - from Parramatta Road looking onto I428 showing previous significant cedar trees.

I303 – House	37 Llewellyn Street, Rhodes	Heritage map and Schedule 5. Remove heritage listing from heritage map and Schedule 5. Item was approved to be demolished by court order (reference DA2022/035) and has since been demolished.
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Figure 27. Aerial view of heritage listed site I303 - 37 Llewellyn Street, Rhodes (outlined in red)



Figure 28. Historical photo (1943) - showing location of heritage listed property and now demolished buildings.

Item 424 -. House	1 Stuart Crescent Drummoyne	Description: Amend CBLEP Schedule 5 to amend the lot description of I424 1 Stuart Crescent to Lots 0-5 SP81251 Justification: This heritage item is currently listed in Schedule 5 as Lot 1 and 2 in DP19788 – being a single dwelling on the property. The title of the land has recently converted from Torrens Title to Strata Title and is now described as Lots 0-5 SP81251. Changes to the type of title over the land does not affect the heritage significance of the property, however Schedule 5 requires updating to correctly identify the parcels of land affected by this heritage listing. The Heritage map is unaffected by this amendment.
Item I212 – Shops	16-18 George Street North Strathfield	Description: Amend CBLEP Schedule 5 address and lot

		description of I212 – 16-18 George St, to 16 George St (Lot 10 DP1216470). Justification: This heritage item is a series of shops. There is a drafting error in Schedule 5, with an incorrect address and lot description for the property: 16-18 George St and Lot 1 DP1002876. The correct address is 16 George Street, North Strathfield (Lot 10 DP1216470) and requires an amendment to Schedule 5 to update in the property description. The mapping of the heritage item remains correct and is unaffected by this amendment.
Item I541 – Bakehouse Quarter (former Arnott's complex)	11, 20-22 George Street, North Strathfield	Description: Amend CLBEP Schedule 5 of I541 Bakehouse Quarter to reference the correct address and lot description, being 1-11 George Street (Lot 51 DP1219136). Justification: This heritage item is the former Arnott's complex/biscuit factory. There is a drafting error in Schedule 5, listing an outdated address and lot numbers of 11,20-22 George Street (Lot 1 DP1002876 and Lot 22 DP1140597). The correct address is 1-11 George Street (Lot 51 DP1219136) and requires an amendment to Schedule 5 to update in the property description. The mapping of the heritage item remains correct and is unaffected by this amendment.
Item I475 - Howley Park, Five Dock Point	361P Victoria Place, Drummoyne.	Description: Amend CBLEP Schedule 5 Item I475 – Howley Park, Five Dock Point, to include additional lot description of Lot 7058 DP94083. Justification: This heritage item is a local park. There is a drafting error in Schedule 5, where a relevant Lot and DP number was omitted from Schedule 5. The

		Schedule is to be amended to add Lot 7058 DP94083. Of note, the additional Lot and DP covers the eastern side of Howley Park and the existing heritage map accurately reflects the full extent of this item
Item I546 – Gladesville Bridge – southern end	Victoria Road, Drummoyne	Description: Amend CBLEP Schedule 5 Item I545 Gladesville Bridge to include the lot description Lot A and Lot B 226298. Justification: The Gladesville Bridge heritage item Lot description is incomplete. Lot A and Lot B 226298 is required to be added to the Lot description in Schedule 5 to accurately reflect land to which the heritage item applies. These lots were originally missed when drafting Schedule 5 but are accurately mapped in the LEP's Heritage map. This amendment does not physically include additional land for heritage purposes and was an oversight when drafting the Lot description in the LEP.
I179 – House “Correys”	1 Bayside Terrace, Cabarita	Description: Amend CBLEP Schedule 5 for I179 1 Bayside Terrace, Cabarita, to update Lot and DP description to 'Part Lot 1 DP270282'. Justification: There is a drafting error in Schedule 5 - the property description for this item includes the full lot (Lot 1 DP270282) when only part of the lot is of heritage significance. The correct Lot and DP number is 'Part Lot 1 DP270282' and requires updating through an amendment to Schedule 5. The existing heritage map accurately reflects the full extent of this item.

I82 – Entry gates	16A Chiswick Street, Chiswick	Description: Amend CBLEP Schedule 5 for <i>I82 – Entry gates</i> to reference correct address of 16B Chiswick Street, Chiswick. Justification: This heritage item is for the entry gates at 16B Chiswick Street, Chiswick. Update listing to reference correct street address for item as 16B Chiswick Street. Lot description is correct, and the existing heritage map accurately reflects the location of this item.
I195 – Five Dock Masonic Hall	177 First Avenue, Five Dock.	Description: Amend CBLEP Schedule 5 to update I195 item Five Dock Masonic Hall description to “Former Five Dock Masonic Hall” Justification: Update to the item description to more accurately reflect the nature of the heritage item.
I226 – St Alban’s Anglican Church	171-173 Great North Road, Five Dock Lot D, DP 158552; Lot 8, DP 17324	Description: Amend CBLEP Schedule 5 to update references to I226 – St Alban’s Anglican Church, as follows: • correct address to 171 Great North Road, and • correct lot description to Lot 1, DP 1258912; Lot 8, DP17324. Justification: The address and lot description of this heritage item is incorrect. The mapping of the heritage item remains correct and is unaffected by this drafting error.
I229 – Post Office	187 Great North Road, Five Dock	Description: Amend CBLEP Schedule 5 to update I229 item Post Office to “Former Post Office” Justification: Update to the item description to more accurately reflect the nature of the heritage item (the Post Office is no longer in use as a Post Office).
I403 – Pair of shops	82-84 Ramsay Road, Five Dock	Description: Amend CBLEP Schedule 5 for item I403 82-82 Ramsay Road, Five Dock to correct

		heritage name description to 'Shop building'. Justification: This heritage item refers to the heritage significance of a building that contains shops. It is not the shops/businesses themselves, that are of heritage value. It is recommended to update the heritage item name to 'Shop and flat building' to more accurately reflect the nature of the heritage item.
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B. Floor Space Ratio control updates

Background

Clause 4.4 - Floor Space Ratio (FSR) of the CBLP and the FSR map requires amending to ensure relevant FSRs are applied consistently and fairly across Canada Bay, including a minor update to the FSR objective.

Explanation of changes sought

Address/Area	Changes sought
545-551 Great Northern Road, Abbotsford	Description: Amend the Floor Space Ratio (FSR) for 545-551 Great North Road, Abbotsford from 0.5:1 to an FSR of 1.0:1 Justification: The site is zoned E1 Local Centre, with an existing FSR of 0.5:1. 545, 547, 549 and 551 Great Northern Road, Abbotsford, immediately north of the subject site, are also zoned E1 Local Centre but with an FSR of 1.0:1, creating inconsistencies in both FSR and the resulting built form within the E1 Local Centre zone in this location. This was an error in the mapping at the time of rezoning the properties. This amendment aims to correct this by applying a consistent FSR across all sites zoned E1 Local Centre in this location.



Figure 29. Aerial view of 545 to 551 Great Northern Road, Abbotsford - outlined in red.

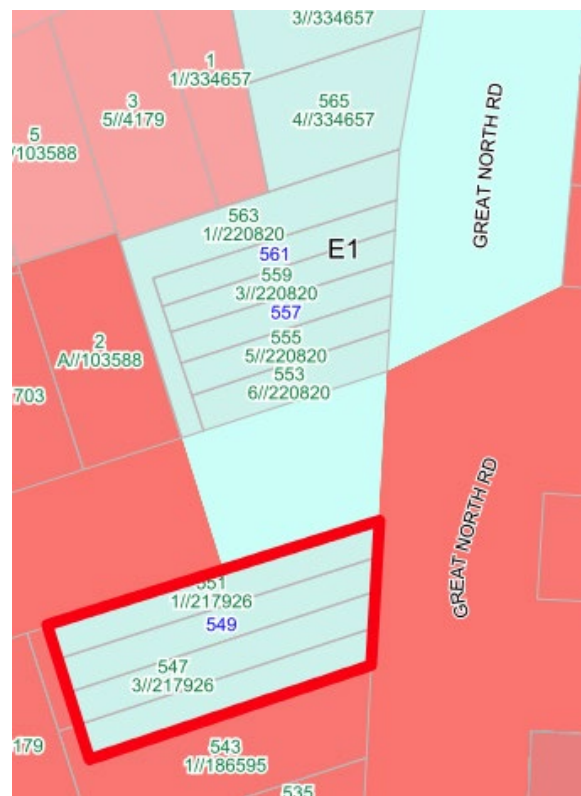
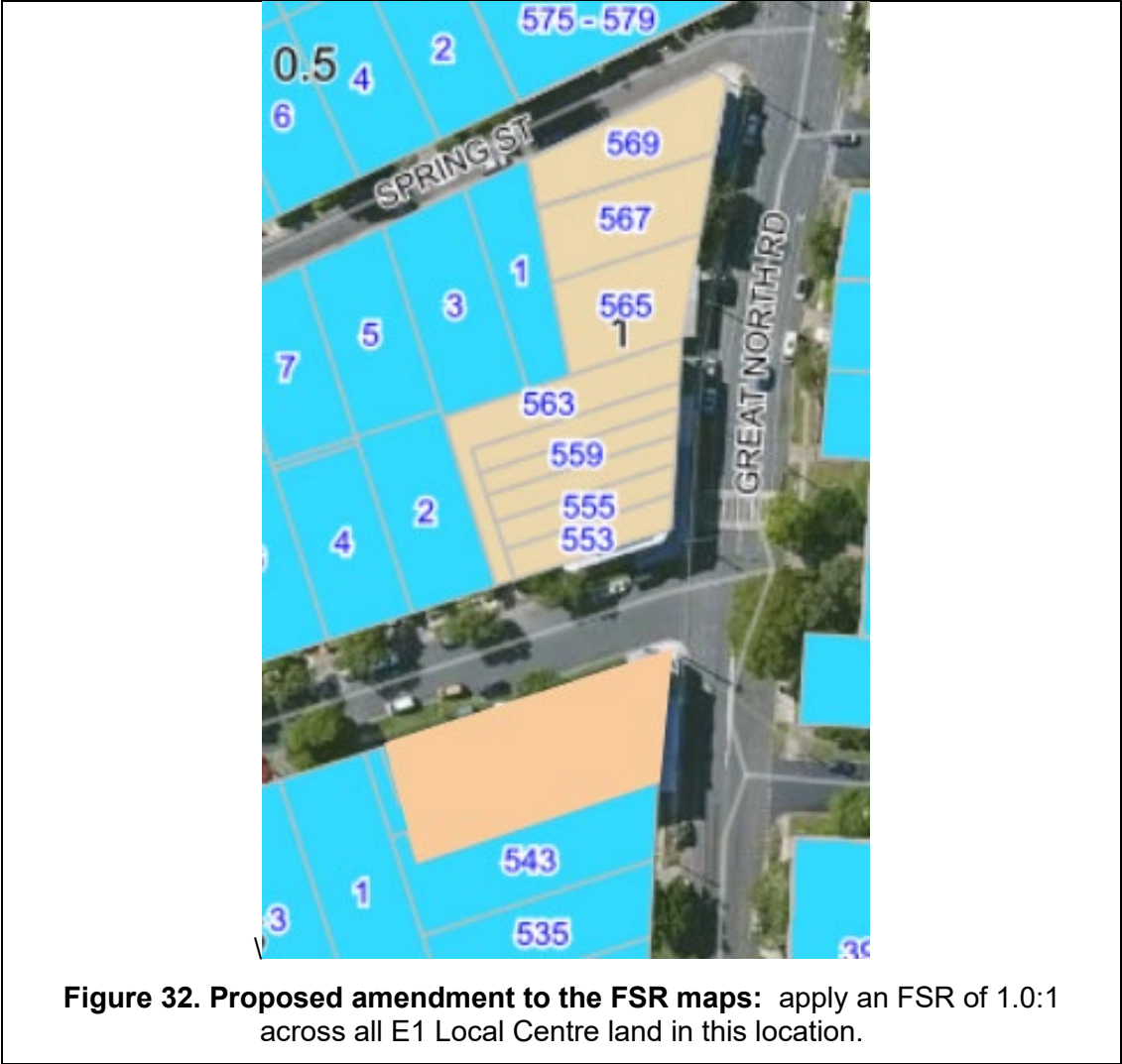




Figure 31. CBLEP Existing FSR – 0.5:1
(compared with 1:1 for E1 to north of the site)



Clause	Changes sought
4.4 Floor space ratio.	Description: insert two additional objectives into Clause 4.4 (1) 'Floor space ratio' of the CBLEP to encourage development with a built form and density that is proportionate to the size of land being developed and to consider view impacts whilst also not restricting development potential. The proposed objectives are: <i>'(f) To enable development with a built form and density that is proportionate to the size of the land to be developed on land zoned R2 Low Density Residential.</i> <i>(g) to recognise the value of view sharing whilst not restricting the reasonable development potential of land.'</i> Justification: Under the CBLEP, Clause 4.4(1) of CBLEP provides objectives for Floor space ratio as below: <i>'4.4 Floor space ratio</i>

	<i>(1) The objectives of this clause are as follows—</i> <i>(a) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,</i> <i>(b) to provide a suitable balance between landscaping and built form,</i> <i>(c) to minimise overshadowing of, and loss of privacy to, neighbouring properties,</i> <i>(d) to maximise solar access and amenity for public places,</i> <i>(e) to manage the visual impact of development when viewed from public places, including the Parramatta River.</i> These objectives consider a range of elements, including compatibility with the broader local character and impact on amenity, but omits consideration of the building size relative to the proposed lot size. In some instances, such as subdividing of existing development, or where a large building is proposed, this consideration will assist in realising appropriate development outcomes and reinforce the underlying purpose of the Floor Space Ratio standard, which is to control the amount of Gross Floor Area as a ratio to site area. Additionally, the bulk and scale of development can have an impact on view sharing, this being an important consideration in the assessment of new development. The current objectives do not adequately provide for this consideration, and a new objective is proposed to enable this while also balancing this with the reasonable development potential of land.
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C. 160 Burwood Road, Concord mapping correction

Background

160 Burwood Road, Concord, is identified as item 29 in Schedule 1 of the CBLEP as land with additional permitted uses. Additional permitted uses include office premises, restaurants or cafes, and shops. However, the land was not mapped in the corresponding Additional Permitted Uses Map of the LEP and the reference to the map in Schedule 1 29(1) references the Key Sites Maps instead of the Additional Permitted Uses Map.

Explanation of changes sought

Amend the Additional Permitted Uses map to identify 160 Burwood Road as land with additional permitted uses.

Amend text of the CBLEP in 'Schedule 1 Additional permitted uses' for Item 29 - 160 Burwood Road, to correctly reference Additional permitted uses map and remove the reference to the Key Sites Map.



Figure 33. Aerial view of 160 Burwood Rd - shaded red.

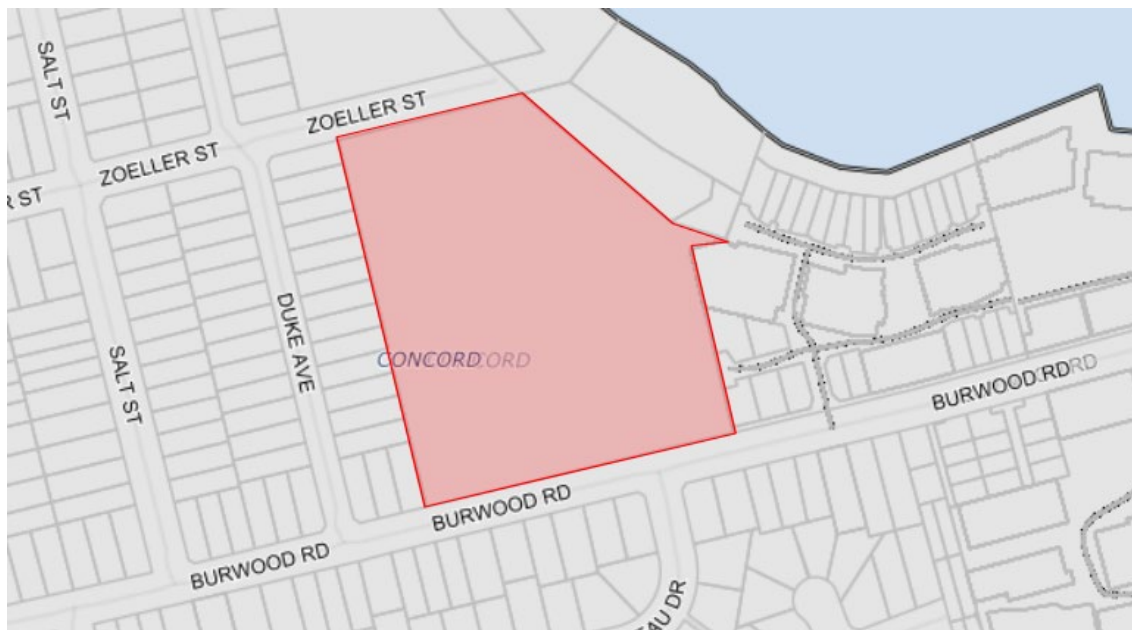


Figure 34. Proposed amendment to the Additional Permitted Uses map: to identify the site for additional permitted uses, as currently provided for in Schedule 1 of CBLEP.

D. Identify Rhodes West Active Street Frontages in LEP

Background

In the Canada Bay Development Control Plan (DCP), Special Precinct K17 Rhodes West (page K224 of the DCP) identifies land in the precinct as an 'Activity Strip', being an older reference to an Active Street Frontage.

This 'Activity Strip'/Active frontage requirement is not currently shown on the CBLEP Active Street Frontages map. This amendment aims to correct this error.

Explanation of changes sought

Amend the Active Street Frontages map of the CBLEP to include the red hatched 'Activity Strip' along Rider Boulevard, Rhodes as an active frontage, to reflect the CB DCP (extract from DCP page K-224 below).



Figure 35. CB DCP mapped Activity Strip, Rhodes – shown in red hatching (Extract from CBDPC page K-224).

E. Land use table updates

Background

'Home occupations' and 'home businesses' are exempt development under the exempt and complying development SEPP. However, a home business that involves

food preparation (e.g. cake making) is not exempt development under the SEPP. It is proposed to introduce this land use to permit this use. A Development Application would therefore be able to be submitted for this use where the use meets the definition of a home business but is not exempt development.

Explanation of changes sought

Amend the land use table for Zone R2 Low Density Residential and Zone R3 Medium Density Residential, to include 'Home business' as permitted with consent.

F. Minimum lot sizes for boarding houses

Background

Clause 4.1A of the CBLEP outlines minimum lot sizes and frontages for certain types of development in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones. The objective of this clause is to achieve the planned residential density in these zones. The Table to Clause 4.1A includes a standard for boarding houses in the R2 Low Density Residential zone to have a minimum lot size of 800m². Clause 23 of the Housing SEPP makes boarding houses a permitted use on land zoned R2 Low Density Residential where the land is located in an accessible area or otherwise located within the vicinity of commercial zones and Clause 25 of the SEPP specifies a minimum lot size of 600m². The SEPP supersedes the minimum lot size in the CBLEP for relevant land and it is proposed to remove the reference to 'Boarding houses' in this clause to reduce confusion between the LEP and the SEPP.

Explanation of changes sought

Amend the Table to Clause 4.1A - Minimum lot sizes for certain dwellings of the CBLEP to remove reference to Boarding houses in Column 1 and associated requirements in Column 2, 3 and 4.

G. Exempt development update

Background

Council seeks to place an additional exempt development requirement for bus shelter advertising. The new requirement seeks to minimise advertising proliferation by ensuring Council or its authorised agent erects the signage to maintain quality control. This is consistent with other Councils who have the same provision, including Bayside, Ryde and Waverley.

Explanation of changes sought

Under Schedule 2 Exempt Development for Signage – bus shelter advertising, add the below additional exempt development requirements (highlighted in red).

- *(1) Must not extend beyond the perimeter of the bus shelter.*

- (2) *Only 1 advertising panel per bus shelter that may comprise an advertisement on 2 sides.*
- (3) *Must not contain flashing or neon signage*
- (4) *[NEW] Must be erected by or on behalf of the Council*

H. Removal of BASIX incentive clauses.

Background

The CBLEP 2013 aimed to incentivise the delivery of sustainable development in areas planned for substantial renewal, including Rhodes, Burwood-Concord, Homebush North and Kings Bay Precincts. Clauses 7.11 and 8.9 of the CBLEP sought to achieve this by providing a 5% additional FSR (an FSR bonus) to developments exceeding the minimum energy and water BASIX commitments of:

- Energy – exceeds by at least 15 points
- Water – exceeds by at least 20 points

Changes to the BASIX minimum standards in 2022 now mean that buildings rarely exceed the new minimum standards and hence do not or are unable to trigger the additional 5% FSR bonus in the LEP. This has created issues for Council, with developers wishing to access the FSR bonus irrespective of if they meet the conditions of these clauses, arguing that if Council agrees in principle with an additional 5% FSR, they should be able to access this additional FSR (through clause 4.6 Exceptions to Development Standards).

Given the changes to BASIX since the introduction of this clause, the FSR bonus is no longer relevant or effective and creates unrealistic expectations for applicants. It is appropriate to remove the BASIX 5% FSR bonus from the LEP.

Note: The removal of the BASIX 5% FSR bonus does not relate to or affect any changes to the Incentive Floor Space Ratio Map and related clauses under Part 9 Homebush Transport Oriented Development Precinct of the CBLEP.

Explanation of changes sought

Amend the CBLEP to remove clauses 7.11 and 8.9 – Additional floor space for BASIX buildings.

I. Design quality of certain boarding houses and co-living housing.

Background

Chapter 4 of the State Environmental Planning Policy (Housing) 2021 applies consistent design quality requirements to applicable residential development throughout NSW. This includes the application of the 9 design quality principles identified in Schedule 9 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and a requirement for review of development by Design Review Panels.

The Housing SEPP includes consideration of development for boarding houses and co-living housing however the design principles do not apply to these types of housing in mixed use developments unless 'a local environmental plan provides that mixed use

development includes boarding houses or co-living housing as residential apartment development for the purposes of Chapter 4. (See clause 144 2(c)).

Council considers that quality development and good design is important for all residential typologies, irrespective of the socio-economic group the housing is intended to serve and proposes to include a provision in the CBLEP as required by clause 144(2) (c) to achieve this.

Explanation of changes sought

Add a local clause to the CBLEP to include mixed use containing boarding houses and co-living housing as a residential development, making them subject to the requirements of Chapter 4 of *State Environmental Planning Policy (Housing) 2021*.

The intent of the amendment is to apply the relevant requirements and provisions of Chapter 4 of the SEPP with respect to the design principles of Schedule 9 and referral to a Design Review Panel.

Drafting of such provision will be undertaken in consultation with Parliamentary Counsel.

J. Sun access at Concord Oval

Background

The Concord Oval Recreation precinct is a recently built, NSW Government and Council funded community recreation facility, run by Council. The open space precinct serves the needs of the resident and worker populations in the immediate and broader area. The Wests Tigers Rugby League Club also have contractual arrangements with Council to use the grounds as their primary training ground, with Council having clear obligations to maintain professional grade facilities.

The facility is also a critical piece of infrastructure in the suite of facilities needed to meet the increasing demand anticipated under Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) and the recently commenced Burwood North State led rezoning. The new metro station will be adjacent Concord Oval. As Concord Oval is located centrally within a future dense urban community, the intensity of use is likely to result in high levels of wear and tear on the green space and a commensurate need to protect the open space from unacceptable impacts.

An independent agronomic assessments was undertaken and confirmed that no additional overshadowing of the oval should occur for the open space to remain viable and regenerate after successive uses (allowing it to remain operational for the majority of the time). The area needs to retain current sun access to dry out regularly and support regrowth.

Council also has contractual obligations to maintain the grounds to professional standards or find alternate accommodation for the club. Impacts on this facility that reduce the standard of the grounds will create financial risks for Council.

Notwithstanding the technical advice to maintain the current level of sun access to the oval, Council resolved to include minimum sun access provisions in the CBLEP to protect the open space to:

- support expected demand,

- meet contractual obligations, and
- retain the functioning of these spaces for public benefit.

However, Council also acknowledged the pressure for redevelopment in adjacent areas and the need to accommodate development in the vicinity of the metro station.

To achieve the above objectives, it is proposed to amend the CBLEP to include minimum solar access provisions to provide for no additional overshadowing of land shown in the below highlighted area between 11am and 2pm, measured on 21 June in any year (i.e. the winter solstice) and to include these provisions on the LEP Sun Access Protection Map.

Of note is that the Parramatta LEP 2023, clause 7.7 Sun access has a similar provision to protect public open space from overshadowing in Parramatta Square, Jubilee Park, Prince Alfred Square and the Parramatta River foreshore. The provision aims to retain the functioning of these spaces for public benefit. There are numerous precedents involving Local Government Areas introducing similar control for public open space in the City of Sydney, City of Ryde, Central Coast and Waverley.

Explanation of changes sought

Insert a new local clause in the CBLEP to protect the Concord Oval open space area from additional overshadowing that may result from new development. The clause may be drafted in Part 6 Additional local provisions as follows:

6.18 Sun access

(1) The objective of this clause is to protect the following land from overshadowing

(a) Concord Oval

(2) This clause applies to the following land

(a) land shown in purple on the Sun Access Protection Map

(3) Development consent must not be granted to development if a building resulting from the development will create additional overshadowing, on 21 June in any year, on the land shown with blue hatching on the Sun Access Protection Map during the following times

(a) Concord Oval - between 11am and 2pm,



Figure 42. Proposed amendment to the CBLEP Sun Access Protection Map – sun access protection provision to apply to the red shaded area.

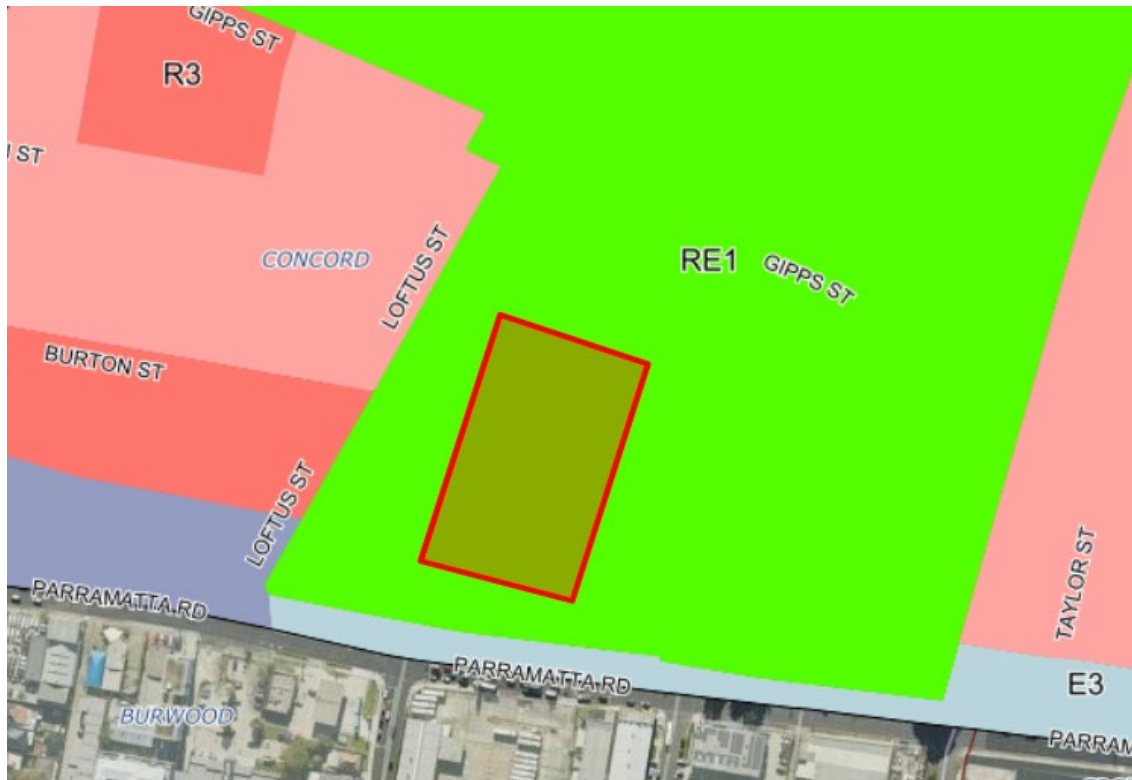


Figure 43. Existing Zoning - Concord Oval Recreational facility and surrounds. Surrounding areas currently zoned R3 Medium Density Residential and R2 Low Density Residential, with potential for rezoning to higher densities around the Burwood

North Metro station. Potential heights could result in extensive overshadowing of the Concord Oval open space areas, reducing the viability and useability of the open space and creating risk and costs to Council.

K. Additional objectives for Limited development on the foreshore

Background

Following a recommendation of the the Local Planning Panel on 22 October 2025, it is proposed to expand the objectives relating to limited development on the foreshore to protect natural foreshore processes, protect the natural landform and landscape of the foreshore, visual amenity and public view of the foreshore, and dwellings from potential sea level rise.

Explanation of changes sought

Amend Clause 6.4 as follows:

From:

(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

To:

(1) The objectives of this clause are as follows

- a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,*
- b) to protect the natural landform and landscape of the foreshore,*
- c) to contribute to a bushland and wildlife corridor around the foreshore of Canada Bay and enhance local native vegetation growth,*
- d) to protect the visual amenity and public view of the foreshore,*
- e) to provide public access to and along the foreshore,*
- f) to protect dwellings from potential sea level rise.*

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, 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; or:**

This amendment seeks to correct errors and inconsistencies in the CBLEP and implement new clauses and provisions to improve design quality and mitigate the impact development. This will better enable the CBLEP to better function in meeting the Objectives, Priorities and Strategies in the Region and District plans. Table 1 provides a summary of general consistency with the Objectives of the Greater Sydney Region Plan and Table 2 provides a summary of general consistency with the Planning Priorities in the Eastern City District Plan. Table 3 provides a summary of general consistency with the Draft Sydney Region Plan.

- **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;**

City of Canada Bay Local Strategic Planning Statement

On 25 March 2020, the Greater Sydney Commission (GSC) endorsed the Canada Bay Local Strategic Planning Statement (LSPS). The LSPS sets out Council's vision for how the LGA, including responding to significant residential growth.

Please refer to heading 'Q4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?' of this proposal, where there is a detailed demonstration of consistency with the relevant priorities in the LSPS

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

The changes to BASIX in 2022 represent a change in circumstances that were not recognised when the local clauses relating to sustainable development incentives were introduced.

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

- **the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)**

The proposed LEP amendments will not give rise to impacts on the natural environment.

- **existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates**

This amendment seeks to correct errors and inconsistencies in CBLEP, including heritage item descriptions. By more accurately describing land and removing outdated heritage item references, the CBLEP will enable relevant and appropriate assessment of development.

- **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.**

Not applicable.

Matters for Consideration

Section A – Need for the planning proposal

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

The planning proposal is the result of a resolution from Council.

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 of achieving the intended outcome as changes to the LEP are required to give effect to the proposed amendments.

Section B – Relationship to the strategic planning framework**Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

The Greater Sydney Region Plan was released by the Greater Sydney Commission in March 2018. It provides a 40-year vision for the Greater Sydney region and is designed to inform district and local plans and the assessment of planning proposals.

The planning proposal has strategic merit and is consistent with the Greater Sydney Region Plan, as outlined in Table 1 below.

Table 1: Consistency with Priorities of Greater Sydney Region Plan

Objective Number	Objective	Statement of Consistency
1	Infrastructure supports the three cities	Consistent. The provision relating to the protection of sun access at Concord ensures the viability of the sports stadium as public recreation and open space infrastructure. No other provisions in the proposal are relevant to this objective.
2-6	Infrastructure aligns with forecast growth; adapts to future needs; is optimised; and meets changing community needs.	Not applicable. The Planning Proposal does not rezone land, increase development capacity, or introduce any provisions that would generate significant additional population or employment growth requiring new or upgraded infrastructure. The amendments proposed do not trigger the need for additional infrastructure planning or investment, nor do they impact existing infrastructure planning frameworks.
7	Communities are healthy, resilient and socially connected	Consistent. Sun access protections for Concord Oval ensure the continued delivery of high-quality outdoor recreation that supports community health and social infrastructure.
8-9	Culturally rich communities; creative industries	Not applicable. The proposal does not introduce provisions relating to cultural or creative industry development.
10-11	Greater housing supply; diverse and affordable housing	Not applicable. The proposal does not amend zoning or housing yields.
12	Great places that bring people together	Consistent. Protecting sun access supports a high-quality public open space asset contributing to place-making. No other provisions in the proposal are relevant to this objective.

13	Environmental heritage is identified, conserved and enhanced	Consistent. The proposal corrects minor mapping and description errors to better describe heritage so that it can be fairly and accurately identified, conserved and enhanced.
14	A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	Not applicable. The proposal does not include transport-related provisions.
15-17	Economic corridors and connectivity	Not applicable. The proposal does not relate to these strategic corridors.
18-21	Strengthening Harbour CBD, Parramatta and economic precincts.	Not applicable. Canada Bay LGA is outside these precincts.
22	Investment and business activity in centres	Consistent. Applying a higher and consistent FSR to the E1 Local Centre zoned area identified in the proposal (545 to 551 Great Northern Road, Abbotsford) will facilitate potential increases in density, uses and investment in this local centre. The identification of an Active Street Frontage along Rider Boulevard in Rhodes will facilitate confidence in businesses to invest in this area.
23-24	Industrial lands and targeted economic sectors	Not applicable. No industrial land or related controls are affected.
25	The coast and waterways are protected and healthier	Not applicable. No provisions in this proposal relate to or contravene this objective.
26	A cool and green parkland city in the South Creek corridor	Not applicable. Canada Bay LGA is not located in this corridor.
27	Biodiversity is protected, urban bushland and remnant vegetation is enhanced	Not applicable. No provisions in this proposal relate to or contravene this objective.
28	Scenic and cultural landscapes are protected	Not applicable. No provisions in this proposal relate to or contravene this objective.
29	Environmental, social and economic values in rural areas are protected and enhanced	Not applicable. Canada Bay LGA is not a rural area.
30	Urban tree canopy cover is increased	Not applicable, refined heritage mapping improves clarity for tree protection on Lyons Road, Drummoyne.
31	Public open space is accessible, protected and enhanced	Consistent. Minimum solar access controls for Concord Oval directly protect an important open space asset relied upon locally and regionally and supports the ongoing quality of this asset as the locality shifts to high density. No other provisions in the proposal are relevant to this objective.
32	The Green Grid links parks, open spaces, bushland and walking and cycling paths	Not applicable – proposed amendments do not impact any green grid elements in the City of Canada Bay.
33-35	Low-carbon city, energy and water reuse, circular economy	Not applicable. Removal of outdated BASIX FSR incentives aligns with updated sustainability standards but does not itself introduce new sustainability controls.

36-38	Climate adaptation, hazard resilience, extreme heat	Not applicable. Foreshore objective updates support adaptation to sea level rise, contributing indirectly to resilience.
39-40	Collaborative planning; monitoring and reporting.	Not applicable. The proposal does not alter governance or monitoring arrangements.

Eastern City District Plan

The *Eastern City District Plan* contains priorities and actions to guide development and planning within the eastern district, whilst improving the district's social, economic and environmental assets.

The Planning Proposal is consistent with the following Priorities of the District Plan as outlined in Table 2 below.

Table 2: Consistency with Priorities of Eastern City District Plan

Planning Priority Number	Planning Priority	Statement of Consistency
E1	Planning for a city supported by infrastructure	Not applicable. The Planning Proposal does not rezone land, increase development capacity, or introduce any provisions that would generate significant additional population or employment growth requiring new or upgraded infrastructure. The amendments proposed do not trigger the need for additional infrastructure planning or investment, nor do they impact existing infrastructure planning frameworks.
E2	Working through collaboration	Not applicable. The proposal does not introduce provisions regarding collaborative governance or inter-agency coordination.
E3	Providing services and social infrastructure to meet people's changing needs	Not applicable. No changes relate to social infrastructure provision beyond maintaining Concord Oval's capacity for community and professional use.
E4	Fostering healthy, creative, culturally rich and socially connected communities	Not applicable. The proposal does not directly relate to cultural or creative uses.
E5	Providing housing supply, choice and affordability with access to jobs, services and public transport	Not applicable. The proposal does not seek to change housing supply, density, or zoning.
E6	Creating and renewing great places and local centres, and respecting the District's heritage	Consistent. The proposal updates heritage mapping and descriptions, ensuring that heritage items and conservation areas are accurately reflected and appropriately protected, supporting high-quality places.
E7	Growing a stronger and more competitive Harbour CBD	Not applicable. No provisions in this proposal relate to or contravene this planning priority.
E8	Growing and investing in health and education precincts and the innovation corridor	Not applicable. No changes relate to these precincts.
E9	Growing international trade gateways	Not applicable. No provisions relate to international gateways.

E10	Delivering integrated land use and transport planning and a 30-minute city	Not applicable. No provisions in this proposal relate to or contravene this planning priority.
E11	Growing investment, business opportunities and jobs in strategic centres	Consistent. The amendment seeks to accurately map an Active Street Frontage along Rider Boulevard, Rhodes, and intersects with the Rhodes Planned Precinct to the north. By mapping this as an Active Street Frontage, this help facilitate economic benefits and business opportunities by activating the street frontages and public engagement with businesses along this strip, increasing foot traffic and contributing to a vibrant, high quality development area
E12	Retaining and managing industrial and urban services land	Not applicable. The proposal does not alter industrial zonings or related land.
E13	Supporting growth of targeted industry sectors.	Not applicable. No provisions relate to targeted industry sectors.
E14	Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways	Consistent. The proposal's improved foreshore objectives enhance local environmental outcomes.
E15	Protecting and enhancing bushland and biodiversity	Not applicable. No significant biodiversity areas are affected.
E16	Protecting and enhancing scenic and cultural landscapes	Consistent. The proposal's enhanced foreshore objectives aim to protect the natural landform and landscape of the foreshore, to contribute to a bushland and wildlife corridor around the foreshore of Canada Bay and enhance local native vegetation growth, and protect the visual amenity and public view of the foreshore.
E17	Increasing urban tree canopy cover and delivering Green Grid connections	Consistent. The provision relating to the protection of sun access at Concord protects the viability of the sports stadium as a high quality open space, that forms part of the Green Grid.
E18	Delivering high quality open space	Consistent. The provision relating to the protection of sun access at Concord Oval ensures the viability of the sports stadium at a professional level, protecting the ongoing provision of high quality open space to the area.
E19	Reducing carbon emissions and managing energy, water and waste efficiently	Consistent. Removal of outdated BASIX incentives aligns with updated sustainability standards. However the provisions of <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> continue to apply.
E20	Adapting to the impacts of urban and natural hazards and climate change	Consistent (indirect). Updated foreshore clause objectives include protection from potential sea level rise, supporting climate adaptation.
E21	Preparing local strategic planning statements informed by local strategic planning	Not applicable. The proposal does not seek to prepare an LSPS.
E22	Monitoring and reporting on the delivery of the Plan	Not applicable. No provisions relate to monitoring or reporting frameworks.

Draft Sydney Plan

The draft *Sydney Plan* is the NSW Government's draft 20 year strategic land use plan to guide future growth of the Greater Sydney region. The draft plan established land use priorities that are accompanied by policy and planning responses.

The Planning Proposal is consistent with the 'Responses' and 'Council Actions' set out in the draft Sydney Plan as outlined in Table 3 below.

Table 3: Consistency with Responses and Council Actions of the Draft Sydney Plan

Response Number	Response	Statement of Consistency
Priority: Aboriginal outcomes		
-	-	Not applicable. The Planning Proposal does not affect land identified as having Aboriginal cultural heritage significance, does not rezone land, and does not introduce new development controls that would impact Aboriginal communities, cultural values, or Country.
Priority: Housed		
1	Implement Sydney housing targets	Not applicable. The Planning Proposal does not alter zoning, residential density, development capacity, or housing-related planning controls, and therefore does not contribute to or conflict with the delivery of Sydney's housing targets.
2	Increase housing diversity and choice	Not applicable. The Planning Proposal does not introduce changes that would increase or constrain housing diversity. It does not rezone land, modify residential densities, alter built-form controls for housing, or introduce new provisions that enable additional housing typologies. Amendments proposed do not expand or limit the range of housing types permitted under the current LEP.
3	Secure the supply of affordable housing	Not applicable. The Planning Proposal does not introduce any provisions relating to the supply, facilitation, or contribution mechanisms for affordable housing.
Priority: Prosperous		
4	Grow well-located jobs	Consistent. The Planning Proposal supports the draft Sydney Plan's objective to grow well-located jobs by improving the operation and attractiveness of existing centres. It does this in two key ways: - Correcting the Floor Space Ratio (FSR) inconsistency at 545–551 Great North Road, Abbotsford, - Mapping an Active Street Frontage along Rider Boulevard in Rhodes West, aligning the LEP with the Canada Bay DCP and the Rhodes Place Strategy.

Response Number	Response	Statement of Consistency
8	Secure an ongoing pipeline of productive industrial lands	Not applicable. The Planning Proposal does not involve industrial or urban services land and does not introduce any provisions that would rezone, alter, reduce, or otherwise affect the supply or functioning of productive industrial lands within the City of Canada Bay.
Priority: Connected		
5	Align infrastructure to planned growth	Not applicable. The Planning Proposal does not rezone land, increase development capacity, or introduce any provisions that would generate significant additional population or employment growth requiring new or upgraded infrastructure. The amendments proposed do not trigger the need for additional infrastructure planning or investment, nor do they impact existing infrastructure planning frameworks.
10	Sequence planned growth in greenfield areas within the urban footprint	Not applicable. The Planning Proposal does not relate to greenfield areas, does not rezone land for new urban expansion, and does not alter the sequencing or infrastructure staging of any future release areas.
Priority: Resilient		
9	Minimise the impact of natural hazards to communities	Consistent (indirect). While the Planning Proposal does not introduce new hazard-specific development controls or relate to land affected by mapped natural hazards, it strengthens community resilience to natural hazard impacts, particularly those associated with coastal processes and sea level rise. The Proposal updates the foreshore development objectives to ensure development: • does not impact natural foreshore processes, • protects the natural landform and landscape of the foreshore, • protects visual amenity and public access, and • protects dwellings from potential sea level rise, a recognised natural hazard. These updated objectives reinforce a precautionary approach to foreshore areas and enhance long-term resilience for communities located near waterways.
12	Protect and enhance the natural environment	Consistent (indirect). Although the Planning Proposal does not introduce new environmental protection zonings or biodiversity-specific controls, it introduces enhanced foreshore protection objectives, and achieves more accurate mapping of environmental heritage, it is consistent with the Draft Sydney Plan's intent to protect and enhance the natural environment.
Priority: Liveable		

Response Number	Response	Statement of Consistency
6	Create a more vibrant Sydney	Consistent. The Planning Proposal contributes to a more vibrant Sydney by strengthening the activation, quality and usability of key public and community spaces, as well as improving planning controls that support thriving centres. In particular: • The Proposal identifies and maps the Active Street Frontage along Rider Boulevard in Rhodes West. • The introduction of sun access protections for Concord Oval ensures that this important community and professional sporting facility retains its usability and open-space quality. • Amendments to heritage mapping and conservation area boundaries improve the accuracy of the LEP and ensure that heritage assets contributing to the character and vibrancy of local areas are appropriately protected, while removing obsolete listings that no longer reflect on-ground conditions.
7	Grow and connect public open space	Consistent. The Planning Proposal actively supports the draft Sydney Plan's objective to grow and connect public open space by ensuring the ongoing protection, functionality, and usability of Concord Oval, a key piece of open space infrastructure for current and future populations within the City of Canada Bay. In addition, the Proposal updates foreshore development objectives to protect natural landforms, visual amenity, public views and access, and ecological values along the waterfront, further strengthening the environmental and recreational function of open space areas.
Priority: Coordinated		
11	Manage land uses beyond the urban footprint	Not applicable. The Planning Proposal does not relate to land outside the existing urban footprint, nor does it involve rural, peri-urban, or edge-of-settlement land that would require management of land uses at the urban–rural interface.

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

City of Canada Bay Local Strategic Planning Statement

On 25 March 2020, the Greater Sydney Commission (GSC) endorsed the Canada Bay Local Strategic Planning Statement (LSPS). The LSPS sets out Council's vision for how the LGA, including responding to significant residential growth.

The planning proposal is consistent with the City of Canada Bay Local Strategic Planning Statement. The proposal supports multiple LSPS priorities through its improvements to heritage accuracy, built-form controls, economic activation, and protection of high-quality public open space. The following priorities are relevant to this proposal.

Priority 2 & 8 – Best practice planning and infrastructure for the Rhodes Planned Precinct & Growing jobs in Rhodes Strategic Centre

Response:

The Planning Proposal supports both Priority 2 and Priority 8 by strengthening the role of Rhodes as a high-quality, well-planned strategic centre. It does this by accurately mapping the intended Active Street Frontage along Rider Boulevard, ensuring the LEP reflects the activation controls already established in the DCP. This correction improves the consistency of planning controls, supports street activation, and provides greater certainty for investment.

By reinforcing the planning framework for the Rhodes Strategic Centre, the Proposal promotes high-quality development, encourages business confidence and job growth, and aligns statutory planning with precinct-wide strategic planning objectives, including those set out in the Rhodes Place Strategy.

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

Response

The Proposal directly advances Priority 7 by correcting heritage mapping errors, refining conservation area boundaries, updating Schedule 5 entries, and removing listings where heritage significance has been lost through redevelopment or demolition. These updates ensure that heritage controls are applied only where warranted, strengthening the integrity of the heritage system and enhancing the protection of character-defining places. By improving the accuracy of curtilages and descriptions, the Proposal contributes to the LSPS objective of vibrant, character-rich neighbourhoods.

Priority 9 - Enhance employment and economic opportunities in local centres

Response

The Proposal promotes economic viability in local centres by rectifying the FSR anomaly at 545–551 Great Northern Road, Abbotsford. Applying a consistent FSR of 1:1 to match neighbouring E1 Local Centre land ensures equitable development potential, supports centre consolidation, and reinforces economic activity. This directly aligns with LSPS Priority 9, which seeks to strengthen local centres as hubs of employment and services.

Priority 17 - Deliver high-quality open space and recreation facilities

Response

The introduction of a minimum solar access control for Concord Oval ensures that no additional overshadowing occurs between 11am and 2pm on 21 June. This measure protects the Oval's ongoing professional-grade performance, public use, turf regeneration and long-term sustainability. As a facility co-funded by Council and the

NSW Government—and relied upon by the community and professional sporting organisations—the Oval is a critical piece of open-space infrastructure. The Proposal therefore strongly advances Priority 17 by safeguarding the quality, usability and resilience of open space assets.

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

Rhodes Place Strategy

In 2020, the Rhodes Place Strategy was released by the NSW Government which set out height and floor space controls, design excellence requirements, BASIX bonuses, requirement for affordable housing contribution, amongst other provisions. It also set out infrastructure that would need to be delivered to support the proposed increase in population.

Plans for the Rhodes Precinct were finalised by the NSW Government on 30 October 2021. At this time, the NSW Government amended the Canada Bay Local Environmental Plan 2013 (LEP) to give effect to the Strategy.

The amendment seeks to accurately map an Active Street Frontage along Rider Boulevard, Rhodes, and intersects with the Rhodes Planned Precinct to the north. This intended Active Street Frontage is only currently mapped in the DCP. To have the affect this is intended, this should be mapped in the LEP. By mapping this as an Active Street Frontage, this help facilitate economic benefits to businesses by activating the street frontages and public engagement with businesses along this strip, increasing foot traffic and contributing to a vibrant, high quality development area

No other changes to the LEP are proposed that would negatively affect the Rhodes Precinct.

Parramatta Road Corridor Urban Transformation Strategy.

The Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) sets out the NSW Government's 30-year plan for the Corridor and identifies the future land use, development decisions and long-term infrastructure to be provided.

Amendment J. Sun access at Concord Oval. The Concord Oval Recreation precinct is a recently built, NSW Government and Council funded community recreation facility, run by Council and located in PRCUTS. The open space precinct serves the needs of the resident and worker populations in the immediate and broader area. The Wests Tigers Rugby League Club also have contractual arrangements with Council to use the grounds as their primary training ground, with Council having clear obligations to maintain professional grade facilities

The proposal seeks to protect sun access at Concord Oval, located in PRCUTS and identified for sports usage. This ensures consistency with the vision of PRCUTS, specifically Part 8.5 Open Space, Linkages & Connections & Public Domain, Section A Open Space Requirements, sub section b) 'Reconfigure existing sports courts and sports stadiums to provide a wider variety of open space programs' in the Planning and Design Guide.

As described in Part 2 – Explanation of Provisions, at Amendment J, to ensure the viability of Concord Oval as a professional facility and contributing to PRCUTS, an LEP amendment is required to protect sun access at the facility.

Burwood North Strategy announcement.

On Monday 11 August 2025, the NSW Government announced that it will take the lead in rezoning the Burwood North Metro Precinct, to deliver new homes near the future Burwood North Metro station. Building on masterplanning work undertaken by both Burwood and Canada Bay Councils, this State-led rezoning is being progressed through the State Significant Rezoning Pathway, which will facilitate accelerated delivery of housing and infrastructure.

Amendment J. Sun access at Concord Oval, intersects with the Burwood North Precinct. However no plans or draft plans have been publicly published or exhibited by DPHI when this proposal was submitted for a Gateway determination, so an assessment against this strategy is not available.

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

The planning proposal is consistent with State Environmental Planning Policies (SEPPs):

Table 3: Consistency with SEPPs

SEPP Title	Consistency
SEPP (Biodiversity and Conservation) 2021	Consistent. The Proposal does not rezone or introduce provisions that impact biodiversity, conservation areas, or land to which this SEPP applies. It does not undermine or conflict with the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent. By correcting heritage mapping and removing heritage listings where significance has been lost, the Proposal improves the functioning of exempt/complying development pathways, ensuring they apply appropriately. No provisions conflict with this SEPP.
SEPP (Housing) 2021	Consistent The Proposal aligns with the Housing SEPP by removing redundant minimum lot size controls for boarding houses and extending design quality provisions (via a local clause) to boarding houses and co-living housing in mixed-use developments, as required under clause 144. No conflicts arise.
SEPP (Industry and Employment) 2021	Not applicable. The Proposal does not involve rezoning, altering, or introducing provisions that affect industrial or employment lands governed by this SEPP.
SEPP (Planning Systems) 2021	Not applicable. The Proposal does not introduce new assessment pathways, procedural changes, or other planning system mechanisms governed by this SEPP.
SEPP (Precincts – Central River City) 2021	Not applicable. No land within the LGA related to this SEPP is affected, and the Proposal does not alter precinct-specific controls.

SEPP (Eastern Harbour City) 2021	Not applicable. The Proposal does not relate to land governed by this SEPP and introduces no provisions that impact it.
SEPP (Precincts – Regional) 2021	Not applicable. The Proposal does not relate to regional precincts or contain development controls influenced by this SEPP.
SEPP (Precincts – Western Parkland City) 2021	Not applicable. Canada Bay LGA is outside this precinct area and the Proposal does not intersect with any of its provisions.
SEPP (Primary Production) 2021	Not applicable. There is no primary production land in the LGA, and the Proposal does not affect any land or uses relevant to this SEPP.
SEPP (Resilience and Hazards) 2021	Not applicable. While the Proposal introduces updated objectives to the foreshore clause referencing sea level rise, it does not trigger or conflict with any mapped hazard land or SEPP provisions.
SEPP (Resources and Energy) 2021	Not applicable. The Proposal does not relate to resource extraction, energy generation, or any development governed by this SEPP.
SEPP (Sustainable Buildings) 2021	Consistent. The Proposal removes outdated BASIX incentive clauses (7.11 and 8.9), as the Sustainable Buildings SEPP now governs BASIX standards. This avoids duplication and aligns local controls with State policy.
SEPP (Transport and Infrastructure) 2021	Consistent. The Proposal does not affect transport corridors, infrastructure approvals, or provisions under this SEPP. No conflicts arise.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

Table 4: Consistency with Ministerial Directions

Direction	Comments
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent. The proposal does not contain any provisions which would contravene or hinder the application of any regional, district or draft plans.
1.3 Approval and Referral Requirements	Not applicable. No new provisions that introduce concurrence, consultation or referral requirements for development applications are proposed.
1.4 Site Specific Provisions	Inconsistent – justified. The Planning Proposal introduces a site-specific local clause and Sun Access Protection Map for Concord Oval that prohibits additional overshadowing between 11am and 2pm on 21 June. This is an additional development standard that applies to a specific site, and therefore does not satisfy Direction 1.4, which discourages site-specific controls. Accordingly, the Planning Proposal is inconsistent with Direction 1.4. The inconsistency is justified on the basis that: i. Concord Oval is a regionally significant, NSW Government and Council-funded open space and professional-grade sporting facility whose viability depends on maintaining current sunlight access; ii. independent agronomic advice confirms that no additional overshadowing is required to preserve turf performance and community use; and iii. there are clear precedents for sunlight protection clauses over key public open spaces in other LGAs.

	The inconsistency is considered minor and strategic and is submitted for the Planning Secretary's consideration under the Direction's "minor significance" test.
1.4A Exclusion of Development Standards from Variation	Consistent. The planning proposal seeks to correct drafting errors only and does not seek to introduce new exclusions to development standards.
Focus area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Consistent. The proposal seeks to protect sun access at Concord Oval, located in PRCUTS and identified for sports usage. This ensures consistency with the vision of PRCUTS, specifically Part 8.5 Open Space, Linkages & Connections & Public Domain, Section A Open Space Requirements, sub section b) 'Reconfigure existing sports courts and sports stadiums to provide a wider variety of open space programs' in the King Bay Precinct of the Urban Design Guidelines.
Focus area 3: Biodiversity and Conservation	
3.2 Heritage Conservation	Consistent. The planning proposal seeks to correct drafting errors and improve the accuracy and description of existing heritage items to reflect existing heritage conservation area curtilages.
3.7 Public Bushland	Not applicable. The Proposal does not affect public bushland or introduce controls relevant to this Direction.
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable. No provisions alter or conflict with this Direction; foreshore-related changes are limited to objectives enhancing natural processes and public access generally.
Focus area 4: Resilience and Hazards	
4.1 Flooding	Not applicable. No rezonings or provisions affect flood-prone land or introduce flood-related controls.
4.4 Remediation of Contaminated Land	Not applicable. The Proposal does not introduce changes requiring or altering contaminated land remediation requirements.
4.5 Acid Sulfate Soils	Not applicable. No provisions relate to acid sulfate soils or alter existing controls.
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Not applicable. The Proposal does not change land use patterns or transport integration; it corrects controls and maps active frontage at Rhodes without transport implications.
5.2 Reserving Land for Public Purposes	Not applicable. No land reservations for public purposes are proposed or amended.
Focus area 6: Housing	
6.1 Residential Zones	Not applicable. No rezonings of residential land or changes to residential zoning frameworks are proposed; removal of duplicative boarding house lot size references aligns with State policy without altering zoning.
Focus area 7: Industry and Employment	
7.1 Employment Zones	Consistent. The proposal seeks to increase FSR at land zoned E1 Local Centre at 545-551 Great Northern Road, Abbotsford (Amendment B). The proposal does not seek to reduce employment zoned land or FSR.

Section C – Environmental, social and economic impact

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?

There is no likelihood that the Planning Proposal will adversely affect critical habitat, threatened species, populations, ecological communities, or their habitats. The Proposal does not seek to rezone any land, increase development intensity, or introduce provisions that would permit new forms of development in sensitive environmental areas. Instead, the amendments are administrative in nature, including corrections to mapping, updates to heritage descriptions, removal of outdated listings, and minor operational improvements.

Accordingly, the Planning Proposal does not create any new physical development potential or change existing land-use outcomes in a way that could adversely affect critical habitat or threatened species or their ecological values.

Q9. 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 is not expected to result in any adverse environmental effects. The amendments do not rezone land, increase development potential, or introduce new land-uses that could generate additional environmental impacts. The Proposal is predominantly administrative in nature, correcting mapping anomalies, updating heritage items, refining development standards, and removing outdated or superseded provisions, and therefore does not alter the existing environmental context or development capacity of affected sites.

The only environmental effect identified is a positive environmental outcome associated with the introduction of sun access protection controls for Concord Oval. This measure directly supports the continued environmental performance of the open space by ensuring the playing surface receives the critical solar access required for healthy turf growth and wear recovery.

No other environmental impacts are anticipated. As the Proposal does not facilitate new development or intensify land use, no additional management or mitigation measures are required beyond those already embedded in existing environmental legislation, assessment processes, and development controls under the CBLEP and applicable SEPPs.

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

The Planning Proposal has adequately addressed all likely social and economic effects, and no adverse impacts are anticipated. The amendments are primarily administrative and corrective in nature. These changes do not increase development capacity or alter land-use patterns in a way that would give rise to negative social or economic outcomes.

The Proposal will instead deliver positive social and economic effects, most notably through the introduction of solar access protections for Concord Oval.

No other impacts of social or economic significance are expected.

Section D – Infrastructure (Local, State and Commonwealth)

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

The provisions relating to the protection of the Concord Oval will contribute to the provision of public infrastructure. By ensuring the viability of the playing field at Concord Oval is maintained at a professional level, this would provide professional level open space and amenities to wider area as a sporting hub. This area is especially important for any incoming residential population proposed by the PRCUTS or State led Burwood North Strategy.

The proposal's other amendments are unlikely to have any other significant impacts on the demand for, or provision of infrastructure, as the proposal does not propose any other rezoning of land for greater use or intensity of development.

Section E – State and Commonwealth interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

No consultation has been carried out at this stage with any State and/or Commonwealth Public Authorities or service providers. Consultation will be undertaken in accordance with the requirements of the Gateway determination.

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

The following map sheets are included at Appendix A – Proposed Maps and provided as separate PDFs

- Heritage map
- Floor Space Ratio Map
- Active Street Frontages Map
- Additional Permitted Uses Map

New maps proposed include:

- Sun Access Provision Map

Part 5 - Community Consultation

Community consultation will be undertaken in accordance with the requirements of the Gateway determination.

Part 6 - Project Timeline

It is anticipated the planning proposal will take a minimum of 9 months to finalise. An indicative project timeline for this minimum period is provided below.

Action	Timeframe
Submission for Gateway	February 2026
Gateway Determination	April 2026
Government Agency Consultation	April 2026 (if required)
Exhibition Period	May to June 2026
Consideration of submissions	July 2026
Consideration of proposal	July 2026
Council Meeting (TBC)	August 2026
Date of submission to the Department for drafting and finalisation	September 2026

Appendix A – Proposed Maps