

CANADA BAY LOCAL  
ENVIRONMENTAL PLAN  
2013

AMENDMENT

## PLANNING PROPOSAL

PP2020/0002

## LEP MISCELLANEOUS AMENDMENTS

February 2022  
(Amended post Gateway)

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## Introduction

This planning proposal seeks to amend the Canada Bay Local Environmental Plan (CBLEP) 2013. The majority of the amendments are to capture changes proposed through various studies and background reports that Council has undertaken.

The proposed CBLEP amendments relate to:

- Victoria Road Urban Design Review
- Low Rise Medium Density Review (relates to Low Rise Housing Diversity Code)
- Housekeeping updates

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

## Part 1 - Objectives or Intended Outcomes

The planning proposal seeks to amend the Canada Bay Local Environmental Plan 2013 (CBLEP) to implement changes proposed by studies that City of Canada Bay has recently undertaken, and to make various housekeeping amendments.

Detailed objectives and the intended outcomes of the planning proposals are as follows:

### Objectives

- Improve urban design and built form outcomes within and adjacent to Victoria Road, Drummoyne.
- Complement State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to ensure relevant requirements for Low Rise Housing Diversity in the CBLEP.
- Improve the legibility and accuracy of CBLEP.

### Intended Outcomes

- Introduce revised development standards for the Victoria Road shopping precinct.
- Update and adopt new clauses and definitions in CBLEP to ensure clarity of intent and appropriateness within the local context.
- Errors and inconsistencies are corrected in CBLEP to improve legibility and accuracy.

## Part 2 - Explanation of Provisions

Each of the proposed amendments to the Canada Bay Local Environmental Plan 2013 are explained in detail below.

### 1. Victoria Road Urban Design Review

#### Proposal

The planning proposal seeks to make a number of amendments to the CBLEP arising from the Victoria Road Urban Design Review as at Appendix 1.

## Background

A Mayoral Minute was tabled at the Council meeting of 10 July 2018 about the need to revitalise Victoria Road, Drummoyne. The Mayoral Minute raised concerns in relation to parking, traffic congestion and the decline in the appearance and appeal of the shopping strip. At this meeting Council resolved to commence a process to engage with land owners, residents and business owners to identify the desired future character of the Victoria Road, Drummoyne shopping precinct.

An urban design review and parking study were undertaken and presented to the Council meeting of 17 September 2019 where Council resolved to place the Victoria Road Urban Design Review on public exhibition.

The outcomes of the public exhibition were reported back to Council on 3 December 2019 at which time Council resolved that the Review be adopted. Council also resolved the following in relation to LEP amendments recommended by the Review:

3. THAT a Planning Proposal be prepared to proceed with the LEP modifications recommended by the Victoria Road Urban Design Review and that the Planning Proposal be reported back to Council prior to seeking a Gateway determination.



Figure 1: Aerial map of the Victoria Road Urban Design Review study area



## Proposed amendments

### A. Active street frontages

#### Background

Formosa Street is currently zoned B4 Mixed Use on its eastern side and has no active street frontage requirements. As Formosa Street is parallel to Victoria Road and has the potential to provide a more pleasant walking environment, there is opportunity to activate parts of this local street through active ground floor uses.

It is proposed that active street frontages extend along the eastern side of Formosa Street and both sides of Edwin and Church Streets. This outcome will encourage greater pedestrian movement within the study area. The proposed active street frontage complements the range of permissible uses within the B4 Mixed Use zone given non-residential uses are required to be provided on the ground floor.

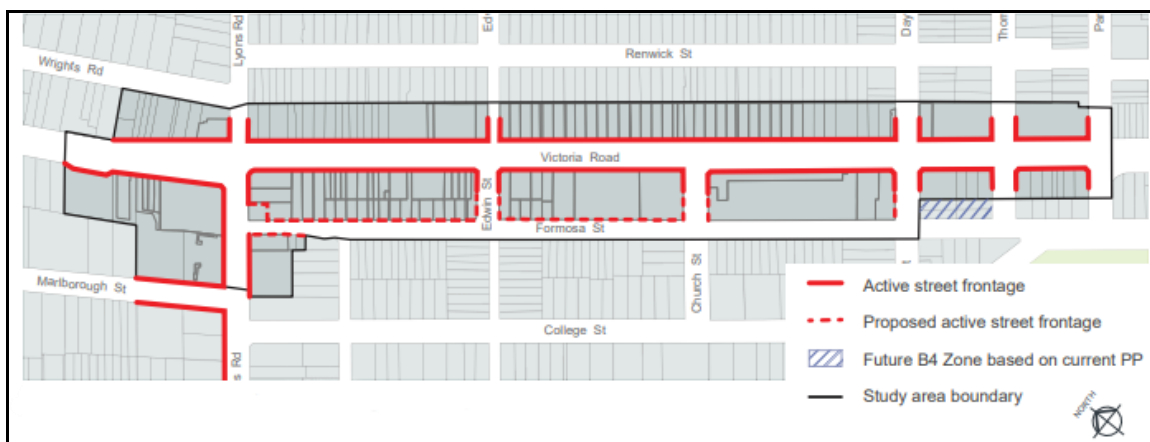


Figure 2: Changes to active street frontages map proposed by Review.

#### Explanation of the changes sought

Replace the existing Active Street Frontages Map with a new map with active street frontages extending along the eastern side of Formosa Street and both sides of Edwin and Church Streets.

#### Proposed map amendment



Figure 3: Existing and proposed changes to map.

**Proposed amendments**

Amendment	Item	Amendment Details
A	Active Street Frontage Map  ASF_006	Revoke: 1520_COM_ASF_006_010_20130419  Adopt: 1520_COM_ASF_006_010_20191212  Refer to Appendix 2.  Note: The date of the maps will be updated prior to Gazettal if required.

**B. Building height (east)**

**Background**

The CBLEP includes a maximum height of building of 12m along the eastern side of Victoria Road. This height was always intended to accommodate a three (3) storey building as set out in the DCP.

The 12m height limit sought to allow for topographical variations along Victoria Road and to facilitate taller floor to ceiling heights for the ground floor retail. However, developments have sought to “squeeze” 4 storeys within the 12 metre height limit by including partly subterranean ground floors at street level accompanied by a Clause 4.6 variation for minor departures to the permitted building height. This approach has resulted in compromised retail spaces, low floor to ceiling heights and a poorer quality streetscape.

Specific concern was also raised by the community in relation to the interface between the shop top housing fronting Victoria Road and the Heritage Conservation Area to the rear on Renwick Street. As Figure 4 below illustrates, the Canada Bay DCP requires buildings to be stepped in height so as to reduce the visual and privacy impacts on adjoining properties. As the building heights are contained within the DCP, they have not been strictly enforced, thereby undermining the intended planning outcome for new development.

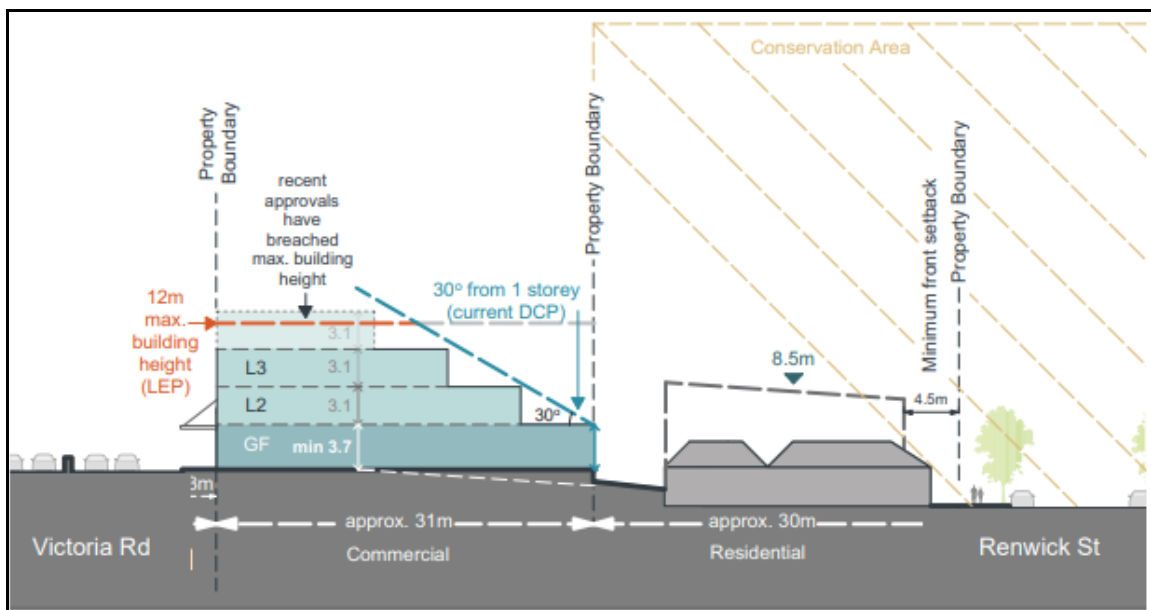


Figure 4: Sectional view showing existing LEP maximum building height controls on the eastern side of Victoria Road.

It is proposed that the LEP height limit be reduced to 11m fronting Victoria Road and 8.5m at the rear part of the site.

This amendment will not change the development capacity of the land as three (3) storey buildings will continue to be permitted fronting Victoria Road and the two storey interface required by the Canada Bay Development Control Plan to the rear of the properties will be more readily enforced through the LEP.

The amendment is shown in Figure 5 and indicated by (1) in Figure 6 below.

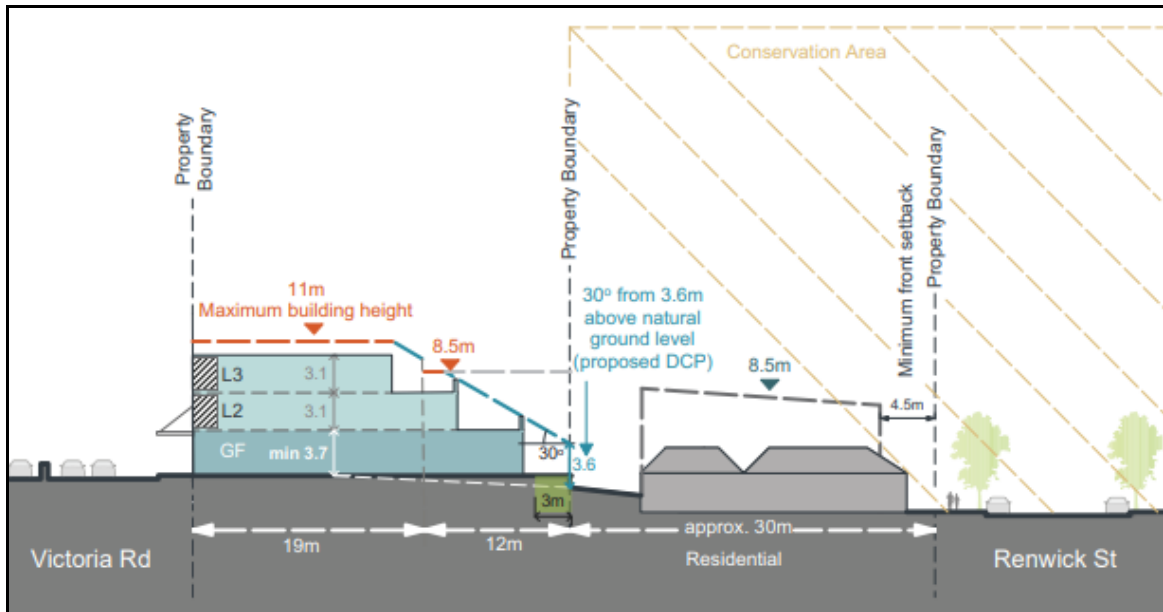


Figure 5: Proposed changes to LEP maximum building height controls on the eastern side of Victoria Road.

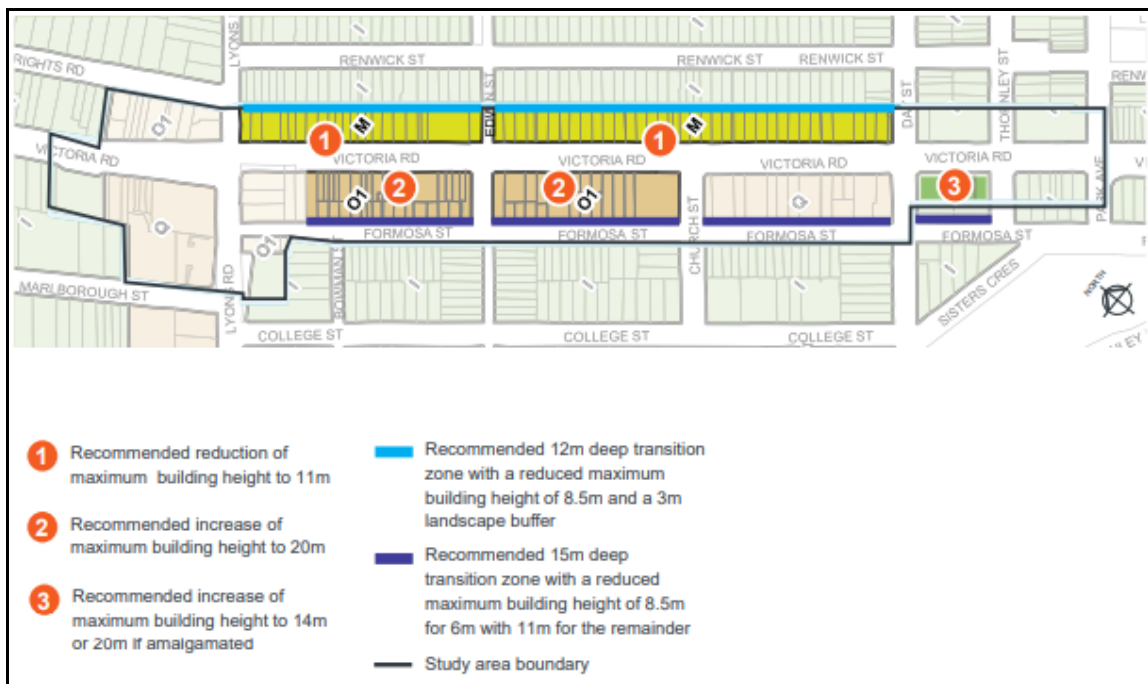


Figure 6: Blocks with proposed amendments to the building height limits.



### Explanation of the changes sought

Replace the existing Height of Buildings Map with a new map that reduces the height limit on the eastern side of Victoria Road (between Lyons Rd and Day St) to 11m at the front of the site and 8.5m at the rear of the site.

### Proposed map amendment



Figure 7: Existing and proposed changes to map.

### Proposed amendments

Amendment	Item	Amendment Details
B	Height of Building Map  HOB_006	Revoke: 1520_COM_HOB_006_010_20200513 1520_COM_HOB_006A_002_20200513  Adopt: 1520_COM_HOB_006_010_20200727  Refer to Appendix 5.  Note: The date of the maps will be updated prior to Gazettal if required.

### C. Building height (west)

#### Background

The CBLEP allows a maximum 15m along the western side of Victoria Road, between Lyons Road and Church Street, intended for 4 storeys as shown in Figure 8. The DCP further states that the four storey component is only permitted on land with a frontage to Victoria Road and that a lower height is required fronting Formosa Street at the rear of the site.

Concerns regarding proposed height increases were raised by the community during the preparation of the Victoria Road Urban Design Review. The community was concerned that Council was currently approving buildings over the height limit and if the height limit was increased and not upheld then even taller buildings would result.

In addition, the DCP stepped building height requirement has also been varied resulting in development bulk closer to the rear boundary impacting on the privacy, overshadowing and amenity of Formosa Street neighbours.

Edwin Street is one of the few streets that cross Victoria Road. The undulating topography along Victoria Road creates an opportunity for taller buildings in "the valley" on either side of Edwin Street which will have minimal amenity impacts as long as compliance with controls is required.

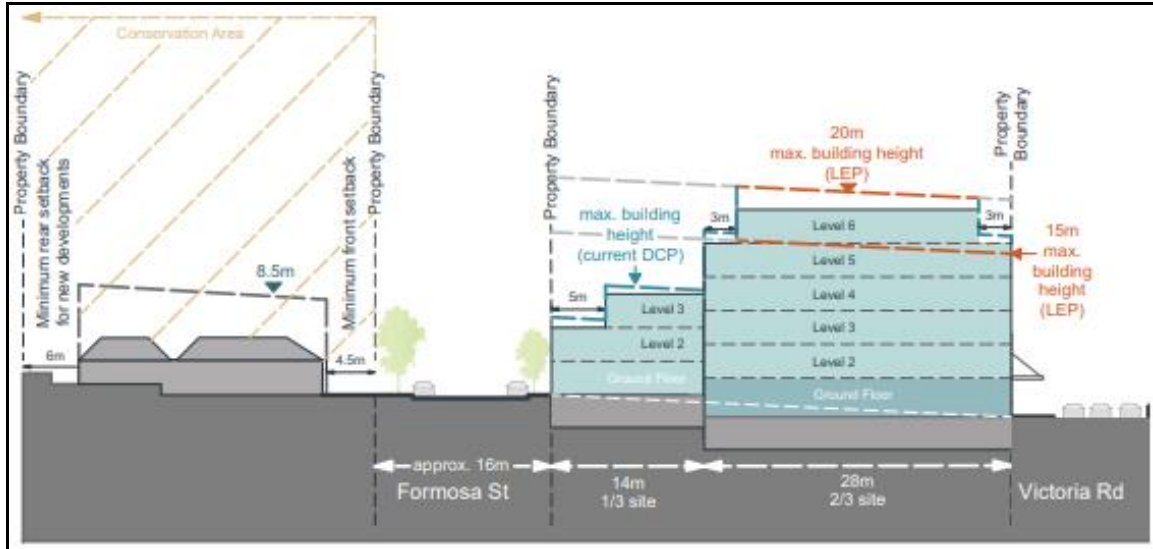


Figure 8: Sectional view showing existing LEP maximum building height controls on the western side of Victoria Road.

A multiple heights approach, as shown in Figure 10, will add more detail to the current height standards in the LEP. Some land is proposed to increase in height, whilst other land is proposed to decrease.

The maximum building height of properties along the western side of Victoria Road, between Lyons Road and Church Street (indicated as (2) in Figure 12 below), is proposed to increase from 15m to 20m to match the heights permissible on the western side of Victoria Road south of Church Street and north of Lyons Road to create a more consistent height modulation along Victoria Road which follows the topography rather than emphasising the ridges.

Height changes are also proposed for the north-eastern side of Formosa Street to enable a sensitive transition to lower scale areas to the south-west of Formosa Street, by requiring stepped heights to limit overshadowing and deliver a 'human scale' along the street as shown in Figures 10 and 12.

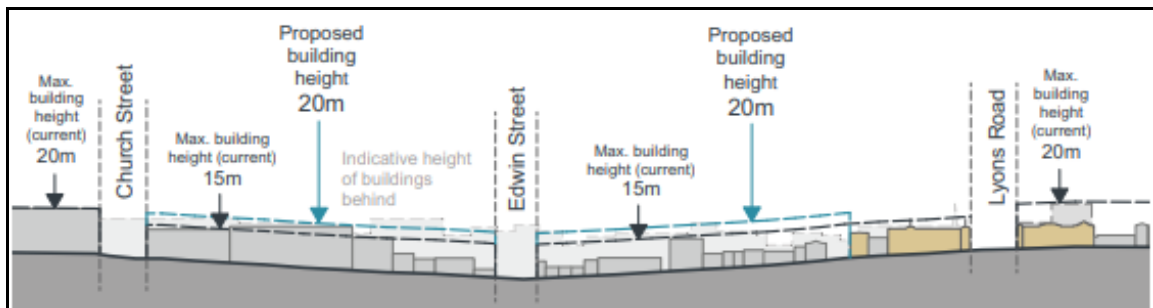


Figure 9: Sectional view of the western side of Victoria Road with existing and proposed building heights.

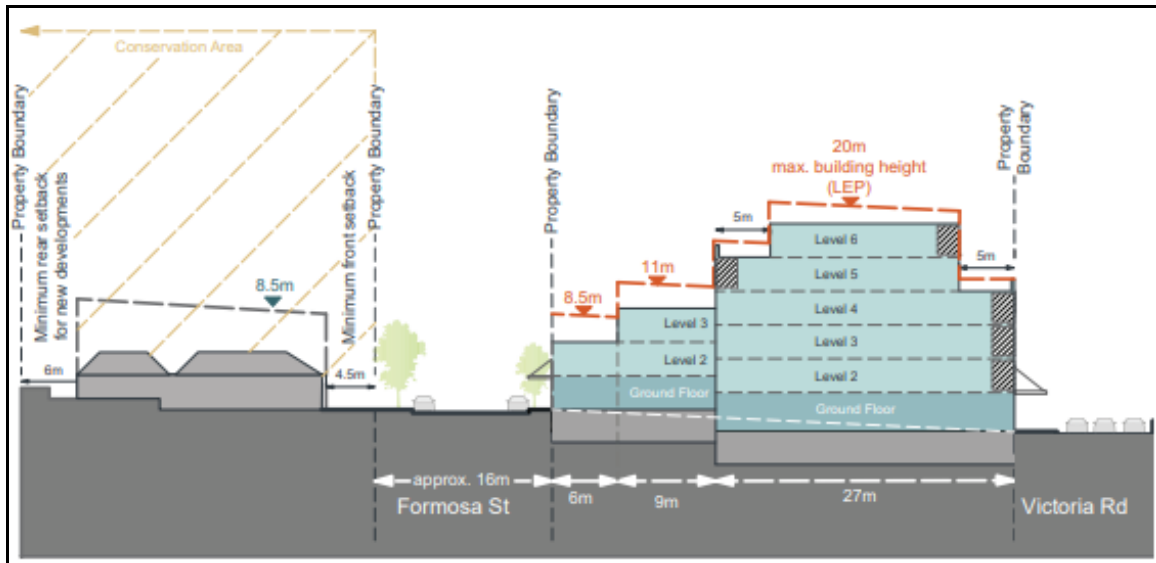


Figure 10: Sectional view showing proposed LEP maximum building height controls on the western side of Victoria Road.

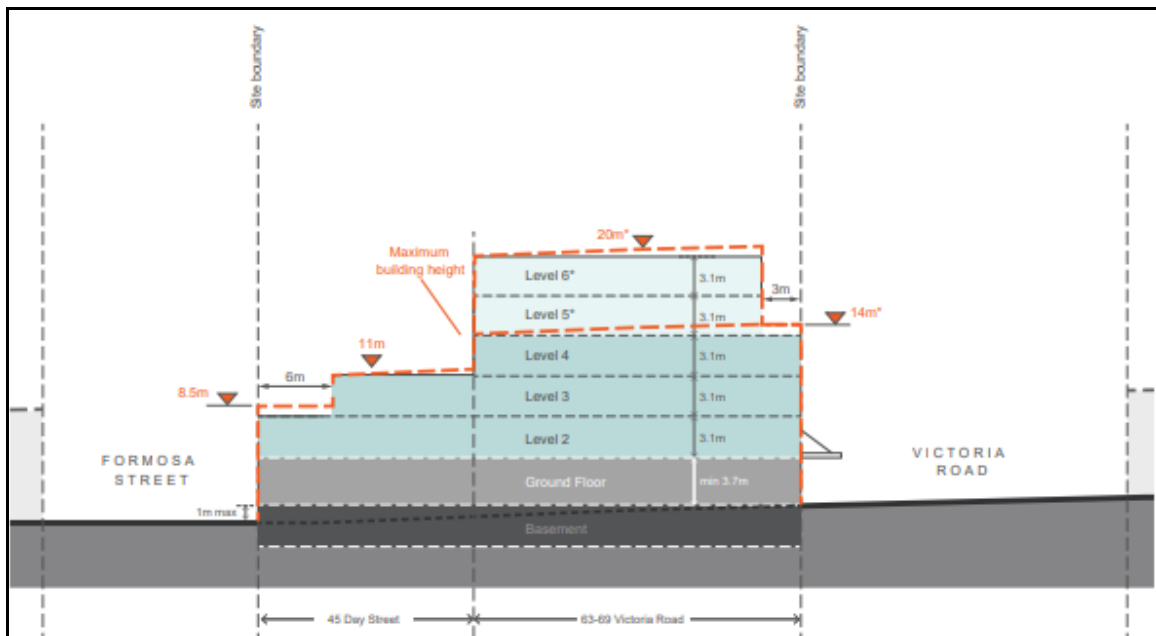


Figure 11: Section between Formosa Street and Victoria Road showing proposed maximum building heights.



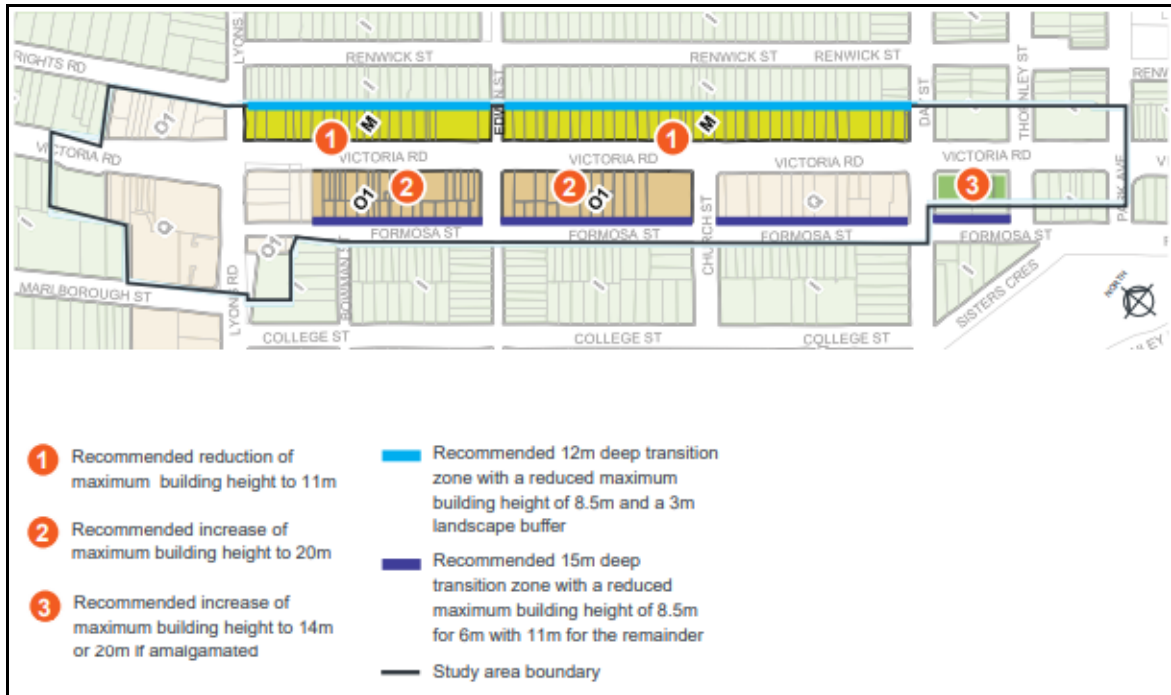


Figure 12: Blocks with proposed amendments to the building height limits.

### Explanation of the changes sought

Replace the existing Height of Buildings Map with a new map that increases the height limit on the western side of Victoria Road (south of Lyons Rd and north of Church St) to 20m but restricts the height limit at the rear of the sites (south of Lyons Rd and north of Thornley St) to 8.5m and 11m.

### Proposed map amendments

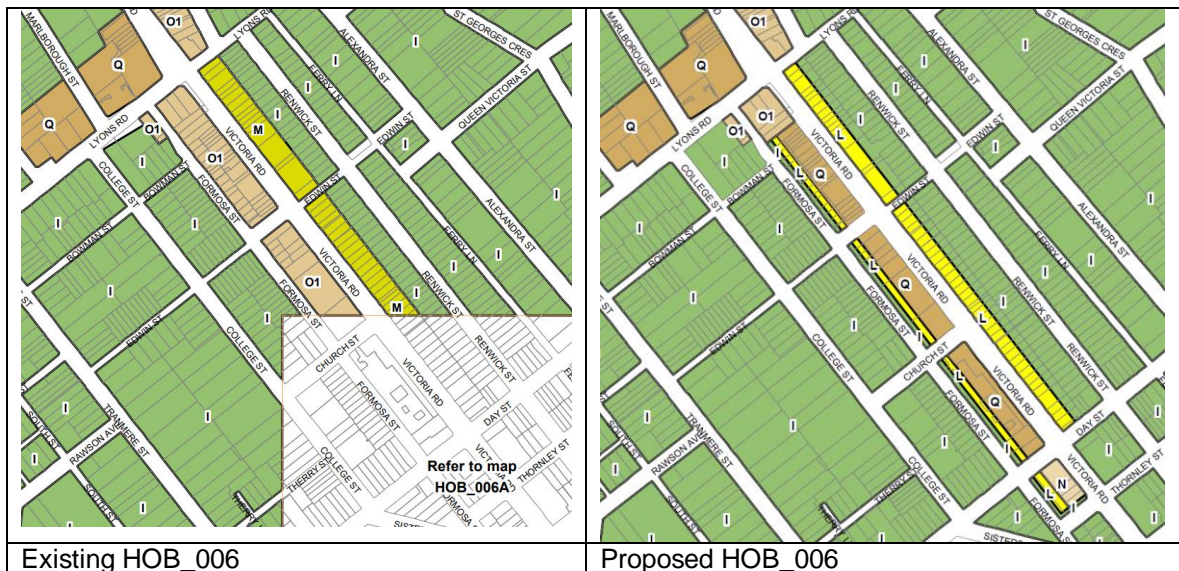


Figure 13: Existing and proposed changes to map.

A Capacity Testing Study (as at Appendix 3) identified the proposed amendments would facilitate the construction of 158 dwellings. Subsequently a Traffic Assessment (as at Appendix 4) was undertaken to consider the potential traffic implications as a result of the increase in the number of dwellings and consequential traffic movements.

The traffic implications of proposed planning control changes were found to result in minor increases in traffic movements and do not, in themselves, materially impact the performance of the adjacent road network. In addition to the minor increases in vehicle delays along certain key movements, no changes to the existing 'level of service' of all of the intersections in the study area were identified.

### Proposed amendments

Amendment	Item	Amendment Details
C	Height of Buildings Map  HOB_006	Revoke: 1520_COM_HOB_006_010_20200513 1520_COM_HOB_006A_002_20200513  Adopt: 1520_COM_HOB_006_010_20200727  Refer to Appendix 5.  Note: The date of the maps will be updated prior to Gazettal if required.

## 2. Low Rise Housing Diversity

### Proposal

The planning proposal seeks to make a number of amendments to the CBLEP 2013 to complement the introduction of the Low Rise Housing Diversity Code under SEPP Exempt and Complying Development 2008. The proposed amendments add new typology definitions, maps and specific controls.

### Background

In July 2018 a new Low Rise Medium Density Housing Code was added to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the SEPP). The Low Rise Medium Density Housing Code was subsequently renamed as the Low Rise Housing Diversity Code (LR Code) in June 2020.

A review of the application of the LR Code was undertaken to determine the implications on future development. This review (as at Appendix 6) also investigated Council's current planning controls and recommended a number of LEP and DCP amendments. The discussion below relates to LEP amendments only.

### Proposed amendments

#### D. Dual occupancy – Maximum building height

### Background

The Canada Bay LEP permits buildings with a height of 8.5m in the R2 Low Density Residential zone. This height limit also applies to dual occupancies. However, the Canada Bay Development Control Plan qualifies that the height limit for dual occupancies that are located one behind the other, should be single storey (5.4m).

To ensure that impacts associated with the siting of dwellings in the rear yard of dwelling houses has an acceptable impact upon the amenity of the surrounding low density residential uses, it is recommended that the maximum single storey height limit for rear dwellings that form part of a dual occupancy or are defined as a secondary dwelling, be 5.4m.



There are however exceptions to this requirement. For example, 2 storey detached dual occupancy should continue to be permitted where the second dwelling is on a corner lot and if both dwellings address a different street (front dwelling addresses primary street, rear dwelling addresses secondary street).

Use of the terms such as frontages or primary street and secondary street also need to recognise the existence of lanes. A lane is generally a narrow street with poorer lighting that is created to provide vehicular access to the rear of a property and is often not suitable to be used as a primary street frontage for a dwelling. As such, the use of a lane as a secondary frontage for the purposes of constructing a second dwelling should be excluded.

### Explanation of the changes sought

If it is proposed to construct a dwelling at the rear of a lot and that dwelling is a secondary dwelling or part of a dual occupancy, then that dwelling will have a maximum height of 5.4m.

However, if it can be demonstrated that the lot has two street frontages (corner lot or parallel road lot), but not a lane, and the dwellings each address a different street and provide vehicular and pedestrian access from a different street, then the maximum height may be 8.5m

### Existing clause

N/A, a new clause is proposed.

### Proposed amendments

Amendment	Item	Amendment Details
D	Height of Buildings  Clause 4.3C	4.3C Exception to height of buildings for dual occupancies and secondary dwellings  (1) The maximum height for a rear dwelling that is part of a dual occupancy or is a secondary dwelling on land in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential is 5.4m.  (2) Despite subclause (1), the maximum height may be 8.5m if –  a) the lot is a corner lot or parallel road lot and has two street frontages, other than a lane, and  b) the dwellings do not address the same street, and  c) direct vehicular and pedestrian access for each dwelling is provided from a different street.
D	Dictionary	corner lot means a lot that has 2 contiguous boundaries with a road or roads (other than a lane) that intersect at an angle of 135 degrees or less (whether or not the lot has any other boundaries with a road).
D	Dictionary	parallel road lot means a lot that has boundaries with 2 parallel roads, not including a lane.
D	Dictionary	lane means a public road, with a width greater than 3m but less than 7m, that is used primarily for access to the rear of premises, and includes a nightsoil lane.

## E. Multi dwelling housing (terraces) definition

### Background

The SEPP has introduced a new housing typology. As it is now proposed to introduce planning controls relevant to this typology it must now be defined in the LEP.

### Explanation of the changes sought

Add a definition for multi dwelling housing (terraces).

### Proposed amendments

Amendment	Item	Amendment Details
E	Dictionary	Multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.

## F. Terraces – Maximum building height

### Background

Currently, the maximum building height of 8.5m makes it difficult to accommodate a third storey in terraces. To make terraces more attractive for developments, a new height of 9.0m is proposed. This height will enable the construction of two habitable storeys plus an attic storey, where the attic storey may only be used for bedrooms and for non-habitable spaces.

There is however a concern that if a 9.0m limit is permitted for all zones, it will be utilised to create 3 storey residential flat buildings rather than encouraging new terrace housing typologies that front the street with doorways, creating outcomes more conducive to local character and fitting in with existing streetscapes. As such it is proposed that the additional height only be permitted for multi dwelling housing (terraces).

In addition, it is recommended that the clause include restrictions on the building height plane and the use of rooms on the third attic level. The visual impact of the additional storey on the streetscape and local character would be mitigated through a 45 degree height plane across the third storey to the front and the rear. This recommendation is in line with the Council's Local Housing Strategy, which identifies the opportunity to accommodate a third storey subject to satisfactory urban design outcomes.

### Existing Clause

N/A, a new clause is proposed.

### Explanation of the changes sought

If a multi dwelling (terrace) development is proposed the maximum height for that development will be 8.5m.

However, if the development complies with the following requirements then it may have a maximum height of 9.0m if:

- a) The development follows a 45 degree height plane, measured at the front and rear building line, springing from 7m above the natural ground level, and
- b) Only bedrooms and non-habitable spaces are located in the third storey.

### Proposed amendments

Amendment	Item	Amendment Details
F	Height of Buildings  Clause 4.3D	4.3D Exception to height of buildings for multi dwelling housing (terraces)  (1) The maximum height for multi dwelling housing (terraces) on land identified in Zone R1 General Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential may be 9.0m if –  a) the development follows a 45 degree height plane, measured at the front and the rear building line, springing from 7m above the natural ground level, and  b) only bedrooms and non-habitable spaces are permitted in the third storey.

### G. Manor house definition

#### Background

The SEPP has introduced a new housing typology. As it is now proposed to introduce planning controls relevant to this typology it must now be defined in the LEP.

#### Explanation of the changes sought

Add a definition for manor house.

### Proposed amendments

Amendment	Item	Amendment Details
G	Dictionary	manor house means a residential flat building containing 3 or 4 dwellings, where—  (a) each dwelling is attached to another dwelling by a common wall or floor, and  (b) at least 1 dwelling is partially or wholly located above another dwelling, and  (c) the building contains no more than 2 storeys (excluding any basement).

### H. Manor houses and terraces - Minimum lot size

#### Background

The purpose of a minimum lot size for development clause is to ensure that the development site has dimensions that are appropriate to create development outcomes that are consistent with the local context and have an acceptable impact on the amenity of the locality.

The minimum lot size for residential flat building and multi dwelling housing is currently 800sqm in the R1 and R3 zones and 1,500sqm in R4 zones.

Under the LR Code, the minimum lot size for manor houses is 600sqm.

The LR Code specifies a minimum of 600sqm for terraces but only if the LEP does not specify a minimum for multi dwelling housing. As CBLEP sets a minimum of 800sqm, terraces must comply with that standard.

Manor houses and terraces are compact typologies deemed suitable on smaller lots. To promote these typologies under CBLEP, it is proposed to reduce the minimum lot size for a 'manor house' and 'multi dwelling housing (terraces)' from 800m<sup>2</sup> to 600m<sup>2</sup> in the R1 and R3 zones.

### Explanation of the changes sought

Multi dwelling housing (terraces) and manor houses will be added to Clause 4.1A with a minimum site area requirement of 600sqm in an R1 General Residential and R3 Medium Residential zone.

### Existing Clause

#### 4.1A Minimum lot sizes for certain dwellings

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 if –
- the area of the lot is equal to or greater than the area specified in Column 3, and
  - the width of the lot at the front building line is equal to or greater than the width specified in Column 4.

Column 1	Column 2	Column 3	Column 4
Dual occupancy (attached)	Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential	450 square metres	n/a
Dual occupancy (detached)	Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential	800 square metres	n/a
Multi dwelling housing	Zone R1 General Residential, Zone R3 Medium Density Residential	800 square metres	n/a
Multi dwelling housing	Zone R4 High Density Residential	1,500 square metres	n/a
Residential flat building	Zone R1 General Residential, Zone R3 Medium Density Residential	800 square metres	n/a
Residential flat building	Zone R4 High Density Residential	1,500 square metres	n/a
Boarding houses (other than development involving the change of use to a boarding house)	Zone R2 Low Density Residential	800 square metres	20 metres

### Proposed amendments

Amendment	Item	Amendment Details
H	4.1A (2)	Add <i>multi dwelling housing (terraces)</i> to table:  Column 1 Multi dwelling housing (terraces)

		<p>Column 2 Zone R1 General Residential, Zone R3 Medium Density Residential</p> <p>Column 3 600 square metres</p> <p>Column 4 See amendment K</p>
H	4.1A (2)	<p>Add <i>multi dwelling housing (terraces)</i> to table:</p> <p>Column 1 Multi dwelling housing (terraces)</p> <p>Column 2 Zone R4 High Density Residential</p> <p>Column 3 1500 square metres</p> <p>Column 4 See amendment K</p>
H	4.1A (2)	<p>Add <i>manor houses</i> to table:</p> <p>Column 1 Manor houses</p> <p>Column 2 Zone R1 General Residential, Zone R3 Medium Density Residential</p> <p>Column 3 600 square metres</p> <p>Column 4 See amendment K</p>

## I. Minimum subdivision lot size

### Background

CB LEP currently requires a minimum lot size of 450sqm.

Subdivision for terraces is not currently practical under the CBLEP, due to the minimum lot size of 450sqm for Torrens title subdivisions. Under the LR Code, the minimum resultant lot size for Torrens title subdivision for terraces is only 200sqm.

A 225sqm lot size for terraces can provide sufficient area for at grade parking, landscaping and a scale of development that is suitable to blend well within the local context.

It is proposed to incorporate a new clause to support the objective of the LR Code by reducing the minimum lot size requirement for Torrens title subdivision of terraces (to 225sqm) and set minimum resultant lot width requirements.

### Explanation of the changes sought

Torrens title subdivision of multi dwelling housing (terraces) will be permissible in an R1 General Residential, R3 Medium Density Residential and R4 High Density Residential zone if the following requirements can be met:



The minimum Torrens title lot size of each lot resulting from the subdivision of multi dwelling housing (terraces) is 225 square metres, but only where the width of each resultant lot has a frontage to a road and is equal to or greater than 6 metres.

### Existing Clause

N/A, a new clause is proposed.

### Proposed amendments

Amendment	Item	Amendment Details
I	4.1B	<p>4.1B Exceptions to minimum subdivision lot sizes for multi dwelling housing (terraces).</p> <ol style="list-style-type: none"> <li>1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.</li> <li>2) This clause applies to development for the purpose of multi dwelling housing (terraces) on land in R1 General Residential, R3 Medium Density Residential and R4 High Density Residential zones.</li> <li>3) The minimum Torrens title lot size of each lot resulting from the subdivision of multi dwelling housing (terraces) is 225 square metres, but only where the width of each resultant lot has a frontage to a road and is equal to or greater than 6 metres.</li> </ol>

## J. Floor space ratio

### Background

The majority of the R3 zoned land within Canada Bay is currently identified as 'Area 1' on the Floor Space Ratio Map. For multi dwelling housing or residential flat buildings within 'Area 1', no maximum FSR applies (Clause 4.4 (2A)). Thus, terraces, manor houses and townhouses within these areas would have no maximum FSR under the current CBLEP.

For semi-detached dwellings and dwelling houses within 'Area 1', the maximum FSR under the current CBLEP increases as site area decreases (Clause 4.4 (2B)) in a 'sliding scale'.

To encourage a variety of building types and to ensure that specific dwelling types are not substantially bigger than others in the street, it is proposed to:

- Remove the FSR sliding scale (Clause 2B), ensuring that the scale of future development is proportionate to land size.
- Provide an FSR of 0.7:1 on certain R3 Medium Density Zoned land (Area 1) for Residential Flat Buildings, Multi dwelling housing and Multi dwelling housing (terraces) where the land is not affected by a heritage item or heritage conservation area.

### Explanation of the changes sought

To remove the FSR sliding scale (Clause 2B) and amend Clause 2A to provide an increase in FSR up to 0.7:1 on certain R3 Medium Density Zone land (Area 1) for Residential Flat Buildings, Multi dwelling housing and Multi dwelling housing (terraces) where the land is not affected by a heritage conservation area.

## Existing clause

### 4.4 Floor space ratio

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

- (a) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,
- (b) to provide a suitable balance between landscaping and built form,
- (c) to minimise the effects of bulk and scale of buildings.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Despite subclause (2), the maximum floor space ratio for a building does not apply to multi dwelling housing or a residential flat building on land identified as “Area 1” on the Floor Space Ratio Map.

(2B) Despite subclause (2), the maximum floor space ratio for a building that is a dwelling house or semi-detached dwelling on land identified as “Area 1” on the Floor Space Ratio Map with a site area within the range specified in Column 1 of the table to this subclause must not exceed the ratio specified opposite in Column 2 of the table—

<b>Column 1</b>	<b>Column 2</b>
<b>Site area</b>	<b>Maximum floor space ratio</b>
< 150 square metres	0.7:1
150 square metres–250 square metres	0.65:1
> 250 square metres–350 square metres	0.60:1
> 350 square metres–450 square metres	0.55:1
> 450 square metres	0.5:1

(2C) Despite subclause (2), the maximum floor space ratio for a building on land identified as “Area 2” on the Floor Space Ratio Map with a site area within the range specified in Column 1 of the table to this subclause must not exceed the ratio specified opposite in Column 2 of the table—

<b>Column 1</b>	<b>Column 2</b>
<b>Site area</b>	<b>Maximum floor space ratio</b>
< 1,000 square metres	2.0:1
1,000 square metres–1,500 square metres	2.25:1
> 1,500 square metres–2,000 square metres	2.5:1
> 2,000 square metres–2,500 square metres	2.75:1
> 2,500 square metres–3,000 square metres	3.0:1
> 3,000 square metres–3,500 square metres	3.25:1
> 3,500 square metres	3.5:1

(2D) Despite subclause (2), the maximum floor space ratio for a building on land identified as “Area 3” on the Floor Space Ratio Map with a site area within the range specified in Column 1 of

the table to this subclause must not exceed the ratio specified opposite in Column 2 of the table—

<b>Column 1</b>	<b>Column 2</b>
<b>Site area</b>	<b>Maximum floor space ratio</b>
< 1,000 square metres	2.0:1
1,000 square metres–1,250 square metres	2.25:1
> 1,250 square metres–1,500 square metres	2.5:1
> 1,500 square metres–2,000 square metres	2.75:1
> 2,000 square metres	3.0:1

(2E) Despite subclause (2), the maximum floor space ratio for development that is used for the purposes of commercial premises, light industries or vehicle repair stations on land identified as “Area 4” on the Floor Space Ratio Map must not exceed 1:1.

(2F) Despite subclause (2), the maximum floor space ratio for development (other than for the purpose of a dwelling house or a semi-detached dwelling) on land identified as “Area 5” on the Floor Space Ratio Map with a site area of 1,000 square metres and a street frontage of at least 20 metres is 2.7:1 if the consent authority is satisfied that the development—

- (a) is designed to be compatible with the desired future character of the area and with the height, bulk, scale, massing and modulation of surrounding buildings, and
- (b) has a form and external appearance that will improve the quality and amenity of the public domain, such as new pedestrian connections and open space, and
- (c) promotes the sharing of view corridors, and
- (d) relates appropriately to surrounding heritage items, and
- (e) minimises environmental impacts such as overshadowing, wind and reflectivity, and
- (f) incorporates the principles of ecologically sustainable development, and
- (g) encourages the use of public transport, walking and cycling, and
- (h) achieves excellence in urban design, while relating to the local context.

(2G) Despite subclause (2), the maximum floor space ratio for development on land identified as “Area 6” on the Floor Space Ratio Map with a site area of at least 2,500 square metres is 2.25:1.

### Proposed amendment

<b>Amendment</b>	<b>Item</b>	<b>Amendment Details</b>
J	4.4(2A)	Amend clause:  (2A) Despite subclause (2), the floor space ratio on land identified as “Area 1” on the Floor Space Ratio Map may exceed the maximum floor space ratio shown for the land on that map if –  (a) the floor space ratio does not exceed 0.7:1, and  (b) the development is for multi dwelling housing, multi dwelling housing (terraces) or a residential flat building, and

		(c) the land does not include a heritage item or draft heritage item, and  (d) the land is not within a heritage conservation area or a draft heritage conservation area.
J	4.4(2B)	Repealed
J	Floor Space Ratio Map  FSR_001 - FSR_007	Revoke: 1520_COM_FSR_001_010_20151013 1520_COM_FSR_002_010_20201023 1520_COM_FSR_003_010_20201023 1520_COM_FSR_004_010_20130422 1520_COM_FSR_005_010_20180313 1520_COM_FSR_006_010_20200513 1520_COM_FSR_007_010_20130422  Adopt: 1520_COM_FSR_001_010_20200806 1520_COM_FSR_002_010_20200806 1520_COM_FSR_003_010_20200806 1520_COM_FSR_004_010_20200806 1520_COM_FSR_005_010_20200806 1520_COM_FSR_006_010_20200806 1520_COM_FSR_007_010_20200806  Refer to Appendix 7.  Note: The date of the maps will be updated prior to Gazettal if required.

## K. Minimum lot width/frontage

### Background

Minimum lot frontages for a variety of development are currently contained within the Canada Bay Development Control Plan instead of the Canada Bay Local Environmental Plan. For most medium density development, the LR Code sets lower minimum lot widths than the Canada Bay DCP.

Part E3.2 of the DCP currently has the following minimum frontage widths:

Dwelling Type	Frontage
Attached Dual Occupancy	14.0m
Detached Dual Occupancy	16.0m
Multi-Dwelling Housing & Residential Flat Buildings	20.0m

Manor house development is permissible on 15m wide sites under the LR Code. The Canada Bay DCP does not currently have a frontage width for manor houses however as a manor house is a type of residential flat building, a 20m frontage would be required. Site testing has shown that manor houses without basement car parking are difficult to achieve on sites less than 18m. It is proposed that the minimum frontage for manor houses be reduced to 18m to encourage this form of development.

The LR Code permits an 18m wide lot for terrace development compared to 20m in the DCP (multi dwelling housing). An 18m wide mid-block lot would allow for three attached 5m wide terraces and a 1.5m setback on each side boundary to neighbouring properties. It is proposed

that the minimum frontage for multi dwelling housing (terraces) be introduced into the LEP with a minimum width of 18.0m. This width would encourage this form of development.

Council's review into the introduction of the LR Code also recommended that the ground floor side setback for dual occupancies be increased to 1.5m under the DCP. It is proposed to do this for all dual occupancy development. To achieve this outcome, it is proposed that the minimum frontage for a detached dual occupancy be increased to 17m (if the dwellings are side by side this will allow for two 5.5m wide dwellings and a 1.5m setback to either side of each dwelling, compared to 6.1m wide attached dwellings).

To reinforce the minimum lot frontage controls it is proposed they be removed from the DCP and added to Clause 4.1A of the LEP, consistent with the Standard Instrument.

### Explanation of the changes sought

To amend clause 4.1A to include minimum lot sizes for multi dwelling housing (terraces), manor houses and boarding houses, and to add minimum frontage requirements for all typologies.

It is also proposed to add additional clauses to allow development of dual occupancies (detached) to be undertaken on smaller frontage lots if the following additional requirements are met:

The minimum frontage for a dual occupancy (detached) may be reduced to 14m if the lot is a corner lot or parallel road lot, not a lane, with two street frontages and each dwelling is orientated towards and provides vehicular and pedestrian access from a different street.

### Existing Clause

#### 4.1A Minimum lot sizes for certain dwellings

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 if –
  - (a) the area of the lot is equal to or greater than the area specified in Column 3, and
  - (b) the width of the lot at the front building line is equal to or greater than the width specified in Column 4.

Column 1	Column 2	Column 3	Column 4
Dual occupancy (attached)	Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential	450 square metres	n/a
Dual occupancy (detached)	Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential	800 square metres	n/a
Multi dwelling housing	Zone R1 General Residential, Zone R3 Medium Density Residential	800 square metres	n/a
Multi dwelling housing	Zone R4 High Density Residential	1,500 square metres	n/a
Residential flat building	Zone R1 General Residential, Zone R3 Medium Density Residential	800 square metres	n/a
Residential flat building	Zone R4 High Density Residential	1,500 square metres	n/a
Boarding houses (other than development involving the change of	Zone R2 Low Density Residential	800 square metres	20 metres



use to a boarding house)			
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### Proposed amendment

Amendment	Item	Amendment Details
K	4.1A (2)	<p>Add the following minimum lot frontage requirements into Column 4:</p> <p>Dual occupancy (attached) – 14m            Dual occupancy (detached) – 17m            Multi dwelling housing (Zone R1 &amp; R3) – 20m            Multi dwelling housing (Zone R4) – 20m            Multi dwelling housing (terraces) (Zone R1 &amp; R3) – 18m            Multi dwelling housing (terraces) (Zone R4) – 18m            Manor houses – 18m            Residential flat buildings (Zone R1 &amp; R3) – 20m            Residential flat buildings (Zone R4) – 20m</p>
K	4.1A (3)	<p>(3) Despite subclause (2), the minimum lot frontage for a dual occupancy (detached) may be reduced to 14m if:</p> <p>a) the lot is a corner lot or parallel road lot with two street frontages, other than a lane, and</p> <p>b) each dwelling is orientated towards and provides vehicular and pedestrian access from a different street.</p>

## 3. Housekeeping

### Proposal

The planning proposal seeks to make a number of amendments to the CBLEP 2013 to correct errors and inconsistencies.

### Proposed amendments

#### L. Land application map

##### Background

The names and boundaries of surrounding Local Government Areas on the CBLEP Land Applications Map sheet LAP\_001 has not been updated to recognise Local Government Area amalgamations. The labels on this map are therefore outdated.

##### Explanation of the changes sought

Update the names and boundaries of the local government areas surrounding City of Canada Bay.

### Proposed map amendment

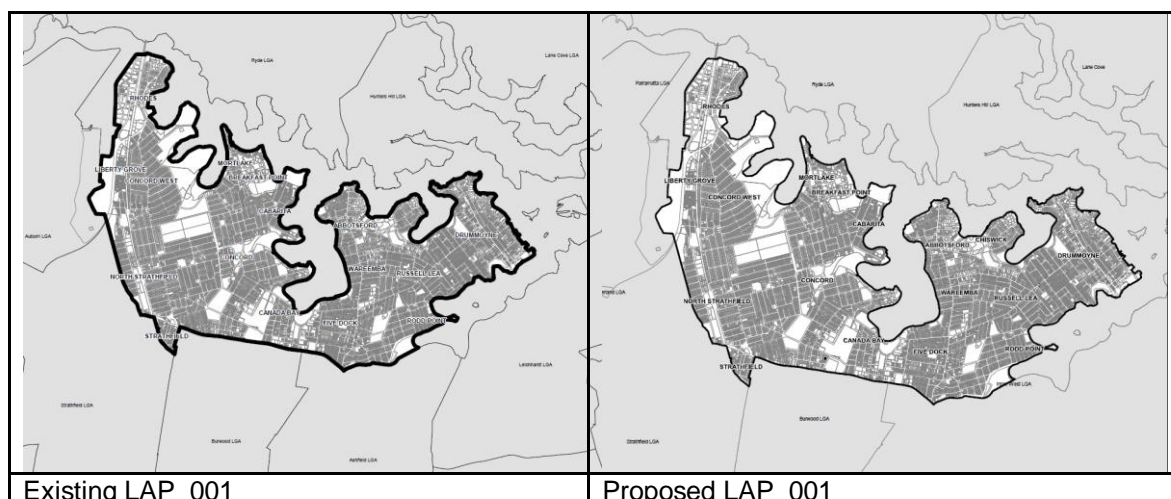


Figure 15: Existing and proposed changes to map.

### Proposed amendments

Amendment	Item	Amendment Details
L	Land Application Map Sheet  LAP_001	Revoke: 1520_COM_LAP_001_040_20140304  Adopt: 1520_COM_LAP_001_040_20200722  Refer to Appendix 8.  Note: The date of the maps will be updated prior to Gazettal if required.

### M. Height of building in SP2 zones on HOB\_006

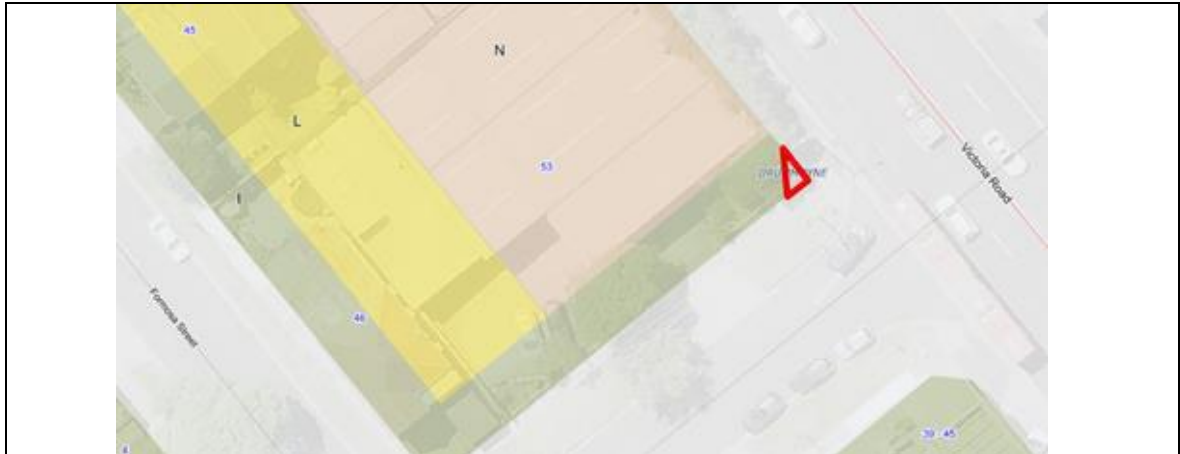
#### Background

Land zoned Infrastructure SP2 within the local government area currently have inconsistent height allocations. Certain SP2 land have zero metre height limit applied, whilst others have been allocated heights that are consistent with adjacent sites. This amendment proposes to address the inconsistency by applying a maximum height limit to all SP2 land consistent with adjacent land parcels.

#### Explanation of the changes sought

Apply a maximum height limit to all SP2 land on HOB\_006 consistent with adjacent land parcels.

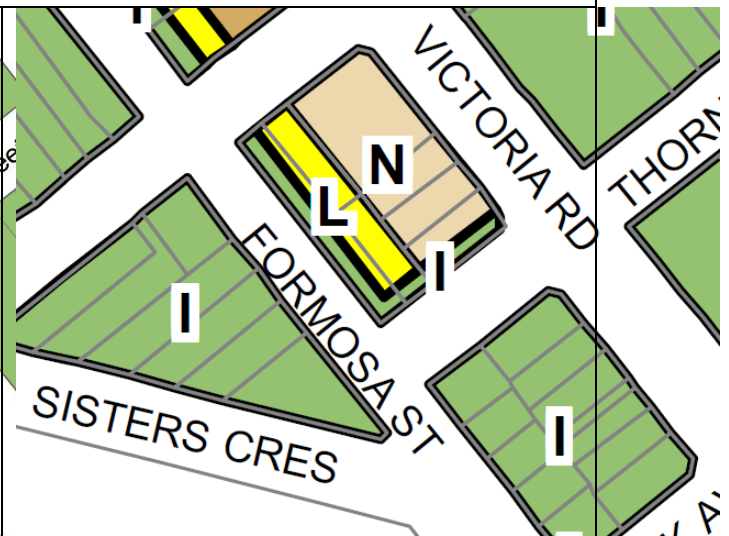
**Proposed map amendment**



Red outline area above indicates location.



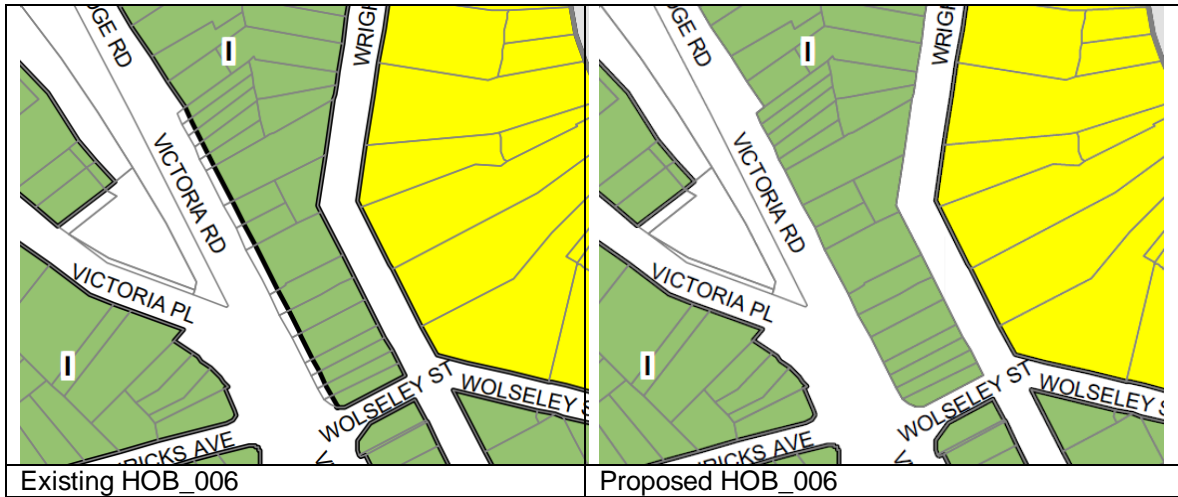
Existing HOB\_006



Proposed HOB\_006



Red outline area above indicates location.



Red outline area above indicates location.

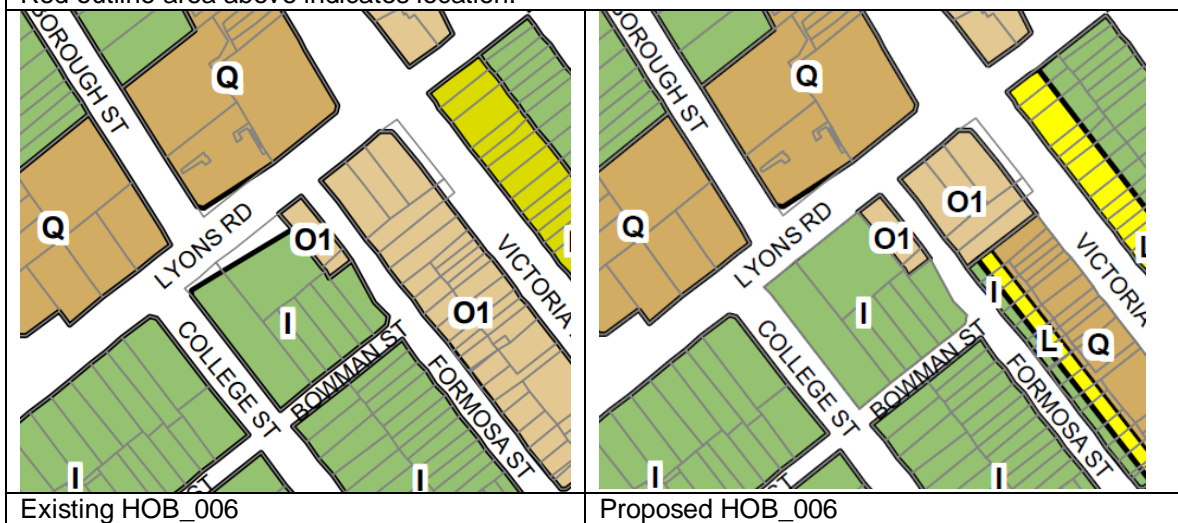


Figure 16: Existing and proposed changes to map.

### Proposed amendments

Amendment	Item	Amendment Details
M	Height of Buildings Map Sheet  HOB_006	Revoke: 1520_COM_HOB_006_010_20200513 1520_COM_HOB_006A_002_20200513  Adopt: 1520_COM_HOB_006_010_20200727

		Refer to Appendix 5.  Note: The date of the maps will be updated prior to Gazettal if required.
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## N. Heritage item I308 – St Luke’s Park gateway/entrance – gates and trees only

### Background

The Statement of significance for this heritage item is as follows:

Park entrance and row of five mature fig trees from 1890s-1920s period. Form a notable element in the streetscape.

The entry gates are an important memorial to former mayor of Concord, Daniel Zoeller.

Site of the Longbottom Stockade and potential Aboriginal archaeological heritage. Schedule 5 of the LEP identifies the property for I308 as Lot 7077, DP 752023.

A number of subdivisions and further subdivisions have occurred to Lot 7077 DP 752023 since 2008. The table below summarises the lot subdivisions that occurred over time relating to Heritage Item I308.

Year	Subdivision of Lot 7077 DP 752023
1 February 2008	Crown Land conversion resulted in Lot 7077 DP 752023 becoming identified as Lot 7077 DP 1123003.
1 December 2010	A Crown Land conversion resulted in the subdivision of Lot 7077 and created Lot 7301 and 7302 in DP 1159824, with the heritage entry gates and trees located on Lot 7301.
31 July 2015	For the purposes of acquisition under the Roads Act, Roads and Maritime Services (RMS) subdivided Lot 7301 in DP 1159824 into Lot 1 and 2 in DP 1210747. The heritage entry gates and trees are located on Lot 1.
22 November 2016	For the purposes of acquisition under the Roads Act, RMS further subdivided Lot 1 in DP 1210747 and Lots 8, 9 and 10 in DP 719520 into Lots 10-17 in DP 1226181. The heritage entry gates and trees are located on Lot 13 as indicated in the images from the deposited plans shown at Figure 20 and 21

The result of these changes is that the heritage items are now located on Lot 13, DP 1226181. Therefore, this listing requires update to accurately reference its new Lot and Deposit Plan.



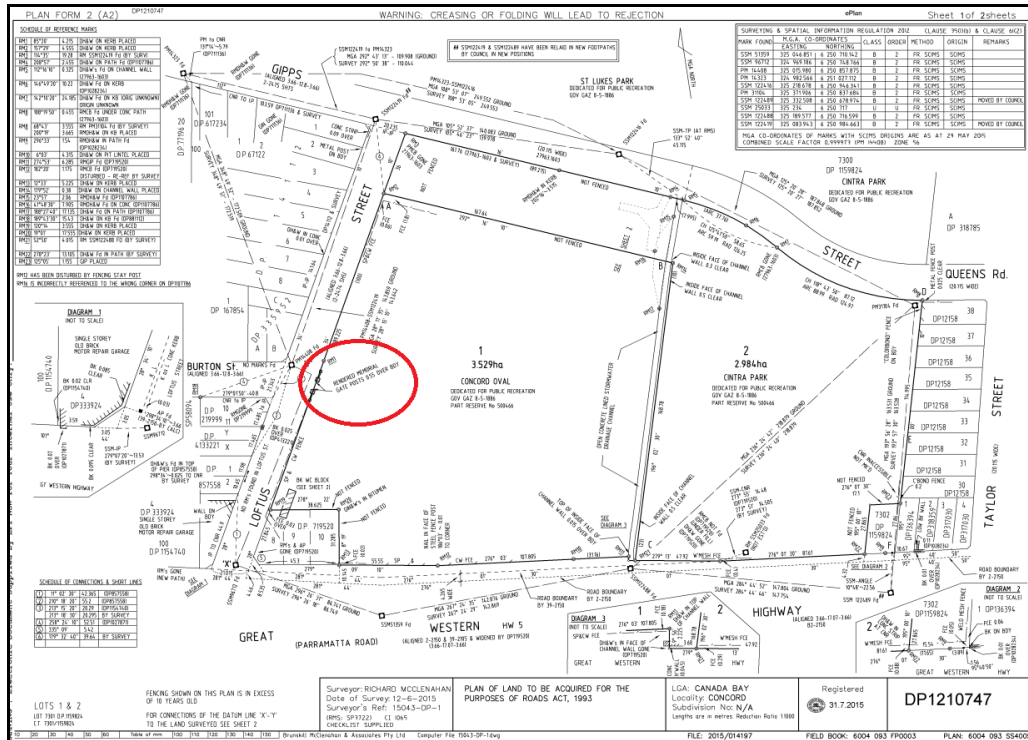


Figure 20: DP 1210747 indicating location of heritage gates. Heritage trees are located to the north of the gates towards Gipps Street.

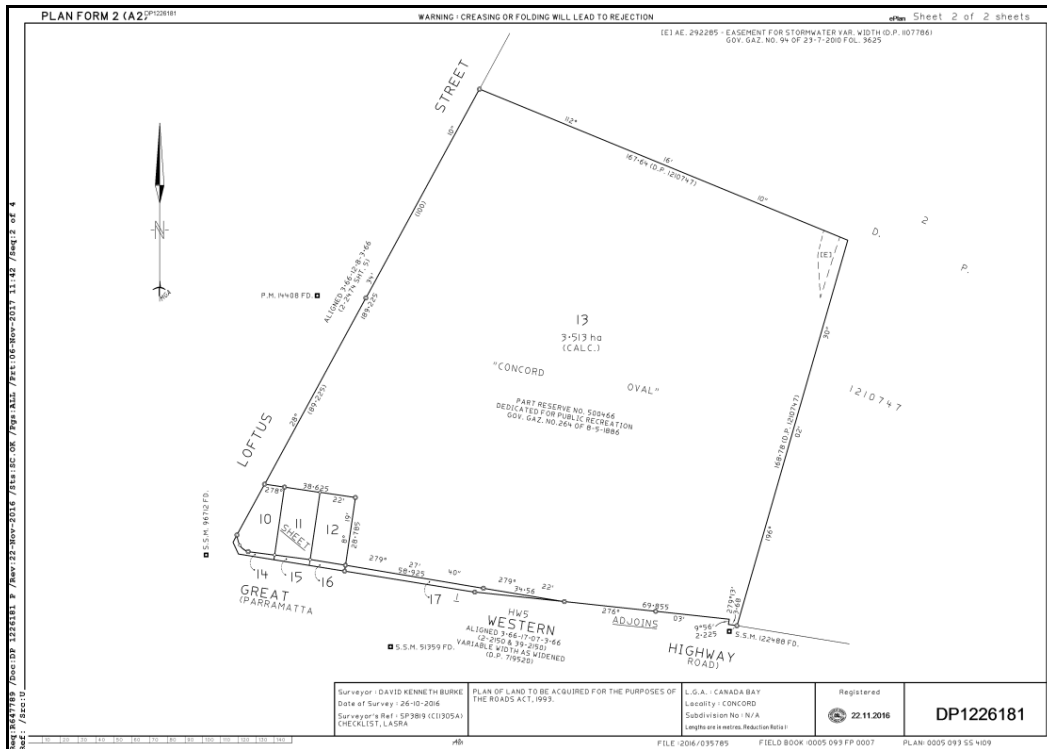


Figure 21: DP 1226181. The gates and trees are now located entirely within lot 13.

### Explanation of the changes sought

Change the property details in Schedule 5 to Lot 13 DP 1226181 and replace HER\_005 with an updated map:

### Existing clause

Part 1 Heritage items					
Suburb	Item name	Address	Property description	Significance	Item no
Concord	St Luke's Park gateway/entrance—gates and trees only	Loftus Street	Lot 7077, DP 752023	Local	I308

### Proposed map amendment

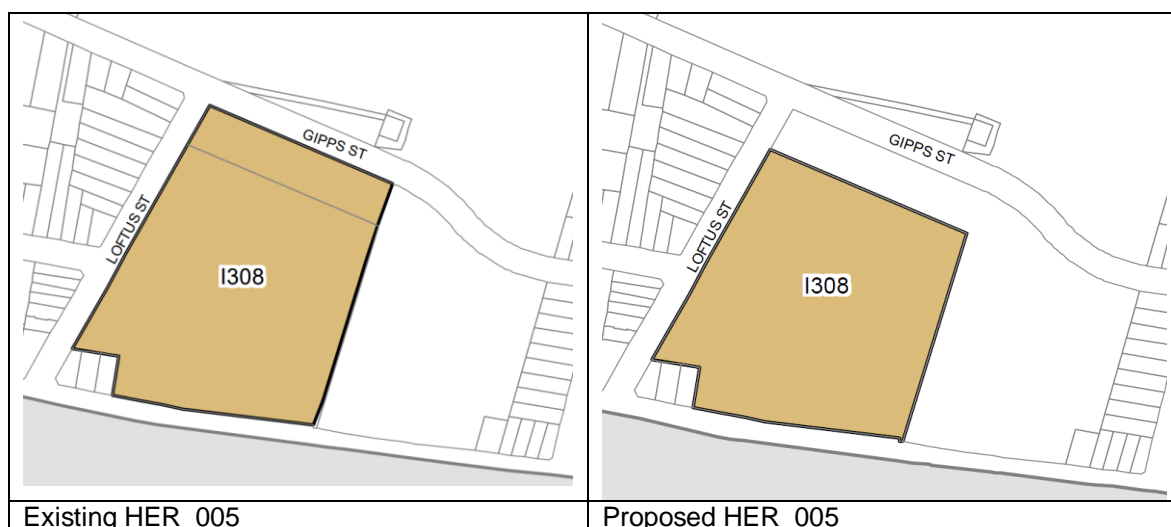


Figure 22: Existing and proposed changes to map.

### Proposed amendments

Amendment	Item	Amendment Details
N	Schedule 5	Amend Property description for I308 to Lot 13, DP 1226181
N	Heritage Map Sheet HER_005	Revoke: 1520_COM_HER_005_010_20180801  Adopt: 1520_COM_HER_005_010_20200729  Refer to Appendix 9.  Note: The date of the maps will be updated prior to Gazettal if required.

### O. Heritage item I474 – Gladesville Bridge abutments, Five Dock Point

#### Background

The Statement of significance for this heritage item is as follows:

The bridge abutments are now the only physical trace of the former Gladesville Bridge. They indicate the historic and continuing importance of the Victoria Road alignment through the municipality and are important physical remnants that define the point.

It is proposed to amend the heritage listing to recognise the significance of the former road approach to the bridge. This former road approach is located within the existing park, extending from the former bridge abutment to the end of the existing road. The addition of the former road approach to the heritage listing is considered integral to the history and appreciation of the significance of the place:

Name change:

Former Gladesville Bridge abutments and approach, Five Dock Point

Curtilage change:

The extent of the heritage item should be expanded to include that part of the former road approach.

The existing boundaries of the existing heritage item should be changed slightly so that they sit over the abutment. (Currently slightly misaligned.)

Reason:

The extent of the former road approach should be included in the listing as the road approach is integral to the history and understanding of the place.

The additional area for the heritage item is that part of the existing park that extends from the abutment to the end of the existing road.

### Explanation of the changes sought

Change the item name in Schedule 5 to Gladesville Bridge abutments and approach, Five Dock Point and replace HER\_006 with an updated map:

### Existing clause

Part 1 Heritage items					
Suburb	Item name	Address	Property description	Significance	Item no
Drummoyne	Gladesville Bridge abutments, Five Dock Point	End of Victoria Place		Local	1474

### Proposed map amendment

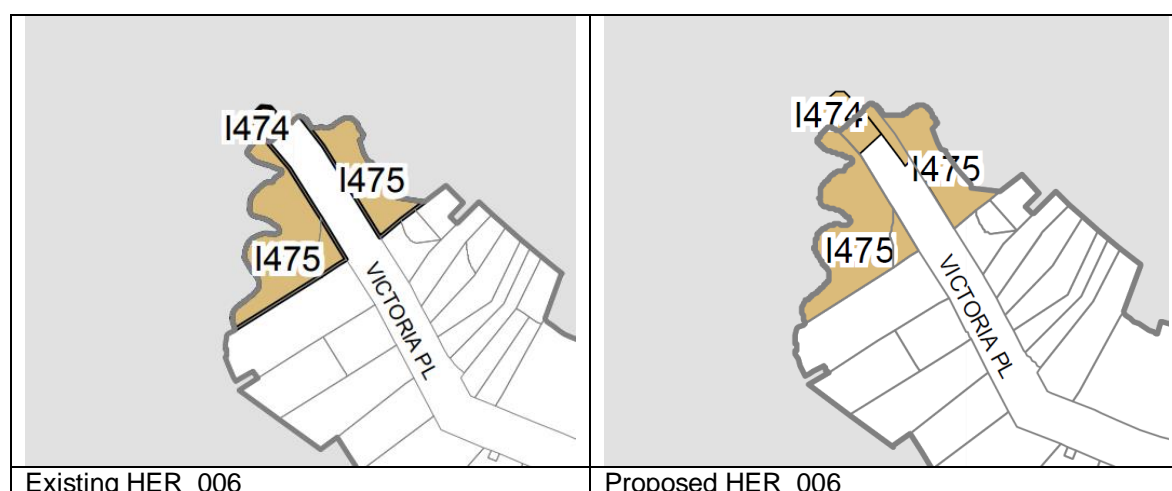


Figure 23: Existing and proposed changes to map.

### Proposed amendment

Amendment	Item	Amendment Details
○	Schedule 5	Amend Item name for I474 to Former Gladesville Bridge abutments and approach, Five Dock Point
○	Heritage Map Sheet HER_006	Revoke: 1520_COM_HER_006_010_20201023  Adopt: 1520_COM_HER_006_010_20200724  Refer to Appendix 10.  Note: The date of the maps will be updated prior to Gazettal if required.

## P. Heritage item I475 – Howley Park, Five Dock

### Background

The Statement of significance for this heritage item is as follows:

An important historical area relating to the naming of Five Dock which retains early foreshore formations and sandstone edge adjacent to the first Gladesville Bridge.

It is proposed to include the foreshore areas in the heritage item, recognising the value of heritage trees in the character of the original foreshore.

#### Curtilage change

The curtilage of the heritage item should be expanded to include the whole of the foreshore and the section of park near the road (adjoining the recommended enlarged bridge abutment heritage item).

#### Reason

The whole of the foreshore contributes to the heritage values of Howley Park. The trees contribute to the heritage values as they provide an understanding of the character of the original foreshore.

### Explanation of the changes sought

Replace HER\_006 with an updated map that has a greater area covered by the item listing.

### Proposed map amendment

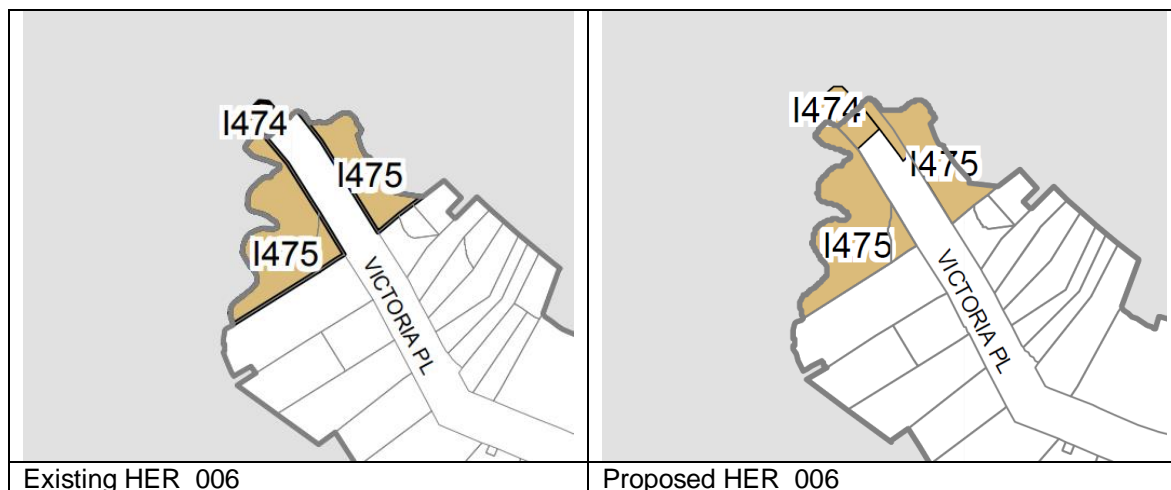


Figure 24: Existing and proposed changes to map.

### Proposed amendments

Amendment	Item	Amendment Details
P	Heritage Map Sheet HER_006	<p>Revoke: 1520_COM_HER_006_010_20201023</p> <p>Adopt: 1520_COM_HER_006_010_20200724</p> <p>Refer to Appendix 10.</p> <p>Note: The date of the maps will be updated prior to Gazettal if required.</p>

## Q. Gladesville Bridge

### Background

The southern end of the Gladesville Bridge is located within Canada Bay LGA, and is a State listed heritage item (Item 22 in Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005), however is not recognised in CBLEP as a heritage item.

Gladesville Bridge, constructed in 1964, is one of the landmark engineering achievements of the world, considered to be a leading example of technical and engineering achievement. Gladesville Bridge was the longest concrete arch span bridge in the world at the time of its completion at 1000 feet. The innovative design of Gladesville Bridge set new global standards for design and construction, and it was one of the first bridges in the world if not, the first, to utilise computer programming in its construction. Gladesville Bridge is one of only two of its type in NSW. The bridge has important associations with a number of internationally acclaimed engineers and engineering firms (including G. Maunsell & Partners and Eugene Freyssinet).

It is proposed that Gladesville Bridge be added to the heritage schedule as follows:

Name

Gladesville Bridge – Southern end



Property description

Lot B, DP 330971 and part of lots: Lot 1, DP 537443; Lot 2, DP 663437; Lot 1, DP 188219; Lot B, DP 336298; Lot A, DP 330971; Lot 3, DP 858945.

Curtilage

The southern end of the bridge from the foreshore (LGA boundary) to where it lands just south of Drummoyne Avenue, consistent with the State listing.

**Explanation of the changes sought**

Amend Schedule 5 to include the new item and replace HER\_006 with an updated map.

**Existing clause**

N/A, a new clause is proposed.

**Proposed map amendment**

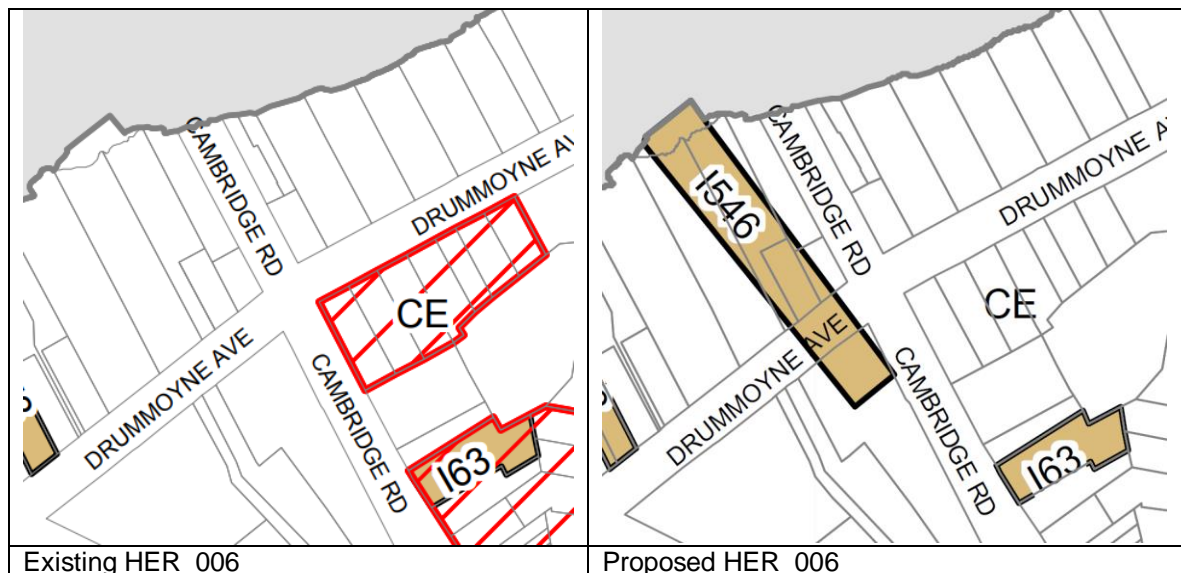


Figure 25: Existing and proposed changes to map.

**Proposed amendments**

Amendment	Item	Amendment Details
Q	Schedule 5	<p>Add new item under Part 1:</p> <p>Suburb: Drummoyne</p> <p>Item name: Gladesville Bridge – Southern end</p> <p>Address: Victoria Road</p> <p>Property description: Lot B, DP 330971 and part of lots: Lot 1, DP 537443; Lot 2, DP 663437; Lot 1, DP 188219; Lot B, DP 336298; Lot A, DP 330971; Lot 3, DP 858945.</p> <p>Significance: State</p>

		Item no: I546
Q	Heritage Map Sheet HER_006	Revoke: 1520_COM_HER_006_010_20201023  Adopt: 1520_COM_HER_006_010_20200724  Refer to Appendix 10.  Note: The date of the maps will be updated prior to Gazettal if required.

## R. Heritage item I383 – AGL Power House (former)

### Background

The Statement of significance for this heritage item is as follows:

The former AGL Powerhouse was part of the Mortlake gasworks, one of the largest complexes of its kind in the southern hemisphere. The building provides evidence of a major phase in the history of the gasworks - introduction of vertical retorts requiring electrically powered mechanised support services.

The former AGL Powerhouse is an important example of the work of the engineer E.G. Stone who is known for his work with reinforced concrete. It is one of only two surviving examples of buildings in Australia utilising reinforced concrete roof trusses.

The former AGL Powerhouse is a good example of classical design applied to a purpose-built industrial structure. Its gabled form echoes those of other major buildings on the site, providing a strong sense of association.

In 2013 the Department of Planning issued a major project approval (MP10\_0206) for 'Demolition of existing Powerhouse Building and construction of 6 two-storey houses'. In 2016 the residential development was subdivided and is now known as Lot 1-7 in DP 286514, 97-99 Peninsula Drive, Breakfast Point.

The heritage item no longer exists and therefore is to be removed from CBLEP.

### Explanation of the changes sought

Amend Schedule 5 to remove I383 and replace HER\_004 with an updated map.

### Existing clause

Part 1 Heritage items					
Suburb	Item name	Address	Property description	Significance	Item no
Breakfast Point	AGL Power House (former)	97-99 Peninsula Drive	Lot 47, DP 270347	Local	I383

### Proposed map amendment

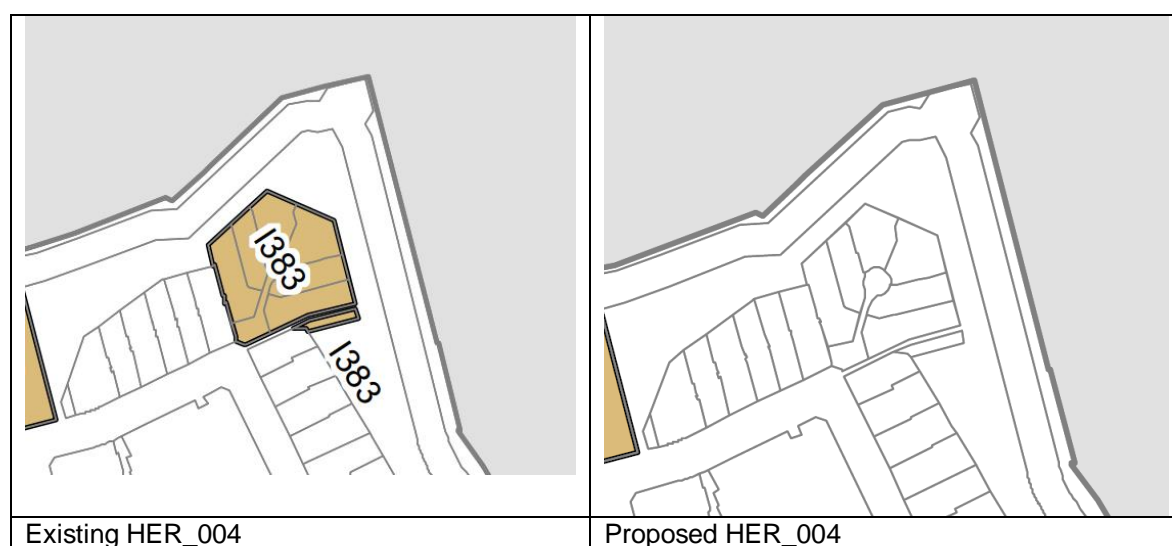


Figure 26: Existing and proposed changes to map.

### Proposed amendment

Amendment	Item	Amendment Details
R	Schedule 5	Remove I383.
R	Heritage Map Sheet HER_004	Revoke: 1520_COM_HER_004_010_20201023  Adopt: 1520_COM_HER_004_010_20200724  Refer to Appendix 11.  Note: The date of the maps will be updated prior to Gazettal if required.

## S. Heritage item I15 – Five Dock Oval and Park

### Background

The Statement of significance for this heritage item is as follows:

An important park in the network of parks throughout the area that has been formally planned and laid out with avenue plantings of palms, garden beds, pavilion and oval facilities. The park is a key feature of the Five Dock area and illustrates Federation/late Victorian recreational attitudes and planting patterns.

Schedule 5 of the LEP identifies the heritage item on land parcel Lot 3, DP 717249, however this is inconsistent with the map HER\_005 which indicates that the item comprises three land parcels

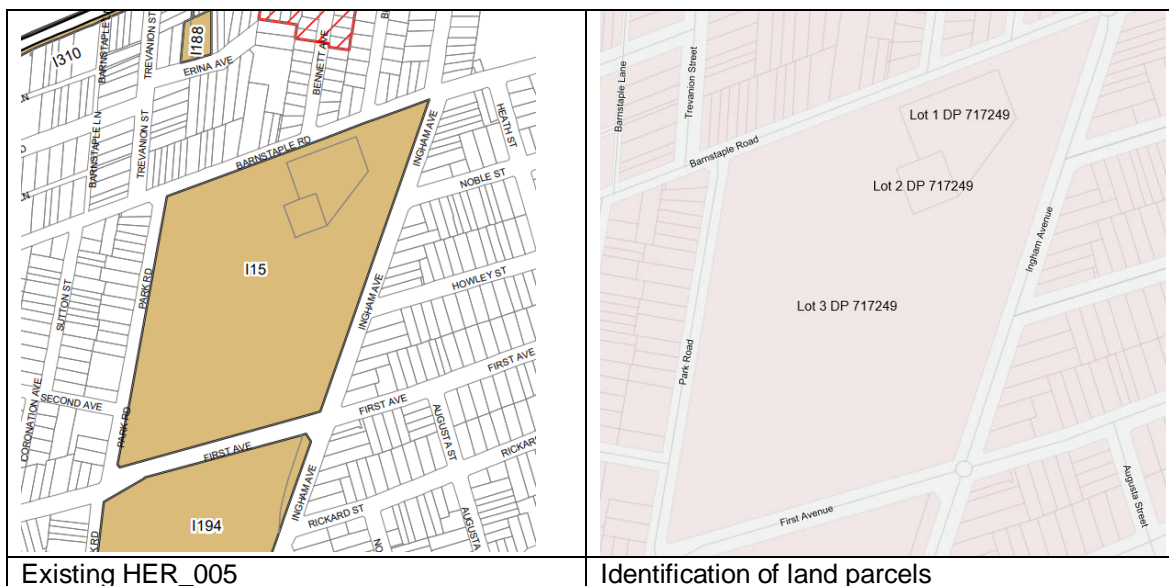


Figure 27: Existing heritage map and identification of land parcels.

The following amendments are proposed to the heritage listing to correct this error:

Schedule amendment change

Schedule 5 should be amended to include Lots 1, 2 and 3 of DP717249.

Reason

Both the tennis courts and club house are mentioned in the inventory sheet and relate to the sporting function of the park. Based on available information, they are to be encompassed by the heritage listing.

**Explanation of the changes sought**

Change the property description details in Schedule 5 to include the two additional lots.

**Existing clause**

Part 1 Heritage items					
Suburb	Item name	Address	Property description	Significance	Item no
Five Dock	Five Dock Oval and Park	Corner of Barnstaple Road, First Avenue, Ingham Avenue and Park Road	Lot 3, DP 717249	Local	I15

**Proposed amendments**

Amendment	Item	Amendment Details
S	Schedule 5	Amend property details for I308 to Lots 1, 2 and 3, DP 717249

## T. Internal lot maximum building height

### Background

If a site has an area of 900sqm or greater it has the potential for Torrens title subdivision. Where the subdivision creates a battle-axe allotment there will be one lot located behind the other lot with access via an access handle. Often this results in the rear lot (internal lot) being in a position where it is located directly adjoining the rear yards of multiple neighbouring lots. Consequently, it is very difficult to minimise amenity impacts (privacy, overshadowing etc) arising from development on the rear lot, particularly where the development is greater than single storey.

### Explanation of the changes sought

Introduce a definition for an internal lot and limit the height of development on that lot to a maximum of 5.4m.

### Existing clause

N/A, a new clause is proposed.

### Proposed amendments

Amendment	Item	Amendment Details
T	Height of Buildings  Clause 4.3E	4.3E Exception to height of buildings for internal lots  (1) The maximum height for a building on an internal lot on land in Zone R1 General Residential, Zone R2 Low Density Residential and Zone R3 Medium Density Residential is 5.4m.
T	Dictionary	internal lot means a lot to which there is no practicable means of vehicular access by motor vehicle or to which the only practicable means of vehicular access is by way of—  (a) an access corridor (in the case of a hatchet-shaped lot), or  (b) a right of way that traverses another lot, or  (c) an access corridor that is common property in a strata or community title scheme.

## U. Heritage item I178 - Tobique

### Background

The Statement of significance for this heritage item is as follows:

One of a few grand, surviving Federation mansions built on the foreshore. Special local historical interest. Associated with a noted marine engineer Harry P. Young for whom the house was built and whose family lived in the house until the late twentieth century.

An outstanding example of a better quality Federation style suburban house which, because it is completely unchanged in both form and detail, internally and externally, is extremely rare. It stands in an early twentieth century garden in a fine position overlooking the Parramatta River.



On 02 February 2010 DA457/2009 for Alterations and additions to existing dwelling, new pool, double garage, subdivision to create (2) two Torrens title lots and construction of a new (2) two storey dwelling was granted a Deferred Commencement approval.

During the assessment of the development application Council’s Heritage Advisor found the proposed subdivision of the heritage listed site and construction of a new dwelling to be acceptable.

On 23 December 2014 the subdivision of Lot 1 in DP 927266 was registered. This created two new land parcels as indicated in the table and image below:

Lot	Deposited Plan	Address
11	1180691	44A Drummoyne Avenue
12	1180691	44 Drummoyne Avenue

The heritage significance does not extend to the new dwelling or any built or natural features within the newly created Lot 11. As such it is proposed the heritage listing be removed from Lot 11.

In addition, Schedule 5 and map HER\_006 must be amended.

**Explanation of the changes sought**

Amend Schedule 5 to include the Lot and Deposited Plan number and replace HER\_006 with an updated map.

**Existing clause**

Part 1 Heritage items					
Suburb	Item name	Address	Property description	Significance	Item no
Drummoyne	House, “Tobique”	44 Drummoyne Avenue	Lot 1, DP 927266	Local	1178

**Proposed map amendment**



Figure 28: Existing and proposed changes to map.

### Proposed amendment

Amendment	Item	Amendment Details
U	Schedule 5	Amend Property description for I178 to Lot 12, DP 1180691
U	Heritage Map Sheet HER_006	Revoke: 1520_COM_HER_006_010_20201023  Adopt: 1520_COM_HER_006_010_20200724  Refer to Appendix 10.  Note: The date of the maps will be updated prior to Gazettal if required.

### V. Savings and transitional arrangements

#### Background

This planning proposal includes many amendments that may impact applications currently under assessment by Council. To avoid the amendment of all such applications it is proposed that savings and transitional arrangements be introduced for this amendment.

#### Explanation of the changes sought

To apply savings and transitional arrangements to this LEP amendment.

#### Existing clause

N/A.

#### Proposed amendments

Amendment	Item	Amendment Details
V	Savings and transitional arrangements	A development application that has been lodged prior to the adoption of this plan but not determined shall be determined in accordance with the provision of the plan that applied at the date of lodgement of the application.

### 4. Summary of amendments proposed in this Planning Proposal

Amendment	Item	Amendment Details
A	Active Street Frontage Map ASF_006	Revoke: 1520_COM_ASF_006_010_20130419  Adopt: 1520_COM_ASF_006_010_20191212  Refer to Appendix 2.  Note: The date of the maps will be updated prior to Gazettal if required.

Amendment	Item	Amendment Details
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B	Height of Building Map  HOB_006	Revoke: 1520_COM_HOB_006_010_20200513 1520_COM_HOB_006A_002_20200513  Adopt: 1520_COM_HOB_006_010_20200727  Refer to Appendix 5.  Note: The date of the maps will be updated prior to Gazettal if required.
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Amendment	Item	Amendment Details
C	Height of Buildings Map  HOB_006	Revoke: 1520_COM_HOB_006_010_20200513 1520_COM_HOB_006A_002_20200513  Adopt: 1520_COM_HOB_006_010_20200727  Refer to Appendix 5.  Note: The date of the maps will be updated prior to Gazettal if required.

Amendment	Item	Amendment Details
D	Height of Buildings  Clause 4.3C	4.3C Exception to height of buildings for dual occupancies and secondary dwellings  (1) The maximum height for a rear dwelling that is part of a dual occupancy or is a secondary dwelling on land in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential is 5.4m.  (2) Despite subclause (1), the maximum height may be 8.5m if –  a) the lot is a corner lot or parallel road lot and has two street frontages, other than a lane, and  b) the dwellings do not address the same street, and  c) direct vehicular and pedestrian access for each dwelling is provided from a different street.
D	Dictionary	corner lot means a lot that has 2 contiguous boundaries with a road or roads (other than a lane) that intersect at an angle of 135 degrees or less (whether or not the lot has any other boundaries with a road).
D	Dictionary	parallel road lot means a lot that has boundaries with 2 parallel roads, not including a lane.
D	Dictionary	lane means a public road, with a width greater than 3m but less than 7m, that is used primarily for access to the rear of premises, and includes a nightsoil lane.

Amendment	Item	Amendment Details
E	Dictionary	Multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and

		are generally aligned along, 1 or more public roads.
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Amendment	Item	Amendment Details
F	Height of Buildings Clause 4.3D	4.3D Exception to height of buildings for multi dwelling housing (terraces)  (1) The maximum height for multi dwelling housing (terraces) on land identified in Zone R1 General Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential may be 9.0m if –  c) the development follows a 45 degree height plane, measured at the front and the rear building line, springing from 7m above the natural ground level, and  d) only bedrooms and non-habitable spaces are permitted in the third storey.

Amendment	Item	Amendment Details
G	Dictionary	manor house means a residential flat building containing 3 or 4 dwellings, where—  (a) each dwelling is attached to another dwelling by a common wall or floor, and  (b) at least 1 dwelling is partially or wholly located above another dwelling, and  (c) the building contains no more than 2 storeys (excluding any basement).

Amendment	Item	Amendment Details
H	4.1A (2)	Add <i>multi dwelling housing (terraces)</i> to table:  Column 1 Multi dwelling housing (terraces)  Column 2 Zone R1 General Residential, Zone R3 Medium Density Residential  Column 3 600 square metres  Column 4 See amendment K
H	4.1A (2)	Add <i>multi dwelling housing (terraces)</i> to table:  Column 1 Multi dwelling housing (terraces)  Column 2 Zone R4 High Density Residential  Column 3 1500 square metres  Column 4

		See amendment K
H	4.1A (2)	Add <i>manor houses</i> to table:  Column 1 Manor houses  Column 2 Zone R1 General Residential, Zone R3 Medium Density Residential  Column 3 600 square metres  Column 4 See amendment K

Amendment	Item	Amendment Details
I	4.1B	4.1B Exceptions to minimum subdivision lot sizes for multi dwelling housing (terraces).  4) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.  5) This clause applies to development for the purpose of multi dwelling housing (terraces) on land in R1 General Residential, R3 Medium Density Residential and R4 High Density Residential zones.  6) The minimum Torrens title lot size of each lot resulting from the subdivision of multi dwelling housing (terraces) is 225 square metres, but only where the width of each resultant lot has a frontage to a road and is equal to or greater than 6 metres.

Amendment	Item	Amendment Details
J	4.4(2A)	Amend clause:  (2A) Despite subclause (2), the floor space ratio on land identified as "Area 1" on the Floor Space Ratio Map may exceed the maximum floor space ratio shown for the land on that map if –  (a) the floor space ratio does not exceed 0.7:1, and  (b) the development is for multi dwelling housing, multi dwelling housing (terraces) or a residential flat building, and  (c) the land does not include a heritage item or draft heritage item, and  (d) the land is not within a heritage conservation area or a draft heritage conservation area.
J	4.4(2B)	Repealed
J	Floor Space Ratio Map  FSR_001 - FSR_007	Revoke: 1520_COM_FSR_001_010_20151013 1520_COM_FSR_002_010_20201023 1520_COM_FSR_003_010_20201023



		<p>1520_COM_FSR_004_010_20130422  1520_COM_FSR_005_010_20180313  1520_COM_FSR_006_010_20200513  1520_COM_FSR_007_010_20130422</p> <p>Adopt:  1520_COM_FSR_001_010_20200806  1520_COM_FSR_002_010_20200806  1520_COM_FSR_003_010_20200806  1520_COM_FSR_004_010_20200806  1520_COM_FSR_005_010_20200806  1520_COM_FSR_006_010_20200806  1520_COM_FSR_007_010_20200806</p> <p>Refer to Appendix 7.</p> <p>Note: The date of the maps will be updated prior to Gazettal if required.</p>
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Amendment	Item	Amendment Details
K	4.1A (2)	<p>Add the following minimum lot frontage requirements into Column 4:</p> <p>Dual occupancy (attached) – 14m  Dual occupancy (detached) – 17m  Multi dwelling housing (Zone R1 &amp; R3) – 20m  Multi dwelling housing (Zone R4) – 20m  Multi dwelling housing (terraces) (Zone R1 &amp; R3) – 18m  Multi dwelling housing (terraces) (Zone R4) – 18m  Manor houses – 18m  Residential flat buildings (Zone R1 &amp; R3) – 20m  Residential flat buildings (Zone R4) – 20m</p>
K	4.1A (3)	<p>(3) Despite subclause (2), the minimum lot frontage for a dual occupancy (detached) may be reduced to 14m if:</p> <p>a) the lot is a corner lot or parallel road lot with two street frontages, other than a lane, and</p> <p>b) each dwelling is orientated towards and provides vehicular and pedestrian access from a different street.</p>

Amendment	Item	Amendment Details
L	<p>Land Application Map Sheet</p> <p>LAP_001</p>	<p>Revoke:  1520_COM_LAP_001_040_20140304</p> <p>Adopt:  1520_COM_LAP_001_040_20200722</p> <p>Refer to Appendix 8.</p> <p>Note: The date of the maps will be updated prior to Gazettal if required.</p>

Amendment	Item	Amendment Details
M	Height of Buildings Map Sheet	<p>Revoke:  1520_COM_HOB_006_010_20200513  1520_COM_HOB_006A_002_20200513</p>

	HOB_006	<p>Adopt: 1520_COM_HOB_006_010_20200727</p> <p>Refer to Appendix 5.</p> <p>Note: The date of the maps will be updated prior to Gazettal if required.</p>
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Amendment	Item	Amendment Details
N	Schedule 5	Amend Property description for I308 to Lot 13, DP 1226181
N	Heritage Map Sheet HER_005	<p>Revoke: 1520_COM_HER_005_010_20180801</p> <p>Adopt: 1520_COM_HER_005_010_20200729</p> <p>Refer to Appendix 9.</p> <p>Note: The date of the maps will be updated prior to Gazettal if required.</p>

Amendment	Item	Amendment Details
O	Schedule 5	Amend Item name for I474 to Former Gladesville Bridge abutment and approach, Five Dock Point
O	Heritage Map Sheet HER_006	<p>Revoke: 1520_COM_HER_006_010_20201023</p> <p>Adopt: 1520_COM_HER_006_010_20200724</p> <p>Refer to Appendix 10.</p> <p>Note: The date of the maps will be updated prior to Gazettal if required.</p>

Amendment	Item	Amendment Details
P	Heritage Map Sheet HER_006	<p>Revoke: 1520_COM_HER_006_010_20201023</p> <p>Adopt: 1520_COM_HER_006_010_20200724</p> <p>Refer to Appendix 10.</p> <p>Note: The date of the maps will be updated prior to Gazettal if required.</p>

Amendment	Item	Amendment Details
Q	Schedule 5	<p>Add new item under Part 1:</p> <p>Suburb: Drummoyne</p> <p>Item name: Gladesville Bridge – Southern end</p> <p>Address: Victoria Road</p> <p>Property description: Lot B, DP 330971 and part of lots:</p>

		Lot 1, DP 537443; Lot 2, DP 663437; Lot 1, DP 188219; Lot B, DP 336298; Lot A, DP 330971; Lot 3, DP 858945.  Significance: State  Item no: I546
Q	Heritage Map Sheet  HER_006	Revoke: 1520_COM_HER_006_010_20201023  Adopt: 1520_COM_HER_006_010_20200724  Refer to Appendix 10.  Note: The date of the maps will be updated prior to Gazettal if required.

Amendment	Item	Amendment Details
R	Schedule 5	Remove I383.
R	Heritage Map Sheet HER_004	Revoke: 1520_COM_HER_004_010_20201023  Adopt: 1520_COM_HER_004_010_20200724  Refer to Appendix 11.  Note: The date of the maps will be updated prior to Gazettal if required.

Amendment	Item	Amendment Details
S	Schedule 5	Amend property details for I308 to Lots 1, 2 and 3, DP 717249

Amendment	Item	Amendment Details
T	Height of Buildings  Clause 4.3E	4.3E Exception to height of buildings for internal lots  (1) The maximum height for a building on an internal lot on land in Zone R1 General Residential, Zone R2 Low Density Residential and Zone R3 Medium Density Residential is 5.4m.
T	Dictionary	internal lot means a lot to which there is no practicable means of vehicular access by motor vehicle or to which the only practicable means of vehicular access is by way of—  (a) an access corridor (in the case of a hatchet-shaped lot), or  (b) a right of way that traverses another lot, or  (c) an access corridor that is common property in a strata or community title scheme.

Amendment	Item	Amendment Details
U	Schedule 5	Amend Property description for I178 to Lot 12, DP 1180691
U	Heritage Map Sheet	Revoke:

	HER_006	1520_COM_HER_006_010_20201023 Adopt: 1520_COM_HER_006_010_20200724  Refer to Appendix 10.  Note: The date of the maps will be updated prior to Gazettal if required.
<b>Amendment</b>	<b>Item</b>	<b>Amendment Details</b>
V	Savings and transitional arrangements	A development application that has been lodged prior to the adoption of this plan but not determined shall be determined in accordance with the provision of the plan that applied at the date of lodgement of the application.

## Part 3 - Justification

### Section A – Need for the planning proposal

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

**The planning proposal is consistent with the City of Canada Bay Local Strategic Planning Statement and is supported by several evidence-based strategic studies:**

- Victoria Road Urban Design Review
- Low Rise Medium Density Review (also known as Low Rise Housing Diversity Review)

The planning proposal also seeks to make a number of amendments to CB LEP to correct errors and inconsistencies.

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

The planning proposal is the only means to achieve the intended outcome as amendments to CBLEP2013 are required.

### Section B – Relationship to strategic planning framework

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

##### **Assessment Criteria**

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

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

The planning proposal has strategic merit and is consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities in that it will ensure:

- Objective 7 - Communities are healthy, resilient and socially connected.
- Objective 8 - Greater Sydney's communities are culturally rich with diverse neighbourhoods.
- Objective 10 - Greater housing supply.
- Objective 11 - Housing is more diverse and affordable.
- Objective 12 - Great places that bring people together.
- Objective 13 - Environmental heritage is identified, conserved and enhanced.
- Objective 22 - Investment and business activity in centres.
- Objective 37 - Exposure to natural and urban hazards is reduced.

It is further consistent with the Our Greater Sydney 2056 - Eastern City District Plan in that it will:

- Planning Priority E5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport.
- Planning Priority E6 - Creating and renewing great places and local centres, and respecting the District's heritage.
- Planning Priority E11 - Growing investment, business opportunities and jobs in strategic centres.
- Planning Priority E20 - Adapting to the impacts of urban and natural hazards and climate change.

The planning proposal is also in accordance with Council's LSPS:

- Action 5.3 – Investigate changes to the planning framework to encourage a greater diversity of dwellings (such as dual occupancy and terraces) within the immediate vicinity of Concord West station, Majors Bay Road (Concord), North Strathfield station and Five Dock Town Centre.
- Action 7.5 - Undertake a new LGA wide heritage study with a focus on the built and natural environment to improve the understanding and protection of Canada Bay's cultural heritage.
- Action 7.6 - Review and update inventory sheets for heritage items, the statements of significance for heritage conservation areas and the contributory status of each property within a conservation area.
- Action 9.1 - Finalise the Victoria Road Urban Design Study to help revitalise and improve the urban amenity of this area of Drummoyne.
- Action 16.5 - Ensure that Master Plans and Precinct Plans achieve a minimum of 25% canopy cover. Where targets are unable to be achieved on individual sites, a precinct-wide target is to be achieved.

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

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

The planning proposal has site specific merit in that:

- Victoria Road Urban Design Review aims to revitalise the Victoria Road town centre and adjacent areas by improving amenity, encouraging commercial uses, improving building design and increasing residential density.
- The Low Rise Medium Density Review recommends appropriate updates to CBLEP to ensure local controls complements the updates in SEPP (Exempt and Complying Development Codes) 2008.

**Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

In addition to consistency with Council's Local Strategic Planning Statement, the planning proposal is consequential to and consistent with the following:

- City of Canada Bay Your Future 2030 - Community Strategic Plan 2018 - 2030



- Action 1.2.4 - Plan for a diversity of housing across the full range of income levels, including Affordable Housing to support people who work in essential services.
  - 1.3.1. Provide Place Management to enhance spaces and places and bring communities and businesses together.
  - 4.1.1. Community Engagement provides direction for planning and the two way flow of information contributes to decision making.
  - 4.2.1. Provide Strategic and Land Use Planning to ensure the built and natural environment is highly liveable with quality and sustainable development incorporating best practice design.
- City of Canada Bay Operational Plan 2020-2021
    - Action 4.2.1 (2) - Implement the Canada Bay Local Strategic Planning Statement.
    - Action 4.2.1 (4) - Review and comment on State Government plans and initiatives such as Sydney Metro West, the Regional and District Plans and other planning policies/ initiatives.
    - Action 4.2.1 (8) - Protect, promote and responsibly manage heritage in the City of Canada Bay:

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

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

No.	SEPP Title	Consistency
19	Bushland in Urban Areas	N/A
21	Caravan Parks	N/A
33	Hazardous and Offensive Development	N/A
55	Remediation of Land	N/A
64	Advertising and Signage	N/A
65	Design Quality of Residential Flat Development	Yes  Subsequent future development applications would need to demonstrate consistency with the SEPP requirements.  The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
70	Affordable Housing (Revised Schemes)	N/A
	SEPP (Affordable Rental Housing) 2009	N/A
	SEPP (Building Sustainability Index: BASIX) 2004	Yes  Subsequent future development applications would need to demonstrate consistency with the SEPP requirements.  The planning proposal does not contain provisions that contradict or would hinder

		application of this SEPP.
	SEPP (Coastal Management) 2018	N/A
	SEPP (Concurrences and Consents) 2018	Yes  The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Educational Establishments and Child Care Facilities) 2017	N/A
	SEPP (Exempt and Complying Development Codes) 2008	N/A
	SEPP (Housing for Seniors or People with a Disability) 2004	N/A
	SEPP (Infrastructure) 2007	Yes  The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A
	SEPP (Primary Production and Rural Development) 2019	N/A
	SEPP (State and Regional Development) 2011	N/A
	SEPP (State Significant Precincts) 2005	N/A
	SEPP (Vegetation in Non-Rural Areas) 2017	N/A
<b>No.</b>	<b>SREP Title</b>	<b>Consistency</b>
	Sydney Regional Environmental Plan No 24—Homebush Bay Area	N/A
	SREP (Sydney Harbour Catchment) 2005	N/A

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

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

Direction		Consistency
<b>1. Employment and Resources</b>		
1.1	Business and Industrial Zones	Yes  The Victoria Road Urban Design Review (Amendment A, B and C) aims to improve the amenity and viability of the Victoria Road shopping strip in Drummoyne.

		<p>The majority of changes proposed by the Review will be implemented via the DCP, public domain plan and public works. There is however a proposed amendment to increase Active Street Frontages (Amendment A) within the area to encourage more commercial development and foot traffic.</p> <p>The Proposal is considered to be consistent with this Direction.</p>
1.2	Rural Zones	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	N/A
<b>2. Environment and Heritage</b>		
2.1	Environment Protection Zones	Yes
2.2	Coastal Protection Zones	Yes
2.3	Heritage Conservation	<p>Yes</p> <p>The Planning Proposal seeks to make amendments to a number of heritage items as discussed within Amendments N - O of this report:</p> <p><u>Amendment N - Heritage item I308 – St Luke’s Park gateway/entrance – gates and trees only</u> Correct identification of land parcels upon which heritage item is located in Schedule 5.</p> <p><u>Amendment O - Heritage item I474 – Gladesville Bridge abutments, Five Dock Point</u> Increase size of area protected by heritage item.</p> <p><u>Amendment P - Heritage item I475 – Howley Park, Five Dock</u> Increase size of area protected by heritage item.</p> <p><u>Amendment Q - Gladesville Bridge</u> Adding SREP heritage item as a State item.</p> <p><u>Amendment R - Heritage item I383 – AGL Power House (former)</u> Removing a heritage item that was demolished and redeveloped as a Part 3A project.</p> <p><u>Amendment S - Heritage item I15 – Five Dock Oval and Park</u> Correcting identification of land parcels upon which item is located in Schedule 5.</p> <p><u>Amendment T - Heritage item I178 – Tobique</u> Removing a heritage item classification from a new dwelling constructed on the land.</p> <p>The Proposal is considered to be consistent with this Direction.</p>
2.4	Recreation Vehicle Areas	N/A

2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
2.6	Remediation of Contaminated Land	Yes
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1	Residential Zones	<p>Yes</p> <p>The Planning Proposal seeks to increase the height limit of two street blocks on Victoria Road Drummoyne as discussed in Amendment B and C of this report.</p> <p>It is anticipated that the increase in height will improve the feasibility of redevelopment which could result in the construction of up to 158 residential units.</p> <p>The Proposal is considered to be consistent with this Direction.</p>
3.2	Caravan Parks and Manufactured Homes Estates	N/A
3.2	Home Occupations	N/A
3.4	Integrating Land Use and Transport	N/A
3.5	Development Near Regulated Airports and Defence Airfields	N/A
3.6	Shooting Ranges	N/A
3.7	Reduction in non-hosted short term rental accommodation period	N/A
<b>4. Hazard and Risk</b>		
4.1	Acid Sulfate Soils	<p>Yes</p> <p>The Planning Proposal does not change the current use of the land but will increase the height limit for development which will facilitate the potential construction of additional dwellings.</p> <p>The Acid Sulfate Soils Maps indicate this land is Acid Sulfate Soil Class 5 and is unlikely to be an issue.</p> <p>Clause 6.1 of the Canada Bay LEP includes provisions in relation to the assessment and management of acid sulfate soils.</p> <p>An acid sulfate soil assessment has been undertaken (as at Appendix 12) which concludes that the site is situated in an area of no known occurrence of acid sulfate soils and it is considered that no further assessment or management of acid sulfate soils is required.</p> <p>The Proposal is considered to be consistent with this Direction.</p>
4.2	Mine Subsidence and Unstable Land	N/A
4.3	Flood Prone Land	Yes

		The Proposal is considered to be consistent with this Direction.
4.4	Planning for Bushfire Protection	N/A
<b>5. Regional Planning</b>		
5.1	Implementation of Regional Strategies	N/A
5.2	Sydney Drinking Water Catchments	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A
5.8	Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	N/A
5.9	North West Rail Link Corridor Strategy	N/A
5.10	Implementation of Regional Plans	Yes  The Planning Proposal is consistent with key strategic directions of the Greater Sydney region Plan – A Metropolis of Three Cities and Our Greater Sydney 2056 - Eastern City District Plan.
5.11	Development of Aboriginal Land Council land	N/A
<b>6. Local Plan Making</b>		
6.1	6.1 Approval and Referral Requirements	Yes  The Planning Proposal does not include concurrence, consultation or referral provisions, nor identify any developments as designated development.
6.2	6.2 Reserving Land for Public Purposes	Yes  The Planning Proposal does not seek to create or reduce existing zonings or reservations of land for public purposes.  It does however seek to alter SP2 land by adding a height limit consistent with the height limit of adjacent land parcels.
6.3	6.3 Site Specific Provisions	N/A
<b>7. Metropolitan Planning</b>		

7.1	Implementation of A Plan for Growing Sydney	Yes  The Planning Proposal is consistent with key strategic directions of the Greater Sydney region Plan – A Metropolis of Three Cities and Our Greater Sydney 2056 - Eastern City District Plan.
7.2	Implementation of Greater Macarthur Land Release Investigation	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	N/A

### Section C – Environmental, social and economic impact

**Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

It is considered unlikely that the Planning Proposal will adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The proposed changes are minor or administrative in nature and are unlikely to result in any adverse environmental effects.

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

The proposed changes are unlikely to result in any adverse social or economic effects.

### Section D – State and Commonwealth interests

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

This proposal is unlikely to have any significant impacts on infrastructure provision.



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

Amendment	Item	Amendment Details
A	Active Street Frontage Map  ASF_006	Revoke: 1520_COM_ASF_006_010_20130419  Adopt: 1520_COM_ASF_006_010_20191212  Refer to Appendix 2.  Note: The date of the maps will be updated prior to Gazettal if required.

Amendment	Item	Amendment Details
B	Height of Building Map  HOB_006	Revoke: 1520_COM_HOB_006_010_20200513 1520_COM_HOB_006A_002_20200513  Adopt: 1520_COM_HOB_006_010_20200727  Refer to Appendix 5.  Note: The date of the maps will be updated prior to Gazettal if required.

Amendment	Item	Amendment Details
C	Height of Buildings Map  HOB_006	Revoke: 1520_COM_HOB_006_010_20200513 1520_COM_HOB_006A_002_20200513  Adopt: 1520_COM_HOB_006_010_20200727  Refer to Appendix 5.  Note: The date of the maps will be updated prior to Gazettal if required.

Amendment	Item	Amendment Details
J	Floor Space Ratio Map  FSR_001 - FSR_007	Revoke: 1520_COM_FSR_001_010_20151013 1520_COM_FSR_002_010_20201023 1520_COM_FSR_003_010_20201023 1520_COM_FSR_004_010_20130422 1520_COM_FSR_005_010_20180313 1520_COM_FSR_006_010_20200513 1520_COM_FSR_007_010_20130422  Adopt: 1520_COM_FSR_001_010_20200806 1520_COM_FSR_002_010_20200806 1520_COM_FSR_003_010_20200806 1520_COM_FSR_004_010_20200806

		<p>1520_COM_FSR_005_010_20200806 1520_COM_FSR_006_010_20200806 1520_COM_FSR_007_010_20200806</p> <p>Refer to Appendix 7.</p> <p>Note: The date of the maps will be updated prior to Gazettal if required.</p>
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Amendment	Item	Amendment Details
L	<p>Land Application Map Sheet</p> <p>LAP_001</p>	<p>Revoke: 1520_COM_LAP_001_040_20140304</p> <p>Adopt: 1520_COM_LAP_001_040_20200722</p> <p>Refer to Appendix 8.</p> <p>Note: The date of the maps will be updated prior to Gazettal if required.</p>

Amendment	Item	Amendment Details
M	<p>Height of Buildings Map Sheet</p> <p>HOB_006</p>	<p>Revoke: 1520_COM_HOB_006_010_20200513 1520_COM_HOB_006A_002_20200513</p> <p>Adopt: 1520_COM_HOB_006_010_20200727</p> <p>Refer to Appendix 5.</p> <p>Note: The date of the maps will be updated prior to Gazettal if required.</p>

Amendment	Item	Amendment Details
N	<p>Heritage Map Sheet</p> <p>HER_005</p>	<p>Revoke: 1520_COM_HER_005_010_20180801</p> <p>Adopt: 1520_COM_HER_005_010_20200729</p> <p>Refer to Appendix 9.</p> <p>Note: The date of the maps will be updated prior to Gazettal if required.</p>

Amendment	Item	Amendment Details
O	<p>Heritage Map Sheet</p> <p>HER_006</p>	<p>Revoke: 1520_COM_HER_006_010_20201023</p> <p>Adopt: 1520_COM_HER_006_010_20200724</p> <p>Refer to Appendix 10.</p> <p>Note: The date of the maps will be updated prior to Gazettal if required.</p>

Amendment	Item	Amendment Details
P	Heritage Map Sheet HER_006	Revoke: 1520_COM_HER_006_010_20201023  Adopt: 1520_COM_HER_006_010_20200724  Refer to Appendix 10.  Note: The date of the maps will be updated prior to Gazettal if required.

Amendment	Item	Amendment Details
Q	Schedule 5	Add new item under Part 1:  Suburb: Drummoyne  Item name: Southern end of Gladesville Bridge  Address: Victoria Road  Property description: (null)  Significance: Local  Item no: I546
Q	Heritage Map Sheet HER_006	Revoke: 1520_COM_HER_006_010_20201023  Adopt: 1520_COM_HER_006_010_20200724  Refer to Appendix 10.  Note: The date of the maps will be updated prior to Gazettal if required.

Amendment	Item	Amendment Details
R	Heritage Map Sheet HER_004	Revoke: 1520_COM_HER_004_010_20201023  Adopt: 1520_COM_HER_004_010_20200724  Refer to Appendix 11.  Note: The date of the maps will be updated prior to Gazettal if required.

Amendment	Item	Amendment Details
U	Heritage Map Sheet HER_006	Revoke: 1520_COM_HER_006_010_20201023  Adopt: 1520_COM_HER_006_010_20200724  Refer to Appendix 10.  Note: The date of the maps will be updated prior to

		Gazettal if required.
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## Part 5 - Community Consultation

The draft plan was publicly exhibited for a period of 28 days, from 6 October to 3 November 2021, consistent with the requirements of section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018, and the City of Canada Bay Community Participation Plan and in accordance with COVID-19 Legislation Amendment (Emergency Measures) Bill 2020.

The exhibition mediums included:

- City of Canada Bay website (Collaborate Canada Bay).
- NSW Planning Portal.
- Letter to landowners specifically affected by certain draft provisions.



## Part 6 - Project Timeline

It is anticipated the planning proposal require approximately 12 months to finalise. An indicative project timeline for this minimum period is provided below.

Action	Timeframe
Local Planning Panel meeting	26/08/2020
Councillor workshop	10/11/2020
Council meeting	01/12/2020
Submission to Gateway	11/12/2020
Gateway Determination	29/07/21
Timeframe for completion of required technical information	August – September 2021
Commencement and Completion dates for public exhibition period	6 October 2021 – 3 November 2021  Timeframe is 28 days or as otherwise required by the Gateway determination
Government agency consultation	NSW Environment, Energy and Science Transport for NSW Heritage NSW  Consultation concurrent with exhibition period.
Timeframe for consideration of submissions	Four weeks following completion of public exhibition, including two-to-three weeks to further consult with Government and servicing authorities.
Council meeting	March 2022
Submission to DPIE for finalisation	To be determined

## Appendices

## 1. Victoria Road Urban Design Review

Under separate cover

## **2. Amendment A – Active street frontages**

Under separate cover

### **3. Victoria Road Capacity Testing**

Under separate cover

#### **4. Victoria Road Traffic Assessment**

Under separate cover



## **5. Amendment B, C, M – Building height**

Under separate cover

## **6. Low Rise Medium Density Review Recommendations Report**

Under separate cover

## **7. Amendment J – Floor space ratio**

Under separate cover

## **8. Amendment L – Land application map**

Under separate cover

## **9. Amendment N – Heritage Item I308**

Under separate cover

**10. Amendment O, P, Q, U – Heritage Item I474, I475, Gladesville Bridge, Heritage Item I178**

Under separate cover

## **11. Amendment R – Heritage Item I383**

Under separate cover



## **12. Victoria Road Drummoyne acid sulfate soil assessment**

Under separate cover

**13. Local Planning Panel Minutes, 26 August 2020**

**ITEM 1 PLANNING PROPOSAL (PP2020/0002); LEP MISCELLANEOUS AMENDMENTS**

**RESOLVED**

That the Planning Proposal be endorsed for submission to Council prior to submission to the Department of Planning, Industry and Environment, for a Gateway Determination subject to the Panel’s advice as set out below.

**Miscellaneous Housekeeping**

The Panel concurs with the approach that is proposed by Council including the proposed housekeeping amendment to Heritage Item I178 – Tobique – 44 Drummoyne Avenue, Drummoyne.

The Panel recommends that the Council review the heritage mapping for the LEP to ensure that it is consistent with any existing State or Regional Planning Policy mapping.

**Concord West Flood Study**

The Panel concurs with the approach that is proposed by Council.

**Victoria Road Urban Design Review**

The Panel concurs with the approach that is proposed by Council.

The Panel recommends that:

- a) The proposed DCP should explain and elaborate so that it is consistent with the LEP height control, particularly so that the intended number of storeys reinforces the development standard in metres as contained in the LEP.
- b) The proposed height development standards be adopted.

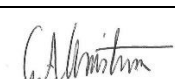

**Low Rise Medium Density Review**



The Panel concurs with the approach that is proposed by Council subject to:

- a) A comparative analysis be undertaken of approvals for residential flat buildings and how those approvals compare with the proposed 0.7:1 FSR in terms of equity and so that there are no unintended adverse consequences.
- b) The proposed DCP should explain and elaborate the provision of private open space for each typology.
- c) A careful review of the proposed minimum lot size of 200sqm for terraces which, in the Panel’s view, may be increased to approximately 225sqm to 250sqm.

**ADOPTION OF MINUTES:**

We, the undersigned members of the Canada Bay Local Planning Panel, certify that these Minutes are an accurate record of the Planning Proposal Meeting of 26 August 2020:

Panel Members	
	

Grant Christmas (Chair)	Julie Savet Ward
 David Broyd	 Helen McCaffrey

#### 14. Council Meeting Minutes, 1 December 2020

### **ITEM LEP MISCELLANEOUS AMENDMENTS PLANNING PROPOSAL (PP2020/0002)**

At 6.49pm Councillors Tsirekas and Ramondino left the meeting due to declared non pecuniary interests. The Deputy Mayor, Councillor Little, assumed the chair for this Item.

#### **RESOLVED**

(Crs Parnaby/Megna)

1. THAT the advice of the Local Planning Panel in relation to the Planning Proposal is noted.
2. THAT the Planning Proposal be endorsed for submission to the Department of Planning, Industry and Environment for a Gateway Determination.
3. THAT delegation be requested from the Department of Planning, Industry and Environment to manage the plan making process.
4. THAT authority be delegated to the General Manager to make any minor modifications to the Planning Proposal following receipt of a Gateway Determination.
5. THAT Council note should the Planning Proposal proceed to exhibition, following consideration of any submissions, the Planning Proposal will be reported back to Council.
6. THAT the Planning Proposal be amended to require each lot resulting from the subdivision of multi dwelling housing (terraces) to be a minimum of 225sqm.

(FOR: Crs Di Pasqua, Ferguson, Jago, Little, Megna, Parnaby, and Yap)  
AGAINST: Nil)

## 15. Gateway Determination, 29 July 2021



Planning,  
Industry &  
Environment

### Gateway Determination

*Planning proposal (Department Ref: PP-2020-3948): for Miscellaneous housekeeping across the Canada Bay local government area (LGA).*

I, the Director, Eastern and South Districts at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Canada Bay Local Environmental Plan (LEP) 2013 for miscellaneous housekeeping amendments should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
  - address Ministerial Direction 4.1 Acid Sulfate Soils.
  - remove the provisions relating to minimum lot size and minimum frontage controls for boarding houses in the R1 General Residential, R3 Medium Density Residential and R4 High Density Residential zones
  - remove the proposed amendment to the Flood Planning Map.
  - correct the inconsistencies in the description of proposed amendments to accurately outline the changes sought, including correcting the errors relating to:
    - minimum lot size for multi dwelling housing (terraces) in the R1 and R3 zone
    - removing the proposed minimum lot size for manor houses in the R4 zone; and
    - removing the proposed amendment to the minimum lot size for multi-dwelling housing (terraces) in the R4 zone.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - NSW Environment, Energy and Science
  - Transport for NSW

- Heritage NSW.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination. Council must adhere to the specified milestone dates as follows:
  - a. Public exhibition of the planning proposal to commence within 3 months from date of Gateway determination.
  - b. Post-exhibition report to Council within 6 months from the date of Gateway determination
5. Council is not authorised as the local plan making authority.

Dated 29 July 2021.



**Laura Locke**  
Director, Eastern and South Districts  
Department of Planning, Industry and  
Environment

**Delegate of the Minister for Planning and  
Public Spaces**

PP-2020-3948 (IRF21/1455)