



City of Canada Bay Local Environmental Plan No 2

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/01346/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

2003 No 246

Clause 1

City of Canada Bay Local Environmental Plan No 2

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1 Name of plan

This plan is the *City of Canada Bay Local Environmental Plan No 2*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which the plan applies from Zone No 4 (a) Industrial General to Zone No 2 (d) Residential “D” (Redevelopment) under *Concord Planning Scheme Ordinance*, and
- (b) to provide for the remediation of the relevant land, and
- (c) to require a minimum amount of commercial use to retain employment opportunities on the relevant land, and
- (d) to require a minimum amount of housing for aged persons and people with a disability.

3 Land to which plan applies

This plan applies to Lot 1 in DP 942153 and Lot 1 in DP 936751, being land known as 27 George Street, North Strathfield, as shown edged heavy black on Sheet 1 of the map marked “City of Canada Bay Local Environmental Plan No 2” deposited in the office of the City of Canada Bay Council.

4 Amendment of Concord Planning Scheme Ordinance

Concord Planning Scheme Ordinance is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Interpretation

Insert at the end of the definition of *Scheme map*:

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[2] Clauses 61L and 61M

Insert after clause 61K:

61L Remediation of land at 27 George Street, North Strathfield

- (1) This clause applies to Lot 1 in DP 942153 and Lot 1 in DP 936751, No 27 George Street, North Strathfield, as shown edged heavy black on Sheet 1 of the map marked “City of Canada Bay Local Environmental Plan No 2” deposited in the office of the Council.
- (2) The objectives of this clause are:
 - (a) to ensure that the land to which this clause applies is remediated to a standard adequate to provide for the uses allowed by the zoning of the land, and
 - (b) to control the remediation process so that all remediation works have been undertaken satisfactorily prior to the commencement of other work on any part of the land.
- (3) The following development must not be carried out on land to which this clause applies:
 - (a) disturbing or excavating land for any purpose,
 - (b) carry out any landfilling,
 - (c) clearing of trees or other vegetation from the land,
 - (d) altering the landscape of, or carrying out any landscaping on, the land,
 - (e) carrying out any other work,without the consent of the Council, other than in cases of emergency, or for the purpose of repairing or maintaining, or carrying out minor alterations to, existing buildings, works or landscaping.

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Schedule 1

Amendments

- (4) A person may, but only with the consent of the Council, undertake remediation of the land to which this clause applies. In determining whether or not to grant such consent, the Council must take into consideration any guidelines, protocols or standards known to the Council to have been published by the Environment Protection Authority or the Department of Planning (or both) and that are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land has been, is being, or is proposed to be put.
- (5) When granting a consent under subclause (4), the Council may impose conditions that:
 - (a) require investigation, sampling and testing of the land, or
 - (b) require the preparation of a remedial action plan for the land, being a detailed plan for the remediation of any land affected by contamination, or
 - (c) require remediation of the land or any part of it to an appropriate standard, or
 - (d) prohibit the construction or erection of buildings, or the carrying out of work other than remediation work, on any part of the land pursuant to the consent until the Council accepts in writing an independent review verifying the remediation of the site area to an appropriate standard.
- (6) Subclause (5) does not prevent the imposition of other kinds of conditions on such a consent or limit the extent of the conditions that may be imposed on such a consent.
- (7) Nothing in this clause affects the application of *State Environmental Planning Policy No 55—Remediation of Land* to the land to which this plan applies.
- (8) In subclause (5):

appropriate standard means remediation to a standard appropriate for the intended use in terms of the requirements of the *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites*, jointly developed by the Australian and New Zealand Environment and Conservation Council (“ANZECC”) and the National Health and Medical Research Council (“NH&MRC”), and published in 1992.

independent review means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a site auditor:

- (a) who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out, and
- (b) who is accredited by the Environment Protection Authority under the *Contaminated Land Management Act 1997* to conduct site audits.

61M Development of certain land—27 George Street, North Strathfield

- (1) This clause applies to Lot 1 in DP 942153 and Lot 1 in DP 936751, No 27 George Street, North Strathfield, as shown edged heavy black on Sheet 1 of the map marked “City of Canada Bay Local Environmental Plan No 2” deposited in the office of the Council.
- (2) The Council must not grant consent to the development of the whole or part of the land to which this clause applies if, as a result of development, the ratio of the total gross floor area of all buildings on the land to the area of the land would be greater than 1.3:1.
- (3) A minimum of 10 per cent of the gross floor area of the land must be used for commercial development.
- (4) A minimum of 10 per cent of the residential floor space of the land must be developed for housing for aged persons or people with disabilities (or both).