



New South Wales

Canada Bay Local Environmental Plan 2008 (Amendment No 1)

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. (10/07457-2)

TOM GELLIBRAND
As delegate for the Minister for Planning

2011 No 197

Clause 1 Canada Bay Local Environmental Plan 2008 (Amendment No 1)

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under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Canada Bay Local Environmental Plan 2008 (Amendment No 1)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land identified in the Rhodes West Precinct Map as defined by *Canada Bay Local Environmental Plan 2008*.

4 Maps

Each map adopted by *Canada Bay Local Environmental Plan 2008* that is specified in Column 1 of the following Table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the Table as approved by the Minister on the making of this Plan.

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Canada Bay Local Environmental Plan 2008 Floor Space Ratio Map (1520_COM_FSR_001_010_20080108)	Canada Bay Local Environmental Plan 2008 Floor Space Ratio Map (1520_COM_FSR_001_010_20110114)
Canada Bay Local Environmental Plan 2008 Floor Space Ratio Map (1520_COM_FSR_002_010_20080108)	Canada Bay Local Environmental Plan 2008 Floor Space Ratio Map (1520_COM_FSR_002_010_20110114)
Canada Bay Local Environmental Plan 2008 Floor Space Ratio Map (1520_COM_FSR_003_010_20080108)	Canada Bay Local Environmental Plan 2008 Floor Space Ratio Map (1520_COM_FSR_003_010_20110114)

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Name of map being amended or replaced	Name of amending or replacement map
Canada Bay Local Environmental Plan 2008 Floor Space Ratio Map (1520_COM_FSR_004_010_20080108)	Canada Bay Local Environmental Plan 2008 Floor Space Ratio Map (1520_COM_FSR_004_010_20110114)
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Canada Bay Local Environmental Plan 2008 Floor Space Ratio Map (1520_COM_FSR_006_010_20080108)	Canada Bay Local Environmental Plan 2008 Floor Space Ratio Map (1520_COM_FSR_006_010_20110114)
Canada Bay Local Environmental Plan 2008 Floor Space Ratio Map (1520_COM_FSR_007_010_20080108)	Canada Bay Local Environmental Plan 2008 Floor Space Ratio Map (1520_COM_FSR_007_010_20110114)
Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_001_010_20071205)	Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_001_010_20101207)
Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_002_010_20071205)	Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_002_010_20101101)
Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_003_010_20071210)	Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_003_010_20101101)
Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_004_010_20071205)	Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_004_010_20101101)
Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_005_010_20071207)	Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_005_010_20101207)
Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_006_010_20071207)	Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_006_010_20101101)
Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_007_010_20071205)	Canada Bay Local Environmental Plan 2008 Land Zoning Map (1520_COM_LZN_007_010_20101101)
Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_001_010_20071205)	Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_001_010_20101101)
Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_002_010_20071207)	Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_002_010_20101101)

2011 No 197

Clause 4 Canada Bay Local Environmental Plan 2008 (Amendment No 1)

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_003_010_20071205)	Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_003_010_20101101)
Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_004_010_20071207)	Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_004_010_20101101)
Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_005_010_20071205)	Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_005_010_20101101)
Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_006_010_20071205)	Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_006_010_20101101)
Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_007_010_20071205)	Canada Bay Local Environmental Plan 2008 Height of Buildings Map (1520_COM_HOB_007_010_20101101)
	Canada Bay Local Environmental Plan 2008 Rhodes West Precinct Map (1520_COM_PCT_001_010_20101122)
	Canada Bay Local Environmental Plan 2008 Rhodes West Precinct Map (1520_COM_PCT_002_010_20101122)

Schedule 1 Amendments to Canada Bay Local Environmental Plan 2008

[1] Clause 1.9 Application of SEPPs

Insert after clause 1.9 (2):

- (2A) *Sydney Regional Environmental Plan No 29—Rhodes Peninsula* is repealed.

[2] Clause 1.9A Suspension of covenants, agreements and instruments

Insert after clause 1.9A (2) (f):

, or

- (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

[3] Clause 2.1 Land use zones

Insert “R4 High Density Residential” after “R3 Medium Density Residential” in clause 2.1.

[4] Part 2, Permitted or prohibited development

Insert after the matter relating to Zone R3 Medium Density Residential in the Land Use Table at the end of the Part:

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Earthworks; Exhibition homes; Exhibition villages; Multi dwelling housing;

2011 No 197

Canada Bay Local Environmental Plan 2008 (Amendment No 1)

Schedule 1 Amendments to Canada Bay Local Environmental Plan 2008

Neighbourhood shops; Places of public worship;
Residential flat buildings; Roads; Seniors housing; Shop
top housing; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

[5] Clause 4.3 Height of buildings

Insert after clause 4.3 (2):

(3) In this clause:

height of a building, in Rhodes West Precinct, means:

- (a) for a building on a lot that adjoins a road—the vertical distance between the finished footpath level at any point to the highest point of the building,
- (b) for a building on a lot that fronts the foreshore reserve or the eastern side of Shoreline Avenue—the vertical distance between the finished terrace level at any point to the highest point of the building.

[6] Clause 4.4 Floor space ratio

Insert after clause 4.4 (2):

(3) In this clause:

area of a floor, of a building in Rhodes West Precinct, means the area of the floor within the outer face of the external enclosing wall, measured at a height of 1.4 metres above the floor level.

gross floor area, of a building in Rhodes West Precinct, means the total of the areas of each floor of the building excluding any of the following:

- (a) areas occupied by columns, fin walls, shade devices and any elements, projections or works outside the general lines of the outer face of the external walls,
- (b) areas occupied by lift towers, cooling towers, machinery and associated plant rooms, ancillary storage space and vertical air conditioning ducts,
- (c) areas used for car, coach and bicycle parking required to comply with any development control plan and any areas that provide internal access to that parking,
- (d) areas provided for the loading and unloading of goods and for waste management,

- (e) areas set aside for communal recreation use within a residential building,
- (f) areas occupied by balconies or terraces that have walls less than 1.5 metres high,
- (g) areas of enclosed balconies used for residential purposes,
- (h) areas provided for common or public purposes, including arcades and circulation space.

[7] Schedule 1 Additional permitted uses

Insert after clause 12:

13 Use of certain land at Rhodes West Precinct

- (1) This clause applies to land in Rhodes West Precinct.
- (2) Development for the purposes of business and retail premises on the ground floor of residential flat buildings in Rhodes West Precinct are permitted with consent.

[8] Schedule 2 Exempt development

Omit all matter relating to the following items:

- Access ramps
- Air-conditioning units (dwellings)
- Awnings, canopies and storm blinds (dwellings)
- Barbecues (fixed)
- Change of use
- Children's play equipment in a fixed and permanent location (excluding cubby-houses)
- Clothes lines (hoists)
- Decks (dwellings)
- Demolition of a building
- Driveways and pathways
- Earthworks (cut/fill)
- Fences
- Flag poles
- Hoardings
- Home occupation
- Letterboxes
- Minor internal alterations to domestic dwellings

2011 No 197

Canada Bay Local Environmental Plan 2008 (Amendment No 1)

Schedule 1 Amendments to Canada Bay Local Environmental Plan 2008

Outbuildings

Paving

Pergolas

Replacement or repair of existing roof and walls to dwellings, carports or garages

Retaining walls

Roof ventilators and skylight roof windows

Scaffolding

Television aerial or microwave antennae

Temporary structures and temporary buildings (eg builders' sheds, port-a-loos, marquees and mini-stages)

Water heaters (including solar systems)

Windows, glazed and external doors

[9] Dictionary

Insert in alphabetical order:

Rhodes West Precinct means the area of land identified as "Rhodes West Precinct" on the Rhodes West Precinct Map.

Rhodes West Precinct Map means the Canada Bay Local Environmental Plan 2008 Rhodes West Precinct Map.