



New South Wales

# **Canada Bay Local Environmental Plan 2013 (Amendment No 20)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

LOUISE McMAHON  
As delegate for the Minister for Planning

## **Canada Bay Local Environmental Plan 2013 (Amendment No 20)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Canada Bay Local Environmental Plan 2013 (Amendment No 20)*.

### **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 land to which *Canada Bay Local Environmental Plan 2013* applies.

### **4 Maps**

The maps adopted by *Canada Bay Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## Schedule 1 Amendment of Canada Bay Local Environmental Plan 2013

### [1] Clause 1.8A Savings provision relating to development applications

Insert after clause 1.8A(2)—

- (3) If a development application has been made, but not finally determined, before the commencement of *Canada Bay Local Environmental Plan 2013 (Amendment No 20)*, the application must be determined as if that Plan had not commenced.

### [2] Clause 4.1AB

Insert after clause 4.1AA—

#### 4.1AB Minimum lot sizes for multi dwelling housing (terraces)

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to land in the following zones—
  - (a) Zone R1 General Residential,
  - (b) Zone R3 Medium Density Residential,
  - (c) Zone R4 High Density Residential.
- (3) Despite any other provision of this Plan, development consent must not be granted for the subdivision of land on which multi dwelling housing (terraces) is erected, or proposed to be erected, unless each resulting lot is at least—
  - (a) 225m<sup>2</sup>, and
  - (b) 6m wide at the front building line.

### [3] Clause 4.1A Minimum lot sizes for certain dwellings

Insert after clause 4.1A(2)—

- (3) Despite subclause (2), development consent may be granted for development for the purposes of dual occupancies (detached) on a lot that is at least 14m wide at the front building line if—
  - (a) the lot is a corner lot or a parallel road lot, and
  - (b) each dwelling fronts, and can be accessed from, a different road.

### [4] Clause 4.1A, table

Omit the table. Insert instead—

Column 1	Column 2	Column 3	Column 4
Dual occupancies (attached)	Zone R1, Zone R2, Zone R3	450m <sup>2</sup>	14m
Dual occupancies (detached)	Zone R1, Zone R2, Zone R3	800m <sup>2</sup>	17m
Multi dwelling housing, other than multi dwelling housing (terraces)	Zone R1, Zone R3	800m <sup>2</sup>	20m

Column 1	Column 2	Column 3	Column 4
Multi dwelling housing, other than multi dwelling housing (terraces)	Zone R4	1,500m <sup>2</sup>	20m
Residential flat buildings, other than manor houses	Zone R1, Zone R3	800m <sup>2</sup>	20m
Residential flat buildings, other than manor houses	Zone R4	1,500m <sup>2</sup>	20m
Boarding houses, other than development involving the change of use to a boarding house	Zone R2	800m <sup>2</sup>	20m
Multi dwelling housing (terraces)	Zone R1, Zone R3	600m <sup>2</sup>	18m
Multi dwelling housing (terraces)	Zone R4	1,500m <sup>2</sup>	18m
Manor houses	Zone R1, Zone R3	600m <sup>2</sup>	18m

**[5] Clause 4.3 Height of buildings**

Insert after clause 4.3(2)—

- (3) Despite subclause (2), the maximum height for a building on an internal lot in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential is 5.4m.

**[6] Clauses 4.3C and 4.3D**

Insert after clause 4.3B—

**4.3C Exception to height of buildings for secondary dwellings and dual occupancies**

- (1) Despite clause 4.3, development consent must not be granted for development for the purposes of secondary dwellings or dual occupancies if the height of the building exceeds 5.4m.
- (2) Subclause (1) does not apply to development on a corner lot or a parallel road lot if each dwelling fronts, and can be accessed from, a different road.

**4.3D Exception to height of buildings for multi dwelling housing (terraces)**

- (1) This clause applies to land in the following zones—
- Zone R1 General Residential,
  - Zone R3 Medium Density Residential,
  - Zone R4 High Density Residential.
- (2) Despite clause 4.3, development consent may be granted for development for the purposes of multi dwelling housing (terraces) on land to which this clause applies if the consent authority is satisfied that the development will not result in a building that—

- (a) exceeds 9m in height,
- (b) has a third storey or attic that includes habitable spaces other than bedrooms,
- (c) projects higher than an incline plane that—
  - (i) starts at the front building line at 7m above ground level (existing), and
  - (ii) extends upwards in the direction of the land’s rear boundary at an angle of 45°,
- (d) projects higher than an incline plane that—
  - (i) starts at the rear building line at 7m above ground level (existing), and
  - (ii) extends upwards in the direction of the land’s front boundary at an angle of 45°.

**[7] Clause 4.4 Floor space ratio**

Omit clause 4.4(2A) and (2B). Insert instead—

- (2A) Despite subclause (2), the maximum floor space ratio for multi dwelling housing or a residential flat building on land identified as “Area 1” on the Floor Space Ratio Map is 0.7:1 if the land—
  - (a) is not land that comprises, or on which there is, a heritage item or a draft heritage item, or
  - (b) is not within a heritage conservation area or a draft heritage conservation area.

**[8] Clause 7.14 Additional floor space for multi dwelling housing (terraces) in Cavell Avenue Character Area**

Omit clause 7.14(2).

**[9] Schedule 5 Environmental heritage**

Omit item I383 from Part 1.

**[10] Schedule 5, Part 1, item I308**

Omit “Lot 7077, DP 752023”. Insert instead “Lot 13, DP 1226181”.

**[11] Schedule 5, Part 1, item I178**

Omit “Lot 1, DP 927266”. Insert instead “Lot 12, DP 1180691”.

**[12] Schedule 5, Part 1, item I474**

Omit “Gladesville Bridge abutments”.

Insert instead “Former Gladesville Bridge abutment and approach”.

**[13] Schedule 5, Part 1**

Insert in appropriate order—

Drummoyne	Gladesville Bridge— southern end	Victoria Road	Part Lot 1, DP 188219; Lot B and Part Lot A, DP 330971; Part Lot B, DP 336298; Part Lot 1, DP 547443; Part Lot 2, DP 663437; Part Lot 3, DP 858945	State	1546
-----------	--	---------------	--	-------	------

**[14] Schedule 5, Part 1, item I15**

Omit “Lot 3”. Insert instead “Lots 1–3”.

**[15] Dictionary**

Insert in alphabetical order—

**Codes SEPP** means *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**corner lot** has the same meaning as in the Codes SEPP.

**draft heritage conservation area** has the same meaning as in the Codes SEPP.

**draft heritage item** has the same meaning as in the Codes SEPP.

**internal lot** means a lot to which there is no practicable means of vehicular access or to which the only practicable means of vehicular access is by way of—

- (a) for a hatchet-shaped lot—an access corridor, 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.

**manor house** has the same meaning as in the Codes SEPP.

**multi dwelling housing (terraces)** has the same meaning as in the Codes SEPP.

**parallel road lot** has the same meaning as in the Codes SEPP.