



*City of Canterbury*

---

*City of Cultural Diversity*

**ATTACHMENTS**

**COUNCIL MEETING**

**26 JULY 2012**

---

*Canterbury City – a great place to live and work*



# **ATTACHMENTS**

## **TABLE OF CONTENTS**

---

### **OFFICERS REPORTS**

**ITEM 2      COMMUNITY SAFETY AND CRIME PREVENTION PLAN 2012-15**

Plan 2012-15

**ITEM 4      VOLUNTARY PLANNING AGREEMENTS FOR ANZAC MALL**

Draft VPA - 13-15 Anglo Road, Campsie  
Draft VPA - 20 Anglo Road, Campsie

**ITEM 7      BELMORE SPORTSGROUND VARIATION UPDATE**

Construction Variations  
City Services Committee Report, 14 June 2012

**ITEM 9      CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

Draft Plan  
Public Authority submissions  
Ashbury Heritage Conservation Area submissions  
Business Centre and Canterbury Road submissions  
Residential submissions  
Open Space and Other submissions

### **ADVISORY COMMITTEES**

**ITEM 1      COMMUNITY SAFETY COMMITTEE**

Minutes of the meeting held on 2 July 2012

**ITEM 2      DISABILITY ACCESS COMMITTEE**

Minutes of the meeting held on 20 June 2012

**ITEM 3      MULTICULTURAL ADVISORY COMMITTEE**

Minutes of the meeting held on 4 July 2012

**ITEM 4      YOUTH COUNCIL**

Minutes of the meeting held on 12 June 2012

# Officers Reports

26 July 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Draft Plan

Public Authority submissions

Ashbury Heritage Conservation Area submissions

Business Centre and Canterbury Road submissions

Residential submissions

Open Space and Other submissions

Attachment

Number of Pages to follow: 141

## **Canterbury Local Environmental Plan 2012**

under the  
Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows:

Minister for Planning and Infrastructure

## COUNCIL MEETING

26 JULY 2012

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

<b><u>PART 1</u></b>	<b><u>PRELIMINARY</u></b>	<b>4</b>
1.1	<u>Name of Plan [compulsory]</u>	4
1.1AA	<u>Commencement [compulsory]</u>	4
1.2	<u>Aims of Plan [compulsory]</u>	4
1.3	<u>Land to which Plan applies [compulsory]</u>	4
1.4	<u>Definitions [compulsory]</u>	4
1.5	<u>Notes [compulsory]</u>	4
1.6	<u>Consent authority [compulsory]</u>	5
1.7	<u>Maps [compulsory]</u>	5
1.8	<u>Repeal of planning instruments applying to land [compulsory]</u>	5
1.8A	<u>Savings provision relating to development applications</u>	6
1.9	<u>Application of SEPPs [compulsory]</u>	6
1.9A	<u>Suspension of covenants, agreements and instruments</u>	6
<b><u>PART 2</u></b>	<b><u>PERMITTED OR PROHIBITED DEVELOPMENT</u></b>	<b>7</b>
2.1	<u>Land use zones [compulsory]</u>	7
2.2	<u>Zoning of land to which Plan applies [compulsory]</u>	7
2.3	<u>Zone objectives and Land Use Table [compulsory]</u>	7
2.4	<u>Unzoned land [compulsory]</u>	8
2.5	<u>Additional permitted uses for particular land [compulsory]</u>	8
2.6	<u>Subdivision—consent requirements [compulsory]</u>	8
2.7	<u>Demolition requires development consent [compulsory]</u>	9
2.8	<u>Temporary use of land [optional]</u>	9
	<b><u>LAND USE TABLE</u></b>	<b>10</b>
<b><u>PART 3</u></b>	<b><u>EXEMPT AND COMPLYING DEVELOPMENT</u></b>	<b>22</b>
3.1	<u>Exempt development [compulsory]</u>	22
3.2	<u>Complying development [compulsory]</u>	23
3.3	<u>Environmentally sensitive areas excluded [compulsory]</u>	24
<b><u>PART 4</u></b>	<b><u>PRINCIPAL DEVELOPMENT STANDARDS</u></b>	<b>25</b>
4.1	<u>Minimum subdivision lot size [optional]</u>	25
4.1AA	<u>Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]</u>	25
4.1B	<u>Minimum lot sizes for dual occupancy in residential zones</u>	25
4.1C	<u>Minimum lot size for dwelling houses in residential zones</u>	25
4.2	<u>Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]</u>	25
4.3	<u>Height of buildings [optional]</u>	26
4.4	<u>Floor space ratio [optional]</u>	26
4.5	<u>Calculation of floor space ratio and site area [optional]</u>	26
4.6	<u>Exceptions to development standards [compulsory]</u>	28

## COUNCIL MEETING

26 JULY 2012

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

<b><u>PART 5</u></b>	<b><u>MISCELLANEOUS PROVISIONS</u></b>	<b>30</b>
5.1	<u>Relevant acquisition authority [compulsory]</u>	30
5.1A	<u>Development on land intended to be acquired for public purposes</u>	31
5.2	<u>Classification and reclassification of public land [compulsory]</u>	31
5.3	<u>Development near zone boundaries [optional]</u>	32
5.4	<u>Controls relating to miscellaneous permissible uses [compulsory]</u>	33
5.5	<u>Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]</u>	34
5.6	<u>Architectural roof features [optional]</u>	34
5.7	<u>Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]</u>	34
5.8	<u>Conversion of fire alarms [compulsory]</u>	34
5.9	<u>Preservation of trees or vegetation [compulsory, except subclause (9) optional]</u>	35
5.9AA	<u>Trees or vegetation not prescribed by development control plan [compulsory]</u>	36
5.10	<u>Heritage conservation [compulsory]</u>	36
5.11	<u>Bush fire hazard reduction [compulsory]</u>	39
5.12	<u>Infrastructure development and use of existing buildings of the Crown [compulsory]</u>	39
5.13	<u>Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]</u>	39
<b><u>PART 6</u></b>	<b><u>LOCAL PROVISIONS</u></b>	<b>40</b>
6.1	<u>Acid sulfate soils</u>	40
6.2	<u>Earthworks</u>	41
6.3	<u>Essential services</u>	42
6.4	<u>Flood planning</u>	42
6.5	<u>Business premises, office premises, shops, restaurant or cafes in residential zones</u>	43
6.6	<u>Stormwater management</u>	43
Schedule 1	<u>Additional permitted uses</u>	44
Schedule 2	<u>Exempt development</u>	45
Schedule 3	<u>Complying development</u>	47
Schedule 4	<u>Classification and reclassification of public land</u>	48
Schedule 5	<u>Environmental heritage</u>	49
Part 1	<u>Heritage Items</u>	49
Part 2	<u>Heritage Conservation Areas</u>	58
Part 3	<u>Archaeological sites</u>	58
Part 4	<u>Aboriginal heritage</u>	58
<b><u>DICTIONARY</u></b>		<b>59</b>

## Part 1 Preliminary

### 1.1 Name of Plan [compulsory]

This Plan is **Canterbury** Local Environmental Plan **2012**.

### 1.1AA Commencement [compulsory]

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

### 1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in **the City of Canterbury** in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) To provide for a range of development that promotes housing, employment and recreation opportunities for the existing and future residents of the City of Canterbury.
  - (b) To promote a variety of housing types to meet population demand.
  - (c) To ensure development is of a design and type that supports the amenity and character of an area and enhances the quality of life of the community.
  - (d) To create vibrant town centres by focusing employment and residential uses around existing centres and public transport nodes.
  - (e) To revitalise Canterbury Road by encouraging a mix of land uses that does not detract from the economic viability of existing town centres.
  - (f) To retain industrial areas and promote a range of employment opportunities and services.
  - (g) To promote healthy lifestyles by providing open space that supports a variety of leisure and recreational facilities and promote increased use of public transport, walking and cycling.
  - (h) To protect the natural environment for future generations and implement ecological sustainability in the planning and development process.
  - (i) To protect and promote the environmental and cultural heritage values of the City of Canterbury.

### 1.3 Land to which Plan applies [compulsory]

This Plan applies to the land identified on the Land Application Map.

### 1.4 Definitions [compulsory]

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

### 1.5 Notes [compulsory]

Notes in this Plan are provided for guidance and do not form part of this Plan.

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**1.6 Consent authority [compulsory]**

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

**1.7 Maps [compulsory]**

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Infrastructure.

**1.8 Repeal of planning instruments applying to land [compulsory]**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

Note. The following local environmental plans are repealed under this provision:

*Canterbury Planning Scheme Ordinance 1970,*

*Canterbury Local Environmental Plan No 138 – Canterbury Precinct,*

*Canterbury Local Environmental Plan No 140,*

*Canterbury Local Environmental Plan No 148 – Campsie Precinct,*

*Canterbury Local Environmental Plan No 171,*

*Canterbury Local Environmental Plan No 178 – Belmore-Lakemba Precinct*

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.



**1.8A Savings provision relating to development applications**

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Note: However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

**1.9 Application of SEPPs [compulsory]**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

*State Environmental Planning Policy No 1—Development Standards*

*State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clause 6 and Parts 3 and 4)

*State Environmental Planning Policy No 60—Exempt and Complying Development*

**1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of *the Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## Part 2 Permitted or prohibited development

### 2.1 Land use zones [compulsory]

The land use zones under this Plan are as follows:

#### **Residential Zones**

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

#### **Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B5 Business Development

B6 Enterprise Corridor

#### **Industrial Zones**

IN1 General Industrial

IN2 Light Industrial

#### **Special Purpose Zones**

SP2 Infrastructure

#### **Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

#### **Environment Protection Zones**

E1 National Parks and Nature Reserves

#### **Waterway Zones**

W1 Natural Waterways

### 2.2 Zoning of land to which Plan applies [compulsory]

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

### 2.3 Zone objectives and Land Use Table [compulsory]

- (1) The Land Use Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

- (4) This clause is subject to the other provisions of this Plan.

**Notes.**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

**2.4 Unzoned land [compulsory]**

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting development consent, the consent authority:
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

**2.5 Additional permitted uses for particular land [compulsory]**

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,
 in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

**2.6 Subdivision—consent requirements [compulsory]**

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

Note. If a subdivision is identified as exempt development in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note. The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

**2.7 Demolition requires development consent [compulsory]**

The demolition of a building or work may be carried out only with development consent.

Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

**2.8 Temporary use of land [optional]**

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

*State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings)

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*State Environmental Planning Policy (Infrastructure) 2007* (relating to public facilities such as those for air transport, correction, education, electricity generation, health services, ports, railways, roads, waste management and water supply systems)

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*State Environmental Planning Policy (Rural Lands) 2008*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

*State Environmental Planning Policy No 50—Canal Estate Development*

*State Environmental Planning Policy No 62—Sustainable Aquaculture*

*State Environmental Planning Policy No 64—Advertising and Signage*

## Zone R2 Low Density Residential

### 1 Objectives of zone

- To provide for the housing needs of the community within a low 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

Home occupations

### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Office premises, Places of public worship; Recreation areas; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Shops

### 4 Prohibited

Any development not specified in 2 or 3

*Council Explanatory Note: See Clause 6.5. Business premises, office premises and certain retail premises (shops & restaurants or cafes) are only permitted in this zone in buildings existing on the appointed day, being a building that was designed, constructed and lawfully used as a shop or a shop with a dwelling attached. This is to ensure that existing purpose built shops or shops with attached dwellings may with development consent be used for business, office or certain retail purposes.*

## COUNCIL MEETING

26 JULY 2012

---

**CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**  
**Zone R3 Medium Density Residential****1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium 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**

Home occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Home-based child care; Home businesses; Home industry; Group homes; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Seniors housing; Shops

**4 Prohibited**

Any development not specified in item 2 or 3

*Council Explanatory Note: See Clause 6.5. Business premises, office premises and certain retail premises (shops & restaurants or cafes) are only permitted in this zone in buildings existing on the appointed day, being a building that was designed, constructed and lawfully used as a shop or a shop with a dwelling attached. This is to ensure that existing purpose built shops or shops with attached dwellings may with development consent be used for business, office or certain retail purposes.*

**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**

Home occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Home-based child care; Home businesses; Hostels, Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Serviced apartments; Shops; Shop top housing

**4 Prohibited**

Any development not specified in item 2 or 3

*Council Explanatory Note: See Clause 6.5. Business premises, office premises and certain retail premises (shops & restaurants or cafes) are only permitted in this zone in buildings existing on the appointed day, being a building that was designed, constructed and lawfully used as a shop or a shop with a dwelling attached. This is to ensure that existing purpose built shops or shops with attached dwellings may with development consent be used for business, office or certain retail purposes.*

**Zone B1 Neighbourhood Centre****1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Environmental protection works; Flood mitigation works; Health consulting rooms; Home-based child care; Home business; Information and education facilities; Markets; Medical centres; Neighbourhood shops; Office premises; Respite day care centres; Recreation areas; Recreation facilities (indoor); Restaurants or cafes; Roads; Service stations; Shop top housing; Shops; Signage; Take away food and drink premises; Veterinary hospitals; Any development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Airstrip; Air transport facilities; Amusement centres; Animal boarding or training establishment; Biosolid treatment facilities; Boat launching ramps; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemetery; Charter and tourism boating facilities; Correctional centres; Crematorium; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishment; Helipad; Highway service centres; Home occupations (sex services); Hospitals; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies



## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**Zone B2 Local Centre****1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To facilitate and support investment, economic growth and development for active, diverse and well-designed centres.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Home-based child care; Home business; Hostels; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Sex services premises; Shop top housing; Signage; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Airstrip; Air transport facilities; Animal boarding and training establishments; Biosolid treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemetery; Charter and tourism boating facilities; Correctional centres; Crematorium; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive Industries; Forestry; Freight transport facilities; Heavy industrial storage establishment; Helipad; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Moorings; Mooring pens; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sewage treatment plants; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

**Zone B5 Business Development****1 Objectives of zone**

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To provide for residential use in conjunction with mixed use development to create an attractive streetscape supported by buildings with a high standard of design.
- To support urban renewal that encourages increased use of public transport, walking and cycling.
- To encourage employment opportunities in accessible locations and along Canterbury Road.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Bulky goods premises; Business premises; Car parks; Child care centres; Community facilities; Entertainment facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Home-based child care; Home business; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Office premises; Passenger transport facilities; Recreation areas; Recreation facility (indoor); Research stations; Respite day care centres; Roads; Service stations; Shop top housing; Signage; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Airstrip; Amusement centres; Animal boarding and training establishments; Biosolid treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemetery; Charter and tourism boating facilities; Correctional centres; Crematorium; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Helipad; Highway service centres; Home occupation (sex services); Heavy industrial storage establishments; Industries; Industrial retail outlets; Industrial training facilities; Jetties; Kiosks; Marinas; Mooring; Mooring pens; Mortuaries; Open cut mining; Places of public worship; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

**Zone B6 Enterprise Corridor****1 Objectives of zone**

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To facilitate the revitalisation of Canterbury Road and create an attractive streetscape supported by buildings of a high standard of design.
- To support urban renewal and a pattern of land use and density that reflects the existing and future capacity of the transport network.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Amusement centres; Animal boarding or training establishments; Business premises; Car parks; Community facilities; Depots; Entertainment facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Home-based child care; Home business; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Mortuaries; Office premises; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Research stations; Roads; Service stations; Signage; Transport Depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Airstrip; Boat building and repair facilities; Biosolid treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemetery; Charter and tourism boating facilities; Child care centres; Correctional centres; Crematorium; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishment; Helipad; Highway service centres; Home occupations (sex services); Industries; Jetties; Marinas; Moorings; Mooring pens; Open cut mining; Places of public worship; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Truck depots; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply system, Wharf or boating facilities

**1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Agricultural produce industry; Boat building and repair facilities; Car parks; Depots; Environmental protection works; Flood mitigation works; Freight transport facilities; General industries; Industrial training facilities; Industrial retail outlets; Light industries; Mortuaries; Neighbourhood shops; Places of public worship; Restaurants or cafes; Roads; Service stations; Signage; Storage premises; Take-away food and drink premises; Timber yards; Transport depot; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Any development not specified in 2 or 4.

**4 Prohibited**

Agriculture; Airstrip; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemetery; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Crematorium; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipad; Highway service centres; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Moorings; Mooring pens; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facility (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities; Wholesale supplies

**Zone IN2 Light Industrial****1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Agricultural produce industry; Animal boarding or training establishments; Boat building and repair facilities; Carparks; Child care centres; Community facilities; Depots; Entertainment facilities; Environmental protection works; Garden centres; Hardware and building supplies; Home-based child care; Home business; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Markets; Mortuaries; Neighbourhood shops; Places of public worship; Plant nurseries; Public administration building; Recreation areas; Recreation facilities (indoor); Research station; Respite day care centres; Restaurants or cafes; Roads; Storage premises; Service stations; Sewerage systems; Signage; Take-away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water supply systems; Wholesale supplies; Any development not specified in 2 or 4.

**4 Prohibited**

Agriculture; Airstrip; Amusement centres; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemetery; Charter and tourism boating facilities; Correctional centres; Crematorium; Eco-tourist facilities; Educational establishments; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; General industries; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipad; Highway service centres; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring; Mooring pens; Office premises; Open cut mining; Passenger transport facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

**Zone SP2 Infrastructure****1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

**2 Permitted without consent**

Roads

**3 Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose;

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE1 Public Recreation****1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Boat launching ramps; Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roads; Sewerage systems; Water recreation structures; Water supply systems

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE2 Private Recreation****1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and educational facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Sewerage systems; Water supply systems

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone E1 National Parks and Nature Reserves****1 Objectives of zone**

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

**2 Permitted without consent**

Uses authorised under the *National Parks and Wildlife Act 1974*

**3 Permitted with consent**

Nil

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone W1 Natural Waterways****1 Objectives of zone**

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Boat launching ramp; Environmental facilities; Flood mitigation works; Jetties; Moorings; Mooring pens; Recreation areas; Roads; Water recreation structures; Wharf or boating facilities

**4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3



## Part 3 Exempt and complying development

### 3.1 Exempt development [compulsory]

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
  - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
  - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
  - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
  - (3) To be exempt development, the development:
    - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
    - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
    - (c) must not be designated development, and
    - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
  - (Repealed) (e)
  - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
    - (a) the building has a current fire safety certificate or fire safety statement, or
    - (b) no fire safety measures are currently implemented, required or proposed for the building.
  - (5) To be exempt development, the development must:
    - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
    - (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.
- Note. A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.
- (6) A heading to an item in Schedule 2 is part of that Schedule.

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**3.2 Complying development [compulsory]**

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
  - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
  - (c) the development is designated development, or
  - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
  - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
  - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
- (a) the development standards specified in relation to that development, and
  - (b) the requirements of this Part,
- is complying development.

Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must:
- (a) be permissible, with development consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

**3.3 Environmentally sensitive areas excluded [compulsory]**

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:  
*environmentally sensitive area for exempt or complying development* means any of the following:
  - (a) the coastal waters of the State,
  - (b) a coastal lake,
  - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
  - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
  - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
  - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
  - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
  - (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
  - (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
  - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
    - (a) To ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area.
    - (b) To minimise any likely impact of subdivision and development on the amenity of neighbouring properties.
    - (c) To ensure that lot sizes allow development to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views
  - (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
  - (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
  - (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (4A) For the purpose of calculating the size of a battle-axe lot, the area of the access handle is excluded.

### 4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]

Not adopted

### 4.1B Minimum lot sizes for dual occupancy in residential zones

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent must not be granted to development for the purposes of a dual occupancy on a lot in Zone R2 Low Density Residential, R3 Medium Density Residential or R4 High Density Residential if the area of the lot is less than 600 sqm

### 4.1C Minimum lot size for dwelling houses in residential zones

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent must not be granted to development for the purposes of a dwelling-house on a battle-axe lot in Zone R2 Low Density Residential, R3 Medium Density Residential or R4 High Density Residential if the area of the lot is less than 600sqm.

### 4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]

Not applicable

**4.3 Height of buildings [optional]**

- (1) The objectives of this clause are as follows:
  - (a) To establish and maintain desirable attributes and character of an area,
  - (b) To minimise overshadowing and ensure a desired level of solar access to other properties and public open space,
  - (c) To support building design that contributes positively to the streetscape and visual amenity of an area, and
  - (d) To reinforce important road frontages in specific localities.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (3) Despite clause 4.3(2) the maximum building height for a dwelling house or dual occupancy is 8.5m in the R4 zone where the code of L2 is shown on the Height of Buildings Map.

**4.4 Floor space ratio [optional]**

- (1) The objectives of this clause are as follows:
  - (a) To provide effective control over the bulk of future development,
  - (b) To protect the environmental amenity and desired future character of an area,
  - (c) To minimise adverse environmental impacts on adjoining properties and the public domain, and
  - (d) To optimise development density within easy walk of the railway stations and commercial centres.
- (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.
- (3) Despite subclause (2), the maximum floor space ratio for a dual occupancy on a lot in the Zone R2 Low Density Residential, R3 Medium Density Residential or the R4 High Density Residential is 0.5:1.
- (4) Despite subclause (2), the maximum floor space ratio for non-residential development on a lot in Zone R2 Low Density Residential, R3 Medium Density Residential is 0.5:1 and on a lot in Zone R4 High Density Residential is 0.75:1
- (5) In this clause, non-residential development means any part of a development that is permissible on a lot under Part 2 of this plan that does not comprise residential accommodation.

**4.5 Calculation of floor space ratio and site area [optional]****(1) Objectives**

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

- (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
- (iii) require community land and public places to be dealt with separately.

**(2) Definition of “floor space ratio”**

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

**(3) Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

**(4) Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

**(5) Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

**(6) Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

**(7) Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

**(8) Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**(9) Covenants to prevent “double dipping”**

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

**(10) Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

**(11) Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

**4.6 Exceptions to development standards [compulsory]**

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

- (5) In deciding whether to grant concurrence, the Director-General must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
  - (c) clause 5.4.



## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority [compulsory]

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions)*.

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**5.1A Development on land intended to be acquired for public purposes**

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table.

<b>Column 1</b>	<b>Column 2</b>
<b>Land</b>	<b>Development</b>
Zone RE1 Public Recreation and marked "Local open space"	Recreation areas
Zone RE1 Public Recreation and marked "Regional open space"	Recreation areas
Zoned SP2 Infrastructure and marked "Classified road"	Roads

**5.2 Classification and reclassification of public land [compulsory]**

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note. Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
- (b) any reservations that except land out of the Crown grant relating to the land, and
- (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

**5.3 Development near zone boundaries [optional]**

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is **5 metres**.
- (3) This clause does not apply to:
  - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone W1 Natural Waterways, or
  - (a1) land in **Zone IN 1 General Industrial or IN2 Light Industrial, or**
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

**5.4 Controls relating to miscellaneous permissible uses [compulsory]****(1) Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

**(2) Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

**(3) Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.

**(4) Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 15 % of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 100 square metres,
- whichever is the lesser.

**(5) Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**(6) Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 30 square metres.

**(7) Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

**(8) Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.

**(9) Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 10 % of the total floor area of the principal dwelling

**5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]**

Not applicable

**5.6 Architectural roof features [optional]**

- (1) The objectives of this clause are as follows:
  - (a) to permit variations to maximum building height standards for roof features of visual interest, and
  - (b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
  - (a) the architectural roof feature:
    - (i) comprises a decorative element on the uppermost portion of a building, and
    - (ii) is not an advertising structure, and
    - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
    - (iv) will cause minimal overshadowing, and
  - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

**5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]**

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

**5.8 Conversion of fire alarms [compulsory]**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

- (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:
 

*private service provider* means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

**5.9 Preservation of trees or vegetation [compulsory, except subclause (9) optional]**

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
  - (a) development consent, or
  - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
  - (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
  - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
 unless the Council is satisfied that the proposed activity:

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
  - (a) the clearing of native vegetation:
    - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
    - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
  - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
  - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
  - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
  - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

Note. Permissibility may be a matter that is determined by or under any of these Acts.

Note. Subclause 9 not adopted.

**5.9AA Trees or vegetation not prescribed by development control plan [compulsory]**

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

**5.10 Heritage conservation [compulsory]**

Note. Heritage items (if any) are listed and described in Schedule 5. The Heritage Map may also show the location of a heritage item. Heritage conservation areas (if any) must be shown on the Heritage Map as well as being described in Schedule 5.

The location and nature of Aboriginal objects and Aboriginal places of heritage significance may be described in Schedule 5 and shown on the sheet of the Heritage Map marked "Aboriginal Heritage Map".

**(1) Objectives**

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of **the City of Canterbury**,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

**(2) Requirement for consent**

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

**(3) When consent not required**

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
  - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
  - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and



## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

- (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) Heritage assessment**

The consent authority may, before granting consent to any development:

  - (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) Heritage conservation management plans**

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

  - (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

  - (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

consideration any response received within 28 days after the notice is sent.

**(9) Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(10) Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

**5.11 Bush fire hazard reduction [compulsory]**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

**5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]**

Not applicable

## Part 6 Local Provisions

### 6.1 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

#### Class of land Works

1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
  - (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan need is not required for the works, and
  - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
  - (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
  - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
  - (c) minor work, being work that costs less than \$20,000 (other than drainage work).

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
- (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), foundations or flood mitigation works, or
  - (b) the works are not likely to lower the watertable.

**6.2 Earthworks**

- (1) The objectives of this clause are as follows:
- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
  - (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless:
- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
  - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,
  - (h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).
  - (i) the proximity to and potential for adverse impacts on any heritage item or archaeological site.

**Note.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

### 6.3 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

### 6.4 Flood planning

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
  - (a) land that is shown as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behavior resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published in 2005 by the NSW Government, unless it is otherwise defined in this clause.

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

- (5) In this clause:  
flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.  
Flood Planning Map means the Canterbury Local Environmental Plan 2010 Flood Planning Map.

**6.5 Business premises, office premises, shops, restaurant or cafes in residential zones**

- (1) The objective of this clause is to provide for the adaptive reuse of existing buildings and sites for business premises, office premises, shops, restaurants or cafes in residential zones.
- (2) This clause applies to land in Zone R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential.
- (3) Development consent must not be granted for business premises, office premises, shops, restaurants or cafes unless:
- (a) the development is in a building or will replace a building that was originally designed, constructed and lawfully used as a shop or shop with a dwelling attached; and
  - (b) the gross floor area of the development does not exceed 100 sqm; and
  - (c) the consent authority has considered:
    - (i) whether the development will adversely affect the amenity of the surrounding locality;
    - (ii) the suitability of the building or land for adaptive reuse; and
    - (iii) the degree of any modification of the footprint or façade of the building.

**6.6 Stormwater management**

- (1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining downstream properties, native bushland and receiving waters.
- (2) This clause applies to all land in residential, business and industrial zones.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
- (a) is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water, and
  - (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
  - (c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be avoided, minimises and mitigates the impact.

**Schedule 1 Additional permitted uses**

(Clause 2.5)

**1. Use of certain land at Roselands Shopping Centre, Roselands**

- (1) This clause applies to land at 24 Roselands Avenue, Roselands being Part Lot 1 in DP 227383.
- (2) Development for retail premises for the purpose of tyre sales outlet is permitted with consent.

**2. Use of certain land at 58 Moorefields Road, Kingsgrove**

- (1) This clause applies to land at 58 Moorefields Road, Kingsgrove being Part Lot 1 in DP 601940.
- (2) Development for the purpose of a plant nursery is permitted with consent.

**3. Use of certain land along Canterbury Road in Zone B5 Business Development**

- (1) This clause applies to land shown coloured Blue ("A") on the Key Sites Map.
- (2) Residential accommodation is permitted with consent but only as part of a mixed use development.

**4. Use of certain land at 314-380 Beamish Street and 369-411 Beamish Street, Campsie**

- (1) This clause applies to land at 314-380 Beamish Street and 369-411 Beamish Street, Campsie.
- (2) Development for the purpose of office premises, veterinary hospital and business premises are permitted with consent.

**5. Industrial strata title at 10B Charles Street, Canterbury**

- (1) This clause applies to land at 10B Charles Street, Canterbury, known as Strata Plan 50892.
- (2) Development for the purpose of boat building and repair facilities, depots, garden centres hardware and building supplies, industrial retail outlets, industrial training facilities, landscaping material supplies, light industries, markets, plant nurseries, recreation facilities (indoor), research station, storage premises, signage, take-away food and drink premises, timber yards, vehicle repair stations, vehicle sales or hire premises, veterinary hospitals, warehouse or distribution centres, wholesale supplies are permitted with consent.

**6. Use of certain land at 60 Charlotte Street, Campsie**

- (1) This clause applies to land at 60 Charlotte Street, Campsie being Lot A DP 431356 and Lot 1 DP 721721 and any successor lot.
- (2) Development for the purpose of child care centres; commercial premises; community facilities; dwelling houses; exhibition homes; health services facilities; home businesses; home occupations; multi dwelling housing; recreation areas; recreation facilities (indoor); residential care facilities; residential flat buildings; seniors housing and shop top housing are permitted with consent.

**Schedule 2 Exempt development**

(Clause 3.1)

- Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.
- Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

**Solid fuel heaters**

- (1) Must be installed in accordance with AS/NZS 2918:2001, Domestic solid fuel burning appliances—Installation.
- (2) Must comply with AS/NZS 4013:1999, Domestic solid fuel burning appliances—Method for determination of flue gas emission.
- (3) Top of the flue must be:
- (a) at least 1m above the highest structure that is within a 15m radius, and
  - (b) not more than 3m above the roof.
- (4) If a rain cap is fitted, must not impede the vertical discharge of gases.

**Signs and Advertising (any type of building)**

Advertisement on a motor vehicle used principally for conveying goods or passengers.

Advertisement within a site, being an advertisement which is not visible from outside the site on which it is displayed.

Advertisement displaying a message changed from that displayed by a previously lawful advertisement

Advertisement displayed behind the glass line of a shop window.

Public information notice displayed by a public authority giving information or directions about services.

Advertisement that contains only a notice that the place or premises to which it is fixed is or are for sale or letting (together with particulars of the sale or letting) and that is not displayed for more than 14 days after the letting or completion on the sale.

Advertisement of a temporary nature (whether in the form of a banner, bunting, poster, or a similar display).

Advertisement that directs the public to, or informs the public about, places of scientific, historic or scenic interest.

Business identification sign (in Residential zone)

Advertising panel, Bracket style flag sign, Drop awning sign, Flush wall sign, Fascia sign, Top hamper sign, Under awning sign, Window sign (in Residential zones)

Advertising panel (in Business zone)

Bracket style flag sign (in Business zone)

Business Identification Sign (in Business zone)

Drop Awning sign (in Business zone)

Fascia Sign (in Business zone)

Flush Wall sign or painted wall sign (in Business zone)

Projecting Wall Sign (in Business zone)

Top Hamper Sign (in Business zone)

Under Awning Sign (in Business zone)

Window Sign (in Business zone)

Business Identification Sign (in Industrial zone)

Official signs



**COUNCIL MEETING**

**26 JULY 2012**

---

**CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

**Other signs in roads and on unzoned land**

These exempt development provisions (DCP 31) are to be updated and inserted into Council's LEP if the Codes SEPP 2008 is not amended for signage at the time the LEP is being finalised for gazettal.

## Schedule 3 Complying development

(Clause 3.2)

*Note.* *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

### Part 1 Types of development

### Part 2 Complying development certificate conditions

*Note.* Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

#### General conditions

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

### Part 1 Land classified, or reclassified, as operational land— no interests changed

Column 1	Column 2
Locality	Description
748 Punchbowl Road, Punchbowl	Lot 1 DP 1175212

### Part 2 Land classified, or reclassified, as operational land— interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Tasker Park (part of land for road only) 3A Phillips Ave, Canterbury	Lot 1 DP 505465	Drainage easement; Right of way

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage Items

Suburb	Item name	Address	Property Description	Significance	Item number
Ashbury	Federation water reservoir "Ashfield Reservoir" (WS003)	165-169 Holden Street	Lot 1, DP 911478	State	I1
Ashbury	Part of Federation house group	5 Second Street	Lot 1, DP 950576	Local	I2
Ashbury	Part of Federation house group	7 Second Street	Lot 1, DP 123795	Local	I3
Ashbury	Part of Federation house group	9 Second Street	Lot 1, DP 952638	Local	I4
Ashbury	Part of Federation house group	11 Second Street	Lot 1, DP 798551	Local	I5
Ashbury	Part of Federation house group	13 Second Street	Lot 1, DP 122220	Local	I6
Ashbury	Part of Federation house group	15 Second Street	Lot 1, DP 124116	Local	I7
Belfield	Federation weatherboard villa "Lynwood"	25 Baltimore Street	Lot 2, DP 235816	Local	I8
Belmore	Federation house	52 Albert Street	Lot A, DP 368943	Local	I9
Belmore	Federation house "Station Master's Cottage" (former)	346 Burwood Road	Lot 202, DP 1090882	Local	I10
Belmore	Federation railway station buildings "Belmore Railway Station"	348 Burwood Road and 32-36 Redman Parade	Part Lot 201, DP 1090882 and Part Lot 12, DP 802657	State	I11
Belmore	Inter-War former Post Office building	370-372 Burwood Road	Lot 2, DP 202652	Local	I12
Belmore	Inter-War surgery and attached house	481 Burwood Road	Lot 1, DP 960923	Local	I13
Belmore	Victorian villa "The Towers"	31 Forsyth Street	Lot 1, DP 815631	Local	I14
Belmore	Part of Federation and Inter-War house group	35 Isabel Street	Lot A, DP 346737	Local	I15
Belmore	Part of Federation and Inter-War house group	37-37A Isabel Street	Lot 11, Sec 6, DP 9377 and Lot B DP 305231	Local	I16

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Suburb	Item name	Address	Property Description	Significance	Item number
Belmore	Part of Federation and Inter-War house group	39 Isabel Street	Lot A, DP 305231	Local	I17
Belmore	Part of Inter-War house group	2 Lakemba Street	Lot D, DP 416117	Local	I18
Belmore	Part of Inter-War house group	4 Lakemba Street	Lot C, DP 416117	Local	I19
Belmore	Part of Inter-War house group	6 Lakemba Street	Lot 37, DP 11151	Local	I20
Belmore	Part of Inter-War house group	8 Lakemba Street	Lot 36, DP 11151	Local	I21
Belmore	Part of Inter-War house group	10 Lakemba Street	Lot 35, DP 11151	Local	I22
Belmore	Part of Inter-War house group	12 Lakemba Street	Lot 34, DP 11151	Local	I23
Belmore	Part of Inter-War house group	14 Lakemba Street	Lot 33, DP 11151	Local	I24
Belmore	Part of Inter-War house group	16 Lakemba Street	Lot B, DP 411936	Local	I25
Belmore	Part of Inter-War house group	18 Lakemba Street	Lot A, DP 411936	Local	I26
Belmore	Inter-War factory building "SEC Plating Pty Ltd"	103-105 Lakemba Street	Lot 11, DP 628740	Local	I27
Belmore	Victorian house	12 Oxford Street	Lot 1, Sec 1, DP 3188	Local	I28
Belmore	Post-War bus shelter and public lavatories	32-36 Redman Parade	Part Lot 12, DP 802657 and Roadway	Local	I29
Belmore	Federation bakery building "White House Bakery" (former)	2 Wilson Avenue	Lot 3, DP 316177	Local	I30
Belmore	Federation house	37 Wilson Avenue	Lot 73, DP 4387	Local	I31
Belmore	Federation weatherboard house	43 Wilson Avenue	Lot 76, DP 4387	Local	I32
Campsie	Victorian house	51 Amy Street	Lot B, DP 324817	Local	I33
Campsie	Inter-War war memorial clock tower	Anglo Road (Anzac Mall)		Local	I34
Campsie	Inter-War commercial building	2-16 Anglo Road and 196-200	Lots A, B and C, DP 399549	Local	I35

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Suburb	Item name	Address	Property Description	Significance	Item number
		Beamish Street			
Campsie	Federation urban park "Anzac Park"	28A Anglo Road	Lot 33, DP 4190	Local	I36
Campsie	Inter-War theatre "Orion Theatre" (former)	151-155 Beamish Street	Lots 14,15,16 and 17, Sec 6, DP 2922	Local	I37
Campsie	Part of Inter-War shop group with dwelling above	158 Beamish Street	Lot A, DP 341711	Local	I38
Campsie	Part of Inter-War shop group with dwelling above	160 Beamish Street	Lot B, DP 341711	Local	I39
Campsie	Federation railway station buildings "Campsie Railway Station Group"	184-186 Beamish Street	Lot 1 and Part Lot 2, DP 800219, Part Lot 1, DP 1002944	State	I40
Campsie	Federation commercial building "Coffill's Buildings"	191-197 Beamish Street	Lots A, B, C and D, DP 373377	Local	I41
Campsie	Inter-War commercial building "Station House"	203 Beamish Street	Lot 1, DP 3846	Local	I42
Campsie	Federation fire station "Campsie Fire Station"	294 Beamish Street	Lots 132 and 133, DP 4357	Local	I43
Campsie	Inter-War court house "Campsie Court House" (former)	56-58 Campsie Street	Lots 4, 5 and 6, DP 124362	Local	I44
Campsie	Inter-War shop group and motor garage "Dan's Corner"	485-493 Canterbury Road	Lot 1, DP 121838	Local	I45
Campsie	Inter-War hospital building "Canterbury Hospital"	575 Canterbury Road (also known as 26-50 Tudor Street)	Lot 1, DP 121838	Local	I46
Campsie	Federation urban park "Carrington Square"	2 Carrington Street	Lot 63, DP 2476	Local	I47
Campsie	Inter-War street trees	Eighth Avenue	Between First Avenue and Beamish Street	Local	I48
Campsie	Part of Federation weatherboard house group	61 Eighth Avenue	Lot 1, DP 572236	Local	I49
Campsie	Part of Federation weatherboard house group	63 Eighth Avenue	Lot 1, DP 944638	Local	I50
Campsie	Part of Federation weatherboard house group	65 Eighth Avenue	Lot 1, DP 945763	Local	I51

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Suburb	Item name	Address	Property Description	Significance	Item number
	weatherboard house group	Avenue			
Campsie	Federation house	97 Eighth Avenue	Lot 320, DP 2521	Local	I52
Campsie	Federation house "Killarney"	99 Eighth Avenue	Lot 2, DP 1032297	Local	I53
Campsie	Inter-War Church "St Mels Roman Catholic Church" and Federation presbytery	7 Evaline Street	Lots 49, 50, and 51, DP 3846	Local	I54
Campsie	Inter-War street trees	Fifth Avenue	Between 83 Fifth Avenue and Ninth Avenue	Local	I55
Campsie	Federation weatherboard house	43 Gould Street	Lot Y, DP 396550	Local	I56
Campsie	Victorian house	65 Gould Street	Lot 100, DP 877681	Local	I57
Campsie	Part of Federation weatherboard house group	126-128 Ninth Avenue	Lot 89, DP 858811	Local	I58
Campsie	Part of Federation weatherboard house group	132 Ninth Avenue	Lot 6, DP 6453	Local	I59
Campsie	Part of Federation weatherboard house group	134 Ninth Avenue	Lot 5, DP 6453	Local	I60
Campsie	Federation house	40 South Parade	Lot 1, DP 512836	Local	I61
Campsie	Federation villa	44 South Parade	Lot 1, DP 966343	Local	I62
Canterbury	Colonial brick and stone house and stable "Timothy Daniel's House" (former)	1-11 Canterbury Road	Lot 1 DP 1164598	Local	I63
Canterbury	Federation police station (former)	150-152 Canterbury Road	Lots 6 and 7, DP 4478, and Lot 1, DP 934354	Local	I64
Canterbury	Inter-War motor garage "Holly's Garage"	184 Canterbury Road	Lot A, DP 163065	Local	I65
Canterbury	Federation Post office building "Canterbury Post Office" (former)	193 Canterbury Road	Lot 100, DP 1007255	Local	I66
Canterbury	Federation railway station buildings "Canterbury Railway Station"	195-197 Canterbury Road	Part Lot 1, DP 828270	State	I67

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Suburb	Item name	Address	Property Description	Significance	Item number
	Group”				
Canterbury	Inter-War hotel “Hotel Canterbury” (former)	208 Canterbury Road	Lot 1, DP 124336, Lots 27 and 28, DP 4763	Local	I68
Canterbury	Inter-War urban park “Mary MacKillop Reserve”	260A, 260 and 262 Canterbury Road	Lots 1 and 2, DP 11557 and Part Lot 7018 DP 93382	Local	I69
Canterbury	Inter-War shops with dwellings above	293-295 Canterbury Road	Lot 1, Sec 1, DP 9055, Lot A, DP 432107	Local	I70
Canterbury	Federation stone church “Canterbury Methodist Church” (former)	301-301A Canterbury Road	Lots 33 and 34, Sec A, DP 2785	Local	I71
Canterbury	Federation Railway Bridge over Cooks River	Charles Street, Canterbury		Local	I72
Canterbury	Victorian villa “Beulah Vista”	15 Church Street	Lot 17, Sec 2, DP 764	Local	I73
Canterbury	Victorian stone church, buildings and churchyard “St Paul’s Anglican Church”	17-33 Church Street	Lot 1, DP 747020	Local	I74
Canterbury	Victorian stone school building “Canterbury Public School”	44-44A Church Street	Lot 4, DP 782680	Local	I75
Canterbury	Federation stone house “Bethungra”	9 Fore Street	Lot 8, DP 743486	State	I76
Canterbury	Federation house “Iserbrook”	10 Fore Street	Lot 12, DP 4348	Local	I77
Canterbury	Part of Victorian stone house group	15 High Street	Lots 6, DP 26919	Local	I78
Canterbury	Part of Victorian stone house group	19 High Street	Lots 5, DP 26919	Local	I79
Canterbury	Racecourse “Canterbury Park Racecourse”	98 King Street	Lot 1, DP 256288, Lot 1, DP 561293, Lot 1, DP 123799, Lot 1, DP 123800, Lot 2, DP 350469, Lot 2, DP 953812, Lots 1 and 2, DP 67830, Lot 1, DP 932394, Lots 1, 2, 3, 4, 5, 6 and 7, DP 1129704, Lot	Local	I80



## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Suburb	Item name	Address	Property Description	Significance	Item number
			1, DP 201160		
Canterbury	Victorian house "Fairview"	59 Minter Street	Lot 1, DP 85796	Local	I81
Canterbury	Colonial factory building "Canterbury Sugar Mill" (former)	2-4 Sugar House Road	Lot 1437, DP 1015590	State	I82
Clemton Park	Inter-War house	78 Kingsgrove Road	Lot 43, DP 19605	Local	I83
Croydon Park	St John's Roman Catholic Church (former)	12 Balmoral Avenue	Lots 10 and 11, Sec C, DP 878	Local	I84
Croydon Park	Victorian shop and dwelling above	63 Balmoral Avenue	Lot 33, Sec F, DP 876, Lot 1, DP 455539	Local	I85
Croydon Park	Inter-War street trees	Brighton Avenue	Between Queensborough Avenue and 71 Brighton Avenue	Local	I86
Croydon Park	Victorian house "Montrose House"	128 Croydon Avenue	Lot 1, DP 1064087	Local	I87
Croydon Park	Victorian villa "But-Har-Gra"	106-114 Georges River Road	Lots 1, 2, 3, 4 and 5, Sec 1, DP 363	Local	I88
Croydon Park	Part of a pair of Victorian semi-detached houses	53 Windsor Avenue	Lot 6, Sec I, DP 876	Local	I89
Croydon Park	Part of a pair of Victorian semi-detached houses	55 Windsor Avenue	Lot 8, Sec I, DP 876	Local	I90
Croydon Park	Part of a pair of Victorian semi-detached houses	60 Windsor Avenue	Lot 71, DP 582402	Local	I91
Croydon Park	Part of a pair of Victorian semi-detached houses	62 Windsor Avenue	Lot 72, DP 582402	Local	I92
Earlwood	Part of an Inter-War house group	7 Hocking Avenue	Lot 1, DP 13025	Local	I93
Earlwood	Part of an Inter-War house group	9 Hocking Avenue	Lot 2, DP 13025	Local	I94
Earlwood	Part of an Inter-War house group	11 Hocking Avenue	Lot 3, DP 13025	Local	I95
Earlwood	Part of an Inter-War house group	13 Hocking Avenue	Lot 4, DP 13025	Local	I96
Earlwood	Part of an Inter-War house group	15 Hocking Avenue	Lot 5, DP 13025	Local	I97
Earlwood	Part of an Inter-War house group	17 Hocking Avenue	Lot 6, DP 13025	Local	I98
Earlwood	Federation stone	116 Homer	Lot 68, DP	Local	I99

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Suburb	Item name	Address	Property Description	Significance	Item number
	house	Street	419111		
Earlwood	Part of Federation stone house group "Jackson Place"	2 Jackson Place	Lot 6, DP 11103	Local	I100
Earlwood	Part of Federation stone house group "Jackson Place"	4 Jackson Place	Lot 5, DP 11103	Local	I101
Earlwood	Part of Federation stone house group "Jackson Place"	6 Jackson Place	Lot 4, DP 11103	Local	I102
Earlwood	Part of Federation stone house group "Jackson Place"	8 Jackson Place	Lot 3, DP 11103	Local	I103
Earlwood	Part of Federation stone house group "Jackson Place"	10 Jackson Place	Lot 2, DP 11103	Local	I104
Earlwood	Part of Federation stone house group "Jackson Place"	12 Jackson Place	Lot 1, DP 11103	Local	I105
Earlwood	Quarry Face (former)	Karool Avenue	Within road reservation at the southern end of Karool Avenue	Local	I106
Earlwood	Inter-War street trees	Lovat Place	Full extent of Lovat Place	Local	I107
Earlwood	Victorian stone house	173-175 Riverview Road	Lot 2, DP 215670	Local	I108
Earlwood	Girrahween Park Gates	Sutton Avenue	Opposite View Street	Local	I109
Earlwood	Victorian sewage aqueduct "Cooks River Aqueduct"	19 Undercliffe Road	Lot 1, DP 745578	State	I110
Earlwood	Federation sandstone shop and attached house	37 Undercliffe Road	Lot 14, DP 7627	Local	I111
Earlwood	Inter-War stone house	66 Undercliffe Road	Lot Y, DP 387748	Local	I112
Earlwood	Victorian sewage aqueduct "Wolli Creek Aqueduct"	24 Unwin Street	Lot 1, DP 986661	State	I113
Earlwood	Inter-War corner shop and dwelling above	118 Wardell Road	Lot 2, DP 101697	Local	I114
Earlwood	Inter-War shop group with dwellings above "S & S Main Buildings"	146 William Street	Lot C, DP 101959	Local	I115
Hurlstone Park	Part of Federation house group	1 Euston Road	Lot 36, DP 5924	Local	I116
Hurlstone	Part of Federation	3 Euston	Lot 37, DP 5924	Local	I117

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Suburb	Item name	Address	Property Description	Significance	Item number
Park	house group	Road			
Hurlstone Park	Part of Federation house group	7 Euston Road	Lot 39, DP 5924	Local	I118
Hurlstone Park	Part of Federation house group	9 Euston Road	Lot 1, DP 113778	Local	I119
Hurlstone Park	Part of Federation house group	11 Euston Road	Lot 1, DP 949392	Local	I120
Hurlstone Park	Part of Federation house group	13 Euston Road	Lot 42, DP 5924	Local	I121
Hurlstone Park	Part of Federation house group	15 Euston Road	Lot 43, DP 5924	Local	I122
Hurlstone Park	Part of Federation house group	21 Euston Road	Lot 46, DP 5924	Local	I123
Hurlstone Park	Victorian and Federation railway station buildings "Hurlstone Park Railway Station Group"	Floss Street	Part Lot 1, DP 1135292	Local	I124
Hurlstone Park	Federation villa "Euston"	67 Floss Street	Lot 2, DP 1044798	Local	I125
Hurlstone Park	Railway Underbridge	Foord Avenue	Part Lot 1, DP 1135292	Local	I126
Hurlstone Park	Part of Victorian house group	12 Garnett Street	Lot 1, DP 973077	Local	I127
Hurlstone Park	Part of Victorian house group	14 Garnett Street	Lot 2, DP 973077	Local	I128
Hurlstone Park	Part of Victorian house group	16 Garnett Street	Lot A, DP 972267	Local	I129
Hurlstone Park	Part of Victorian house group	18 Garnett Street	Lot B, DP 972267	Local	I130
Hurlstone Park	Victorian house "Jessamine"	20 Garnett Street	Lot 1, DP 168712	Local	I131
Hurlstone Park	Part of Federation house group	24 Garnett Street	Lot C, DP 324033	Local	I132
Hurlstone Park	Part of Federation house group	30 Garnett Street	Lot 8, DP 3515	Local	I133
Hurlstone Park	Part of pair of Federation semi-detached houses	58 Garnett Street	Lot 71 DP 613001	Local	I134
Hurlstone Park	Part of pair of Federation semi-detached houses	60 Garnett Street	Lot 72, DP 613001	Local	I135
Hurlstone Park	Part of Federation house group	19 Hopetoun Road	Lot 19, Sec 3, DP 3849	Local	I136
Hurlstone Park	Part of Federation house group	23 Hopetoun Road	Lot 17, Sec 3, DP 3849	Local	I137

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Suburb	Item name	Address	Property Description	Significance	Item number
Hurlstone Park	Part of Federation house group	25 Hopetoun Road	Lot 1, DP 902136	Local	I138
Hurlstone Park	Part of Federation house group	27 Hopetoun Road	Lot 1, DP 902137	Local	I139
Kingsgrove	Cemetery "Moorefields Methodist Cemetery"	96A Moorefields Road	Lot 2 DP 594305	Local	I140
Lakemba	Inter-War urban park	Dennis Street	Opposite 95-113 Dennis Street	Local	I141
Lakemba	Federation weatherboard house	78 Quigg Street South	Lot A, DP 371916	Local	I142
Lakemba	Federation railway station buildings "Lakemba Railway Station Group"	120-124 Railway Parade	Lot 2, DP 1012364 and Part Lot 7, DP 4217	Local	I143
Lakemba	Federation weatherboard house	12 The Boulevarde	Lot 4, DP 6691	Local	I144
Lakemba	Inter-War post office building "Lakemba Post Office"	54-60 The Boulevarde	Lot 1, DP 455268	Local	I145
Lakemba	Federation weatherboard and fibro house "Hillview"	24 Willeroo Street	Lot 19, DP 7263	Local	I146
Lakemba	Federation weatherboard house	123 Yangoora Road	Lot 11, DP 856559	Local	I147
Lakemba	Part of Federation and Inter-War house group	28 Yerrick Road	Lot 107, DP 3323	Local	I148
Lakemba	Part of Federation and Inter-War house group	30 Yerrick Road	Lot 109, DP 3323	Local	I149
Lakemba	Part of Federation and Inter-War house group	32 Yerrick Road	Lot 111, DP 3323	Local	I150
Narwee	Federation and Inter-War railway station buildings and pedestrian underpass "Narwee Railway Station Group"	161A-161B Penshurst Road	Lot 1, DP 572638, Lot 2 DP 802086, Lot 2, DP 666094, Part Lot 1, DP 431562	Local	I151
Punchbowl	Inter-War war memorial and street trees	Broadway and Hillcrest Street	Between The Boulevarde and Canterbury Road (Broadway) and adjoining 34 and 37 Broadway (Hillcrest Avenue)	Local	I152
Punchbowl	Cemetery "St Saviour's Church of England"	1353 Canterbury Road, and 2A	Lots 1 and 2, DP 999918	Local	I153

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Suburb	Item name	Address	Property Description	Significance	Item number
		Viola Street			
Punchbowl	Post-War civic building "Punchbowl Baby Health Centre" (former)	748 Punchbowl Road	Lot 75, Sec 7, DP 5701, Lots 3 and 4, DP 165263	Local	I154
Punchbowl	Federation railway station buildings "Punchbowl Railway Station Group"	269A The Boulevard	Lot 3, DP 839167	Local	I155
Roselands	Inter-War water reservoir "Wiley Park Reservoir" (WS0174)	36-40 Canarys Road	Lots 4, 5, 6 and 26, Sec 5, DP 4494	Local	I156
Roselands	Inter-War weatherboard corner shop and attached house	64-66 Remly Street	Lot 90, DP 11802	Local	I157
Wiley Park	Inter-War water pumping station "Lakemba Pumping Station" (WP0003)	1B Hillcrest Street	Lot 1, DP 125481	Local	I158
Wiley Park	Inter-War railway station buildings "Wiley Park Railway Station Group"	91-93 King Georges Road	Part Lot 1, DP 972401	Local	I159

## Part 2 Heritage Conservation Areas

Suburb	Heritage Conservation Area Name	Identification on Heritage Map	Significance	Item number
Ashbury	Ashbury Heritage Conservation Area	Shown on Heritage Map by red hatching and labeled "HCA1"	Local	C1

## Part 3 Archaeological sites

Nil

**Part 4 Aboriginal heritage**

<b>Suburb</b>	<b>Item Name</b>	<b>Address</b>	<b>Property Description</b>	<b>Significance</b>	<b>Item number</b>
Earlwood	Aboriginal art site and midden	Undercliffe Road	Lot 38, Sec C, DP 4709	State	AH1

## Dictionary

(Clause 1.4)

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the sheet of the Heritage Map marked “Aboriginal Heritage Map”, that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

Note. The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**Acid Sulfate Soils Map** means the Canterbury Local Environmental Plan 2012 Acid Sulfate Soils Map.

**advertisement** has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Note. Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**agriculture** means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

Note. Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

Note. Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

**aquaculture** has the same meaning as in the *Fisheries Management Act 1994*.

Note. Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**archaeological site** means a place that contains one or more relics.

**attached dwelling** means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

Note. Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**backpackers' accommodation** means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note. Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).



**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note. See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation. Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

Note. Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**biodiversity** means biological diversity.

**biological diversity** has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

**biological diversity** means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

Note. Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note. Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

Note. This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act.

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height** (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Note. Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note. Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**bush fire hazard reduction work** has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

**bush fire hazard reduction work** means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Note. Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
  - (b) a service is provided directly to members of the public on a regular basis,
- and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note. The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note. Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**child care centre** means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**classified road** has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

**classified road** means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

**clearing native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

**clearing native vegetation** means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

**coastal foreshore** means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

**coastal hazard** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal lake** means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

**coastal protection works** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal waters of the State**—see section 58 of the *Interpretation Act 1987*.

**coastal zone** has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

**coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the *Local Government Act 1993*.

**correctional centre** means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the **City of Canterbury**.

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note. Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note. Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing only one dwelling.

Note. Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.



**eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note. See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of making or generating electricity.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

*estuary* has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows:

**estuary** means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary, but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Note. Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note. Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and



## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

Note. Feedlots are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

**Definition of “fish”**

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
  - (a) oysters and other aquatic molluscs, and
  - (b) crustaceans, and
  - (c) echinoderms, and
  - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**Flood Planning Map** means the Canterbury Local Environmental Plan 2012 Flood Planning Map.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the Canterbury Local Environmental Plan 2012 Floor Space Ratio Map.

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

- (b) take away food and drink premises,
- (c) a pub.

Note. Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**forestry** has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

**forestry operations** means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note. Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbeques, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note. Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note. General industries are a type of **industry**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

Note. Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**group home (permanent) or permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note. Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note. Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note. Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note. Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

(c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note. Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the **Canterbury** Local Environmental Plan 2012 Height of Buildings Map.

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

Note. Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note. Heritage items may be shown on the Heritage Map. An inventory of heritage items is also available at the office of the Council.

**heritage management document** means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the **Canterbury** Local Environmental Plan 2012 Heritage Map.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note. High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home business.



## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**home industry** means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

Note. Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note. Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

**hostel** means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note. Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

Note. See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.



## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**industry** means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note. Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

Note. Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**Key Sites Map** means the **Canterbury** Local Environmental Plan 2012 Key Sites Map.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

**Land Application Map** means the **Canterbury** Local Environmental Plan 2012 Land Application Map.

**Land Reservation Acquisition Map** means the **Canterbury** Local Environmental Plan 2012 Land Reservation Acquisition Map.

**Land Zoning Map** means the **Canterbury** Local Environmental Plan 2012 Land Zoning Map.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note. Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

Note. Light industries are a type of **industry**—(see the definition of that term in this Dictionary).

**liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

Note. Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

Note. Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**Lot Size Map** means the **Canterbury Local Environmental Plan 2012 Lot Size Map**.

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note. Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note. Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

**mining** means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

Note. Mining is not a type of **industry**—see the definition of that term in this Dictionary.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

**moveable dwelling** means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note. Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

**native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

**Meaning of “native vegetation”**

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
  - (a) trees (including any sapling or shrub, or any scrub),
  - (b) understorey plants,
  - (c) groundcover (being any type of herbaceous vegetation),
  - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area of neighbourhood shops. Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**NSW Coastal Policy** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note. Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the *Local Government Act 1993*.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note. Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note. Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

**public land** means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

**public reserve** has the same meaning as in the *Local Government Act 1993*.



**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the *Liquor Act 2007*.

**relic** has the same meaning as in the *Heritage Act 1977*.

Note. The term is defined as follows:

**relic** means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note. Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note. Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.



## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Note. Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note. Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note. Rural worker's dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note. Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

Note. Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

**secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note. Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note. Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note. Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note. Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note. Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note. Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewerage system** means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note. Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**spa pool** has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note. Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include heavy industrial storage premises or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

**swimming pool** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note. Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**telecommunications facility** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

Note. The term is defined as follows:

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note. Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Note. Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**underground mining** means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note. Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

Note. Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note. Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note. Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

Note. Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

Note. Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note. Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note. Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).



**wetland** means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wharf or boating facilities** means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012  
**Public Authority Submissions**  
**ATTACHMENT 2**

Number	Submitter	Issues	Comment
1	Ausgrid	<p>Ausgrid owns four major electricity infrastructure sites within the area:</p> <p>Site 1 “Canterbury” – supports the SP2 zone as proposed.</p> <p>Site 2 “Punchbowl” supports the R3 zone as proposed.</p> <p>Site 3 “Campsie” requests this site be zoned SP2 as a major, long term infrastructure site.</p> <p>Notes that notwithstanding the advice provided in the PN08-002 Zoning for Infrastructure an SP2 zone is appropriate for Sites 1 &amp; 3.</p>	<p>Noted. Sites 1 and 2 are infrastructure sites and Ausgrid’s support for the proposed SP2 zones under the draft LEP is noted.</p>
			<p>Agreed.</p> <p>Site 3 is located at 6 Nicholas Ave Campsie and has been given a B5 zone consistent with the adjoining properties. However, as this site has been now identified as a major infrastructure site by Ausgrid and is unlikely to change over the long term, the rezoning of the site as requested to the more restrictive SP2 zone is supported.</p>
		<p>Site 4 Vacant land – requests an R3 zone given its size and proximity to open space instead of the proposed R2. An R3 zone will provide for the efficient use of scarce resources and add to Council’s housing supply.</p>	<p>Not supported.</p> <p>Site 4 is located at 30 Trevenar Street, Ashbury with an area of 6,688 sq m. This large site has an existing and proposed low density residential zone (2A to R2). It is also within the proposed Ashbury Heritage Conservation area. While the intent of Ausgrid to provide for medium density housing is laudable, such a rezoning needs a detailed evaluation and the community given an opportunity to comment. It is appropriate that this rezoning be considered in the upcoming Residential Lands Strategy and if supported be a future amendment to the LEP.</p>



COUNCIL MEETING

26 JULY 2012

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter	Issues	Comment
2	Heritage Council	<p>Requests the inclusion of “Public Utility Undertakings” in business, residential, special purpose and industrial zones as compulsory clause 5.12 does not provide sufficient certainty for all Ausgrid activities.</p> <p>Requests the inclusion of the following subclause to Clause 1.9A relating to suspension of covenants, agreements and instruments and when they don't apply:</p> <p>(i) To any heritage agreement within the meaning of Part 3B of the Heritage Act 1977.</p>	<p>Not supported.</p> <p>Direction 5 to the Land Use Table of the Standard Instrument lists the types of development which may be included in the Land Use Tables. “Public utility undertakings” is not such a use and therefore it can not be used in any LEP.</p> <p>Not supported. Clause 1.9A is a model provision provided by the Department. The additional clause seeks to ensure that any heritage agreement within the meaning of Part 3B of the Heritage Act is not waived for the purpose of development.</p> <p>The Heritage Act 1977 however states:</p> <p><b>46 Heritage agreement cannot be suspended by EPI</b></p> <p><i>A heritage agreement is not a regulatory instrument for the purposes of section 28 (Suspension of laws etc by environmental planning instruments) of the Environmental Planning and Assessment Act 1979.</i></p> <p>It is therefore considered unnecessary to insert the additional wording into the Department’s model provision.</p>

**COUNCIL MEETING**

**26 JULY 2012**

**CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

Number	Submitter	Issues	Comment
		<p>Clause 6.2 relates to earthworks and while the objectives of the clause seek to ensure earthworks 'will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items and features of the surrounding land' the clause does not provide for this. Seek the inclusion of the following in the draft LEP:</p> <p>(i) The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</p>	<p>Agreed in part.</p> <p>The Heritage Council had previously reviewed the draft LEP prior to exhibition and did not object to the wording of clause 6.2 which is again a model provision provided by the Department.</p> <p>It is noted that the objective to the Earthworks clause refers to Heritage Items only and does not include Heritage Conservation Areas. As the clause is site specific and heritage conservation areas are covered by Clause 5.10 it is not considered appropriate to also include them here.</p> <p>The Department has advised Council it can submit an amended version of the clause. In this regard the proposed Heritage amendment is supported without a reference to Heritage Conservation Areas.</p>
		<p>The other clauses in the draft LEP either do not apply to heritage items or conservation areas or include mechanisms that promote heritage conservation. The Heritage Branch raises no objection to the local clauses subject to the comments above.</p>	<p>Noted.</p>

**COUNCIL MEETING**

**26 JULY 2012**

**CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

Number	Submitter	Issues	Comment
		<p>There are 10 not 9 State Heritage items in the LGA – the additional one being partly located in the Canterbury LGA and is the Pressure Tunnel and Shafts (SHR No 01630).</p>	<p>Noted.                      The Pressure Tunnel and Shafts within the LGA are not mapped on the State Heritage Register and are located underground beneath several properties in private ownership making it difficult to identify where they are.                      While the mapping of the State item and the inclusion of its listing in the Schedule is supported it is not possible to precisely identify it on a map.                      The draft LEP has been exhibited and it is considered that including the listing on private properties, under which the tunnels &amp; shafts run, which are not of heritage significance in themselves, requires further consultation with Sydney Water, the Heritage Branch and the land owners.                      In consultation with the Department they have advised that the inclusion of this Item into the LEP should wait till a future amendment when the precise identification of the location of the Item and the associated mapping issues have been resolved.</p>
		<p>Amend the description of the Cooks River Sewerage Aqueduct to be consistent with its description in the SHR.</p>	<p>Noted and actioned.</p>
		<p>Sequentially number all items &amp; where a group of buildings are identified provide an item number for each of these and adjust the heritage map accordingly.</p>	<p>Agreed.                      Council will provide individual item numbers to each building within a group and sequentially renumber Schedule 5 and the Heritage Map as required.</p>
		<p>Any proposed changes to development standards for State Heritage Items and land within the vicinity should ensure they are appropriate for retaining and enhancing the heritage significance of the State heritage item.</p>	<p>Noted. The final draft LEP does not propose to change development standards for State Items or within the vicinity of a State item.</p>

**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter	Issues	Comment
3.	Office of Environment & Heritage	<p>All infrastructure which is not part of the OEH estate should be removed from the E1 National Park zone (eg public road – Hartill-Law Ave).</p> <p>Recommends lots identified that may be required for future extension to the M5 East be removed from the E1 National Park zone and instead be given an E2 Environment Protection zone given their high biodiversity values and environmental sensitivity.</p>	<p>Noted. The zoning of Hartill-Law Ave as an unzoned road to the adjoining E1 follows the direction from the Department to zone roads in accordance with the adjoining zone.</p> <p>The Department has advised Council to consider using the adjacent R2 residential zone.</p> <p>Not supported.</p> <p>There is or has been no indication that this land is or is likely to be required for future road purposes. The road reservation was abandoned by the then RTA many years ago. Neither the RMS of NPWS raised any issue with this previously.</p> <p>Further, these lots are within the agreed Regional Park boundaries which were confirmed following lengthy negotiations &amp; consultations between the relevant public authorities.</p> <p>The draft LEP does not have an E2 Environment Protection zone and it is considered that such a change to the LEP should be made as a future amendment if such a rezoning was warranted.</p> <p>No changes are recommended to the draft LEP.</p>
		<p>Notes that the most eastern portion of land near Unwin Street zoned E1 is owned by RMS and the Office of Strategic Lands (OSL) &amp; recommends Council consult with OLS &amp; RMS to determine if they support the proposed E1 zoning.</p>	<p>Not required.</p> <p>This land is already zoned for National Park 8(a) under LEP 208 making it unnecessary to discuss the E1 zone as it is an equivalent zone. The draft LEP is therefore maintaining the current position.</p> <p>It is noted that both RMS and OSL were directly involved in the preparation of LEP 208.</p>

26 JULY 2012

**COUNCIL MEETING**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter	Issues	Comment
		<p>Council needs to consult with Sydney Water (Lot 1 DP 173586) and RMS (Lot 1 DP 557246) regarding the E1 zone over their land. OEH requests confirmation of outcome.</p>	<p>Noted. The E1 on the Sydney Water property is a drafting error. Sydney Water requested an SP2 zone which will be provided on the final draft LEP. The RMS lot is within the agreed regional park boundaries and therefore the E1 zone should be retained. RMS has previously agreed with this approach</p>
		<p>Recommends Council include detailed native vegetation provisions in its DCP.</p>	<p>Advice is noted and will be considered in the preparation of the new comprehensive DCP.</p>
		<p>Recommends that the additional parts of the Department's Model provision on Flood planning be re-inserted into the draft LEP.</p>	<p>Not supported. On advice from the Department, these additional clauses cannot be inserted until the appropriate flood planning work is undertaken. No changes are therefore proposed to the final draft LEP.</p>
		<p>Council should consider preparing a DCP for flooding &amp; provided a list of flood management issues that maybe relevant.</p>	<p>Advice on DCP is noted and will be considered in the preparation of the new comprehensive DCP.</p>

**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter	Issues	Comment
		<p>Suggests the inclusion of a Floodplain risk management clause similar to Port Macquarie for the draft LEP.</p>	<p>Not supported.</p> <p>This clause will require development for caravan parks, correctional facilities, emergency services facilities, group homes, hospitals, residential care facilities and tourist and visitor accommodation to incorporate appropriate measures to manage risk to life from flood.</p> <p>It is noted that Council is unlikely to get a number of these types of uses in the LGA.</p> <p>OEH argues that the clause enables Council to develop floodplain risk management controls up to the PMF for non-residential development by adding this clause to the LEP. Council's City Works Division is currently updating Flood Data for the Canterbury LGA and once this has progressed Council will be in a position to consider an additional clause in the draft LEP.</p> <p>It is considered that the inclusion of such a clause could occur in a future amendment to the LEP where it can be appropriately considered and not at this late stage in the LEP process.</p>
<p><b>4.</b></p>	<p>Housing NSW</p>	<p>Housing NSW &amp; Department of Finance and Services have reviewed the draft LEP and provide the following comments.</p> <p>Support Council's inclusion of boarding houses as permissible development in all residential zones.</p>	<p>Support noted.</p>

26 JULY 2012

COUNCIL MEETING

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter	Issues	Comment
		<p>Multi dwelling housing should be permitted in the R2 zone as it is now in the 2A zone under the PSO.</p>	<p>Not supported. The R2 Low Residential Density zone has been applied to only two areas being the suburb of Earlwood and the Ashbury Heritage Conservation Area.</p> <p>The R2 is consistent with the character and built form of the Ashbury Conservation Area while town houses and villa's are not a permitted use in the 2A zone under clause 62J of the CPSO in Earlwood. The draft LEP maintains current zoning policy in Earlwood.</p> <p>Therefore no amendment to the exhibited draft plan is recommended.</p>
		<p>Request to increase the development potential on a number of its sites (as identified).</p>	<p>The height and floor space ratio's (FSR) amendments proposed by Housing NSW are substantially different from what was exhibited. These variations need to be considered within their context and the broader zoning considerations for residential land within the City. Suitable detailed work is needed to determine how these proposals for increased height and density will fit with surrounding development while providing for social housing needs. Council is undertaking a Residential Strategy with funding allocated in the 2012-2013 budget with work to commence within the next 6-8 months.</p> <p>In this regard, it is considered that the existing heights and FSR's of the draft LEP for these properties should remain and these sites be assessed in the Residential Strategy. Where change is supported it can be the subject of a future LEP amendment to enable the community the opportunity to comment.</p>



## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter	Issues	Comment
		Notes that a number of sites comprising residential flat buildings are in a R3 Medium Density zone & not an R4 High Density zone making them a non-conforming use. Housing requests a zone change or an additional use be added for residential flat buildings in Schedule 1 to the draft LEP.	Three (3) Housing NSW properties have been identified for a change in zone from R3 to R4 or if not rezoned be permitted via an additional use in the draft LEP. While existing use rights will permit alterations and additions it will not be possible to rebuild flats in the future under the current zone should Housing NSW wish to redevelop the site. As these are important sources of social housing it is considered they should be carefully and comprehensively evaluated in the upcoming Residential Strategy and an appropriate zone, height and FSR included in a future LEP amendment if warranted.
5.	Office of Strategic Lands (OSL)	Add 38 Hampton Street, Croydon Park (Lot C DP 414374) to the local heritage register as supported by the heritage assessment report.	<p>Agreed.</p> <p>This land is owned by the Minister and is a potential heritage item (Victorian terrace house) identified in Council's Heritage Study Review 2011. It is considered worthy of heritage listing.</p> <p>The Department have advised however that the proposed listing to the draft LEP is not agreed at this stage as it may trigger re-exhibition of the draft plan.</p> <p>It would be appropriate to list this building as a heritage item in any future amendment to the LEP.</p>
		To protect the curtilage of the property it is recommended that the minimum lot size be increased to approximately 1522sqm or a clause written into the LEP prohibiting the further subdivision of the land.	<p>Agreed. The minimum lot size can be adjusted to 1500sqm or similar figure to ensure the heritage values of the property are maintained under the final draft LEP.</p> <p>Instead of introducing a clause in the LEP, to prevent the further subdivision of the land it may also be appropriate for OSL to consider placing a caveat on the title of the property.</p>



**COUNCIL MEETING**

**26 JULY 2012**

**CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

Number	Submitter	Issues	Comment
		<p>The Height of Buildings Map should indicate 1 property with the agreed height restriction for Lot 16 Sec B DP 4709.</p>	<p>Agreed. This is a drafting error and the correct residential height of 8.5m will be restored to the adjoining two properties being 14 and 16 Bay View Ave to align with the zone and as originally agreed with all parties and is considered a minor amendment.</p>
		<p>Sydney Water Corporation land within the open space corridor along the Cooks River has been given a residential zone. This site comprises Sydney Water infrastructure and should be given an SP2 or RE1 zone so the open space corridor is not lost and the investment made so far in acquiring land for the corridor is supported.</p>	<p>Agreed. The Sydney Water land identified by OSL was zoned Special Purposes under the current LEP and given the adjoining residential zone under the draft LEP. The site is located on the Cooks River within the Regional Open Space Corridor and is affected by the 1 in 100 year flood levels. The land comprises Sydney Water infrastructure and is not surplus land. Subsequent discussions with Sydney Water on 5 June 2012 have confirmed that in fact a SP2 zone is the most appropriate zone given the waste water pumping station on the site and that this was consistent with their original submission to 'adopt surrounding land use'. The LEP maps have been amended to implement this change.</p>
		<p>Confirms that all other land zonings for land owned by the Minister are appropriate.</p>	<p>Noted.</p>
		<p>OSL also confirms that the Minister agrees to be the acquisition authority for regional open space properties identified on the land acquisition map.</p>	<p>Confirmation of the Minister as the acquisition authority is noted.</p>

**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter	Issues	Comment
6.	Office of Environment & Heritage	<p>NSW Roads &amp; Maritime Services (RMS) has proposed to remediate land south of Jackson Place in Earlwood prior to its hand over to NPWS for incorporation into Wollli Creek Regional Park. Both NPWS &amp; RMS are agreeable to a small area of the land used for car parking by residents to be transferred to Council as a road reserve as NPWS is not permitted to make this area available for resident parking or turning once it is transferred to its ownership.</p>	<p>Supported. Council has discussed the transferral of the road reserve with both RMS and NPWS and is agreeable to the ownership. However the land is part of a larger parcel that is to be remediated. While the timing of the transfer to NPWS is uncertain, it is considered that until the subject land is subdivided from the larger parcel it will not be possible to accurately replace the E1 zone with a residential zone (given local roads take on the adjoining zone).</p> <p>Once the land to be handed over to Council has been identified and subdivided an amendment to the LEP can be done.</p> <p>It is therefore proposed under the final draft LEP to retain the E1 zone.</p>
7.	RailCorp	<p>As previously advised RailCorp has sought the rezoning of 210 Canterbury Road, Canterbury to permit commercial uses. This has not been incorporated into the draft LEP.</p>	<p>RailCorp on 25 May 2012 was advised that 210 Canterbury Road was exhibited with a B2 Local Centre zone consistent with adjoining properties. It was subsequently determined that 210 Canterbury was not the subject site which is in fact 208A Canterbury Road and is land within the rail corridor with a proposed SP2 zone in the draft LEP.</p> <p>The land does not have a Lot or DP and is within the rail corridor sitting adrift of other commercial properties in the centre. It is located next to a substantial local heritage item. While the on-going commercial use of the property is not objected to in principle, any future rezoning of the site to B2 needs to be carefully evaluated given the size, location and context of the site and its relationship to the adjoining heritage item. More site specific detail is needed to determine suitable controls (e.g height, floor space ratio etc).</p> <p>It is therefore recommended that no change be made to the exhibited draft plan until Council, RailCorp and DoPI have further discussed this matter and an agreed outcome has been reached. Then, if necessary, an amendment to the LEP can be made.</p>

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter	Issues	Comment
8.	Education & Communities	<p>Belmore, Campsie and Canterbury Stations are all listed on the State Heritage Register and are in the draft LEP. However, a revised statement has been prepared for Campsie Station recommending its removal. RailCorp is progressing the delisting of the Campsie Station from the State heritage register and requests Council to list the Campsie Station as a local rather than a State item.</p> <p>Requests that Educational Establishments is a permissible use on all education sites.</p> <p>The listing of all educational buildings as heritage items would not be supported. Contact the Department's heritage officer to discuss this further.</p> <p>Urban release areas or areas being up-zoned need to be provided to the Department so they can assess and ensure adequate education infrastructure in the area.</p> <p>High rise development more than 4 storey's directly adjacent to a school should include privacy measures in the DCP such as balcony louvers to protect school children from unwanted public observation.</p>	<p>Council was advised by the Department to include all State listed heritage items in the draft LEP. Council is unable to change the formal status of a State Heritage Item in its draft LEP. This is a matter that needs to be finalised between RailCorp and the Heritage Council.</p> <p>It is therefore recommended the State Heritage listing for Campsie Station be retained, as discussed and agreed to with DoPI.</p> <p>Completed. The Infrastructure SEPP with the mandatory permitted uses of the draft LEP makes educational establishments a permissible use in all residential and business zones.</p> <p>Noted. Council has not listed all educational buildings in the LGA. The draft LEP in essence carries across existing heritage items found within the current LEP/s. There is only one educational building in the heritage schedule and that is also listed on the s170 register.</p> <p>Dwelling growth in the LGA is to occur arising from targeted sites such as the Sunbeam site and Riverwood North, arising from the draft LEP around some town centres. This data will be provided to Education &amp; Communities.</p> <p>Advice on DCP is noted and will be considered in the preparation of the new comprehensive DCP.</p>

**COUNCIL MEETING**

**26 JULY 2012**

**CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

Number	Submitter	Issues	Comment
<b>9.</b>	NSW Health	<p>A key strategic direction for the Sydney Local Health District is to develop their capacity to influence healthy urban design and to work with planning agencies to develop healthy urban environments. They have developed the healthy Urban Development Checklist.</p> <p>The draft Canterbury LEP is a broad planning document that provides a clear and appropriate framework for consideration of and planning for issues which impact on the health of the community such as the promotion of active transport, service accessibility, housing affordability, mix and adaptability, access to employment opportunities, and social infrastructure which can promote community connectedness.</p>	<p>Advice and support for the draft LEP noted.</p>
<b>10.</b>	NSW Health Sydney Local Health District	<p>Canterbury Hospital is a major site with the LGA providing the primary service of health care to the community across a range of major services.</p> <p>It is noted that the zoning is changing from 2A residential to a SP2 zoning. It was explained by a Council officer that this change would legitimise the business that the hospital provides and would not have any major change for the hospital.</p> <p>Any high density residential plans in the area would impact on the hospital and we would appreciate advice on such plans.</p>	<p>The importance and value of the Canterbury Hospital for the community has been recognised by the proposed SP2 Hospital zoning applied under the draft LEP. This zoning formalises the site for this key purpose and it is noted the Hospital raises no objection to this zone as long as it does not affect its operation. In this regard, a 'Hospital' is also a 'Health Services Facility' which is a broader term providing greater flexibility for the long term use of the site.</p> <p>It is therefore recommended that the SP2 zone remain but the title be changed from 'Hospital' to 'Health Services Facility.'</p>

LOCAL GOVERNMENT

**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

<b>Number</b>	<b>Submitter</b>	<b>Issues</b>	<b>Comment</b>
1	Rockdale City Council	<p>It is noted that Council provides height but not FSR controls in the draft LEP and will rely on building envelopes in the DCP instead.</p> <p>Suggests that council should use FSRs instead.</p>	<p>The draft LEP and its controls was discussed and agreed to by the Department prior to being exhibited. The approach of relying on building envelopes in a DCP instead of using a FSR standard in the LEP is not peculiar to Canterbury with a number of other SI LEPs proposing to do the same (e.g Randwick). It is not proposed to change this approach given the detailed work provided to achieve specific outcomes (e.g DCP 54 Town Centres) and the endorsement by the Department of the approach taken in the draft LEP.</p>
2	Hurstville Council	<p>Advised that following the local government boundary adjustment between the two councils in the Kingsgrove and Beverly Hills area, Hurstville Council will be removing the acquisition obligation from land known as Lot711 DP 13496 now within the Canterbury Local Government Area and Canterbury Council should now adjust its land acquisition map 004.</p> <p>Notes that the permitted uses within the Residential zones differ between the two councils.</p>	<p>This parcel of land is within the area that was recently transferred from Hurstville Council into Canterbury Council.</p> <p>There has previously been no suggestion that there were any potential land acquisitions when the boundary adjustment between the 2 Councils was made.</p> <p>Therefore, not having any detailed information about this would suggest that an amendment to the exhibited draft plan is not warranted until such time as proper investigations into this, in conjunction with Hurstville Council, the alleged land owner and RMS have taken place.</p> <p>Then, if warranted, a future LEP amendment can be made.</p>

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

## ATTACHMENT 3 Ashbury Heritage Conservation Area

Number	Submitter & Address	Issues	Comment
1.	Submitter Ashbury	We would like to add our support for the proposal to make Ashbury a Heritage Conservation Area.	Support noted.
2.	Submitter Ashbury [2 submissions from person]	Highly supportive of the proposal for the Ashbury heritage area. It will enhance the amenity of the area and create a suburb with strong visual appeal and remove the possibility of high and medium density development and poor architecture. The extra protection afforded by the proposal is more than adequate compensation for the small amount of extra work involved in the preparation of development applications. The area is unique. Making Ashbury a heritage area will increase property values and create recognition that the suburb is special.	Support noted.
3.	Submitter Ashbury	In total support of making Ashbury a Heritage Conservation Area. It is wonderful that Council is taking the steps to preserve the character of the suburb. I hope too that Council supports homeowners wishing to restore their home to the original features where they have been stripped of them.	Support noted.
4.	Submitter Ashbury	Great idea to make Ashbury heritage listed.	Support noted.
5.	Submitter Ashbury	Whole heartedly support and commend Council for the move to make Ashbury a Heritage Character Area. Our area is a hidden gem of federation and interwar architecture which we cherish. It makes the area special and pleasant place to live. We have seen several houses horrendously modified under private certification. So glad you are seeking to stamp out this practice. Fully support the proposal	Support noted. Modifications to existing dwellings done under certification have occurred through the State Government's Codes SEPP. The listing of Ashbury will only allow minor modifications to the rear of properties in heritage conservation areas and will protect the significance of the area through an approval process with



## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
		and Council for its common sense and good grace to protect the character of Ashbury.	Council.
6.	Submitter Ashbury	Thank you for sending the information. Fully support the proposal to have Ashbury declared a Heritage Conservation Area.	Support noted.
7.	Submitter Ashbury	Supports Ashbury being made into a Heritage Conservation Area.	Support noted.
8.	Submitter Ashbury	Fully support the plan to make Ashbury a Heritage Conservation Area which will allow Council to approve developments in the area.	Support noted.
9.	Submitter Ashbury	Applaud Council for its moves to declare Ashbury a conservation area. This is a positive move which will protect the suburb form unsympathetic development. Thanks for efforts.	Support noted.
10.	Submitter Ashbury	Especially pleased to receive the proposal for the Heritage Conservation Area in Ashbury. Moved to the area because of its unique streetscape and heritage values. The listings will add value for all. Delighted to support the proposal as it will ensure the unique nature of Ashbury is preserved.	Support noted.
11.	Submitter Ashbury	Can you explain what Council's letters means? Will my mother in laws property be heritage listed?	Council officers rang and spoke to the submitter who advised that he supports the conservation area proposal.
12.	Submitter Ashbury	Ashbury resident's ability to build a new house or make meaningful modifications to their property must not be further eroded by any new Council decision.	Opposition noted.
13 & 14.	Submitters Ashbury [2 identical submissions from different family members]	Ashbury property owner's right to build a new house or make significant alterations to their existing homes must be protected by council as it is for all other Canterbury council residents.	Opposition noted. The proposed Ashbury Heritage Conservation Areas has unique and generally consistent character. Alterations to existing buildings can occur that are sympathetic to these values and are appropriately

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
15.	Submitter Ashbury	Does not want house listed as heritage as it has already been renovated and is not original.	assessed through a development application. Opposition noted.
16.	Submitter Ashbury	Oppose the proposal. Should let residents make the choice.	Opposition noted. In writing to all land owners in the Ashbury area Council has provided residents with the opportunity to make their views known on this proposal.  The character and heritage of the area has been assessed and found worthy of local listing as a heritage conservation area.
17.	Submitter Ashbury	Current proposal for Ashbury is to restrict the development of modernisation. Only real heritage houses should be preserved. Most houses in Ashbury are under 100 years old. What are the special reasons that the current style of housing needs to be protected and reserved forever? This change must be to protect and preserve somebody's decision making power. Let residents make decision by voting for the proposal.	Council officers tried to contact the submitter but no surname was given in the email and no person with the name given was registered at the address provided.  The information package sent to residents contained a Heritage Council brochure title 'Heritage listing explained What it means for you'.
18.	Submitter Ashbury	Do not agree to my home being heritage listed. It will take money off my home and is trouble. Like to keep my home to its Federation style but don't need laws about it being heritage listed. The rezoning of the whole Ashbury area is uncalled for. Do not support the heritage listing of Ashbury.	Opposition noted. However, it is important to note that the listing of a house as a heritage item is different to an area being listed as a heritage conservation area. All residents were provided with information from the Heritage Council covering the issues raised here and showing that heritage listing, including conservation areas, sometimes improves resale values and protects the whole area.
19.	Submitter Ashbury	Concerned at the proposed change and are lodging a formal complaint against it. Their home was built as a 2 bedroom workman's cottage and will require major structural repairs and may need to be rebuilt which will be near impossible in a conservation area. The house was poorly built (temporary	Opposition noted. The heritage conservation area permits sympathetic development through an approvals process. Rebuilding will require consideration of the characteristics of the area which make it unique. Development will need to be compatible with the character and streetscape of the area and have a bulk,



**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
20.	Submitter Ashbury	<p>construction style) and has rising damp problems. Ashbury as a whole is hardly a special character area with most houses severely altered from their original design. Believe the age of their property mixed with the proposed heritage conservation area will have an immediate and negative effect on the value of their home. Have had experience with a second property which is a heritage item and have found it difficult to get grants for repair work. Their home in Ashbury is in need of constant maintenance just to function as a home.</p>	<p>scale and detail sympathetic to those values. Council's heritage adviser will be able to assist home owners with development applications.</p>
		<p>Objects to the proposal to make Ashbury a Heritage Conservation Area. A review of the draft LEP and Council's letter dated 29 March 2012 does not put forward planning reasons for the change but administrative ones. Therefore objects on the basis that no real planning benefit is gained by this proposed change.</p>	<p>Objection noted.</p> <p>The Heritage Council brochure distributed to all landowners in the Ashbury area explains the benefits of heritage listing some of which are the retention of recognised heritage resources, sustainable use of materials, protection of character and streetscapes that are unique and valuable. From a planning perspective the retention of areas with identified character provides for different precincts and housing choice within the area, it increases certainty for homeowners that development within the area will be sympathetic and assessed through an approvals process and protects identified heritage values.</p>

**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

**ATTACHMENT 4 Business centres and Canterbury Road Submissions**

**Business Centres**

<b>Number</b>	<b>Submitter &amp; Address</b>	<b>Issues</b>	<b>Comment</b>
1.	Doctor Campsie	As an eye surgeon the submitter appreciates the value of specialist medical services in Campsie. Recommends permitting medical practices with a residential component along Beamish Street between the Fire Station and Canterbury Road. Wishes to purchase a property in Beamish Street to set up an eye surgical practice.	Health Services Facilities including medical practices are permissible under the Infrastructure SEPP in the R3 and R4 residential zones. The area has an existing 2(c) zone and proposed R4 High Density Residential zone will mean a medical practice is permissible with consent. However, the development of a new building with a medical practice and residential above is not permitted. The Standard LEP template definition of shop top housing only permits dwellings above retail or businesses at ground floor. A medical practice is not classed as either retail or business premises.  Medical practices are an appropriate use as part of a mixed use development containing residential uses. To enable medical practices with residential above within the B1, B2 and B5 zones that allow shop top housing it is proposed to introduce in a future amendment to the LEP a specific clause allowing dwellings attached to appropriate permitted uses in these zones. This would also enable dwellings at ground floor level which is also not permitted under the shop top housing definition but can be appropriate in many instances.
2.	Submitter Campsie	Generally pleased with the draft plan, however disappointed that 320 Beamish Street, Campsie together with the neighbouring property have been zoned	320 Beamish Street is located between the southern end of Campsie Town Centre and Canterbury Road. It has an existing 2(c) zone and an equivalent R4 High Density Residential is proposed under the draft LEP.

**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
		<p>residential. The property next door has a shop. A large development near the corner of Unara St has been given residential and commercial approval. This will be the gateway to the Campsie business centre however our property across the road will be dwarfed by this development and not allowed to realise the same potential.</p>	<p>In addition, business premises, office premises and veterinary hospitals are also proposed to be permitted via Schedule 1. Overall, the subject property has gained a wider range of potential uses within an increased 14m height limit.</p> <p>Council has considered previously the issue of land uses in this area and resolved not to allow for the continuation of retail uses down to Canterbury Road as this would be an excessive elongation of Campsie Town Centre. The development on the corner of Unara Street is within an existing and proposed business zone and is consistent with the objectives and uses of that zone.</p>
<b>3.</b>	Milestone P/L for Aldi	<p>The draft LEP provides no significant increase in land capable to deliver an ALDI store within the LGA. Concerned that there is a lack of new business zoned land capable of supporting new retail development for the purposes of an Aldi store.</p> <p>The submitter requests that:</p> <ul style="list-style-type: none"> <li>i. Include shops as permissible development in the B6 Enterprise Corridor zone up to a maximum gross floor area of 1,600 sq m to provide further sites to facilitate retail development.</li> <li>ii. Rezone some B5 zoned land to B2 along Canterbury Road to enable an Aldi store within he defined nodes.</li> <li>iii. Council undertake and retail floor space demand and supply assessment for all existing centres so that additional floor space can be identified.</li> </ul>	<p>These issues were also raised and considered in relation to Council’s Economic Development and Employment Strategy. Council’s analysis and decision at that time did not agree with the proposition to allow unfettered shop development along Canterbury Road.</p> <p>The Canterbury Road Masterplan has also carefully considered the most appropriate mix of development along this main thorough fare. It is not proposed therefore to change any of the zones along Canterbury Road nor introduce new uses into these zones under the final draft LEP.</p> <p>There are adequate opportunities for further retail and supermarket development within available business zoned land with the LGA and in particular the Earlwood town centre.</p>

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
4.	TPG	<p>iv. Council support rezoning applications where there are no opportunities available in a town centre (in particular Earlwood).</p> <p>Submission made on behalf of Samstone P/L who own several holdings within the area bound by Railway Pde, Lakemba Street and Croydon Street (north) in Lakemba.</p> <p>Request the rezoning of this block to B2 Local Centre thereby extending the town centre to the south west. The area is already characterised by a number of non-residential uses.</p> <p>Such a rezoning offers a net community benefit in providing for residential with improved retail facilities, affordable housing, a redesign and improved amenity and revitalisation of the area. The nearby railway also provides for transit oriented development and opportunities for employment. A voluntary planning agreement could be entered into with Council for the redevelopment.</p>	<p>Any site specific proposals outside of existing business zoned land are appropriately considered on their merit as they arise.</p> <p>The subject land is currently zoned 2(c) with a proposed R4 High Density Residential zone under the draft LEP. The request would be a significant change to the exhibited LEP.</p> <p>The subject site was previously considered in the Town Centres expansion report and not supported with concerns arising from the impact of business activities on existing flat buildings and the elongation of the Town Centre.</p> <p>There is an existing approval under the Affordable Housing SEPP for 89 units and 2 health consulting rooms on the land.</p> <p>The draft LEP is proposing to increase the height at this location form 3 storeys to 5-6 storeys which in itself represents a significant increase in redevelopment potential.</p> <p>It is noted that neighbourhood shops and shop top housing is a mandatory permissible use in the R4 High Density Residential zone permitting residential development with retail or business development at ground floor enabling the owners of this land the opportunity to attain several of the benefits outlined in their submission without a zoning change.</p> <p>It is recommended that the existing town centre boundaries be maintained under the final draft LEP</p>

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
5.	Campsie RSL Club	<p>In general the Club is happy with the B2 zone for the current RSL Club at 25 Anglo Street and the R4 High Density Residential zone for the car parking site to the west at 29-31 Anglo Street. Concerned however that the uses within the R4 zone may not cover all those currently available to the Club and request additional permitted uses via Schedule 1 or alternatively B2 Local Centre applied to the whole site. These additional uses may include but not restricted to: car parking, child care centre, medical centre, office premises, restaurants and cafes and the Club itself.</p> <p>The Club is also seeking increased FSR and building height and the removal of the SP2 Stormwater management systems zone which is underground and the Club buildings straddles.</p> <p>Request for the car park site:</p> <ul style="list-style-type: none"> <li>• 6 storey height to enable development consistent with SEPP 65</li> <li>• An FSR between 2.18:1 and 3.26:1</li> </ul> <p>Four massing options were put forward however full concept designs have not been prepared. The main focus of the submission is to establish an appropriate height in which future development could take place that was economically viable without loss of amenity to surrounding lands.</p>	<p>and that the proposed R4 zone remain on the land.</p> <p>The stormwater drain running underneath the Club is owned by Sydney Water who requested the SP2 zone. Council has no objection to the RSL Club negotiating with Sydney Water an alternative zone for the stormwater channel. It is noted that a special uses zone did not previously exist on the drain and the SP2 zone is a more restrictive zone than the business zone and interrupts the zoning on this part of the site.</p> <p>The proposed R4 High Density Residential zone provides a much greater range of uses and development opportunities than the current Special Uses 5(Car Parking) zone and represents a significant increase in redevelopment potential.</p> <p>In terms of desired additional uses cited for the car parking site the R4 zone does permit neighbourhood shops and child care centres under the draft LEP. Medical centres are a permitted use via the Infrastructure SEPP. Shop top housing is a mandatory permitted use in the zone which provides for business and retail uses at ground floor with dwellings/units above.</p> <p>Under current circumstances it is considered that high density residential development is a preferable use for the land and not an expansion of the business centre.</p> <p>It is considered that the amendments proposed are too general in nature and do not relate to a specific proposition. In the absence of specific redevelopment scenarios for this location it is therefore recommended</p>

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
6.	Cobav	<p>Submission made on behalf of owners of the Campsie Centre, 14-28 Amy Street, Campsie. Requests the proposed height of 27m for the Campsie Centre with a B2 Local Centre zone be amended to permit buildings up to 60m or 20 storeys in height. The Campsie Centre is approximately 9,000sq m and is a large site close to public transport which can achieve higher densities (e.g Strathfield and Burwood Council LEPs provide bonuses for similar sites). The subject site is well located for density bonuses. Requests an amendment to Clause 4.3 to allow an additional building height of up to 33m (total height being 60m) on sites of at least 4,000sqm where a 27m height has been nominated. Suggest that this bonus be subject to a condition that the building height may be increased to a maximum of 60m provided the 10am winter solace in the surrounding residential zone is not adversely affected by increasing the height above the 27m height limit across the whole site.</p> <p>It is noted that Council's own site in Beamish Street (being the Civic Centre site) does not have height or FSR and understand Council is going to sell off the site to a private developer. Decision making should be fair and equitable in preparing development standards. Request Council impose suitable</p>	<p>that no changes to the final draft LEP be considered at this time.</p> <p>With the exception of the master planned Council owned land on Beamish Street (Civic Centre site) the heights along Beamish Street in the B2 Local Centre zone under the LEP are predominately set at 18metres with some areas nominated as 21m. Only three sites/areas have been given the height of 27m or 8 storeys and one of those is the Campsie Centre. This height for the Campsie centre was determined by the same consultant who developed the controls for the Council Civic Centre site and reflects an independent assessment of site capacity. The heights achievable for the Civic Centre site are also generally 6-8 storeys, with only a very small section of the site being 10 storeys as a gateway element, The context and size of the site is also different enabling it to manage these heights with minimum impact.</p> <p>Importantly, of the examples provided by the submitter where bonuses apply, Burwood is a subregional centres and Strathfield is a significant public transport hub and are different from Campsie. The opportunity for considering a bonus scheme for the LEP in the future could be evaluated similar to that in the Town Centre DCP. However proposing such a significant height increase in Campsie considerably at variance with surrounding development is problematic.</p> <p>It is considered that if the submitter wishes to pursue the increase in the exhibited height to 60m this will require the preparation of a planning proposal with a</p>



**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
7.	Pereira Enfield	height controls for the Council owned land similar to other properties in the Campsie Town Centre to ensure fair and equitable planning outcomes.	detailed justification of the proposal. It is not appropriate to consider this as an LEP amendment given the significance of the change and lack of details proposed.  It is therefore recommended that the height for the Campsie Centre remain at 27m for the final draft LEP.
8.	Glendinning Minto & Associates	Supports the Additional Permitted Use for properties at 314-380 Beamish Street, Campsie. This includes properties 366 and 366A which the submitter wishes to convert into a new Veterinary Hospital.  Submission made on behalf of owners of 449-465 Burwood Road and 32 Leylands Parade Belmore. Notes that it is not possible to properly read and interpret the controls without the DCP.  General support for the LEP. However, wish to confirm that the B2 zone for 449-465 Burwood Road which has a maximum building height of 18m is equivalent to a 5 storey building. In addition, the R4 zone for 32 Leylands Parade with a building height of 9m is an equivalent 3 storey building. If this is not the case then the submitter requests the heights be amended to match the 5 storey and 3 storey heights respectively for the subject properties. Thanks Council for its efforts and looks forward to seeing the DCP.	Support for Clause 4 of the Additional Use Schedule is noted. It is proposed to retain this in the final draft LEP.  449-465 Burwood Road is proposed to be rezoned from Industrial Business purposes to B2 Local Centres under this LEP.  It is intended that the existing height to storey controls in Development Control Plan 54 – Town Centres for the B2 equivalent zones will apply to this site.  Accordingly this will allow for 5 storey development at 449-465 Burwood Road which the submission supports.  The zoning of 32 Leylands Parade is not proposed to be changed under this LEP. The height control as exhibited for this property is actually 11.5m which will allow for 3 storey development which the submission supports.
9.	Think Planners	Submission made in regard to 280-284 Burwood Road, Belmore which has been identified under the draft LEP with an R4	The subject land is currently zoned residential 2(a) with a proposed R4 High Density Residential zone. This matter was previously considered following the

**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
		<p>zone with a height of 14m and FSR of 1.4: 1. The land is well located to the Belmore town centre. The site has a history of commercial use being a former service station which has been remediated. The submission seeks the inclusion of the site within the town centre with a B2 Local Centre zone and accompanying controls. Considers that a significant strategic site has been overlooked which could contribute to Council's Strategy.</p>	<p>exhibition of the town centres DCP and Council resolved not to support a further extension of the business zone but to increase the residential density (from 2A to R4 &amp; 4 storeys) instead.</p> <p>This represents a significant increase over current yields and is considered appropriate for this site.</p> <p>It is recommended the zone and controls in the draft LEP be retained as exhibited.</p>



**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012  
**Canterbury Road**

Number	Submitter & Address	Issues	Comment
1.	Byrnes PDM	<p>Submission made on behalf of Community Living Support Corporation P/L for land at 776-784 Canterbury Road, Belmore. The site is approximately 3000sqm with a 60m frontage to Canterbury Road, dual street frontages and access to public transport. Considers the R3 Medium Density Residential zone, 8.5m height and 0.5:1 FSR are inappropriate and will not encourage future redevelopment of the site. These controls will not contribute to the desired future character of Canterbury Road and do not provide a transition to the 5-6 storey development that will surround the site. A more appropriate zone for the site is R4 High Density Residential with a minimum height of 12 and an FSR of at least 1:1.</p>	<p>The Canterbury Road Masterplan envisages higher density residential development in this location. The subject site is suited to ongoing residential uses to maintain the mix of development and activity envisaged along Canterbury Road. The site is potentially capable of greater height and floor space consistent with the desired future character for the corridor. The Department have advised however, that such a change in zones and development standards would require exhibition and should proceed as the first amendment to the LEP.</p> <p>In addition, any further work undertaken to determine alternative heights and floor space ratios in this location should include the whole block and not just the subject site.</p> <p>It is considered that the existing zone, heights and FSR's of the draft LEP for this land should remain and these sites be assessed in the upcoming Residential Strategy. Where change is supported it can be the subject of a future LEP amendment to enable the community the opportunity to comment.</p>
2.	Byrnes PDM	<p>Land bound by Thompson Lane, Wilson Lane, Chapel street and Canterbury Road, Belmore. The submission has been put forward by the owners of 773-777, 781-783 and 787 Canterbury Road who own a number of parcels of land within this block.</p> <p>Support the general building envelopes</p>	<p>The Canterbury Road Masterplan envisages higher density residential development in this location. Under the current LEP the subject block is predominately zoned Residential 2(a) with two smaller pockets of Business 3(f) zoned land. Under the draft LEP the whole block has a proposed R4 High Density with a proposed 18m height and FSR of 1.6:1 to encourage redevelopment.</p>

**COUNCIL MEETING**

**26 JULY 2012**

**CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

Number	Submitter & Address	Issues	Comment
		<p>provided in the draft LEP which will provide for a strong street edge.</p> <p>Do not support the R4 zone as the block is located between a B2 Local Centre and B5 Business Development zone and is more suited to mixed development.</p> <p>Several landowners have been acquiring holdings to enable mixed use development in the area with a sport and health focus e.g sports medicine and gymnasium. Prefer a B5 zone with some allowance for residential through the key sites map.</p>	<p>Support for the 18m height is noted.</p> <p>Under the Infrastructure SEPP 'health services facilities' (which include medical centres) are a permitted use in the R4 zone which would provide for the type of sport/health facilities desired by the submitter.</p> <p>Long continuous strips of business zones are not considered to be sustainable along Canterbury Road and the Masterplan recognises this by clustering nodes for business and retail development at locations with direct access back to rail based centres.</p>
3.	Submitter	<p>The subject property is at 749 Canterbury Road, Belmore with an existing business 3(f) zone and proposed R4 High Density Residential zone. The property is currently leased to Canterbury Toyota as a car yard. The submitter believes redevelopment of the</p>	<p>The location and mix of uses along Canterbury Road has been carefully applied to achieve the vision of the Canterbury Road Masterplan. Under the draft LEP sufficient areas of land have been identified and zoned B5 Business Development which permits a wide range of uses including bulky goods, hardware, landscape material supplies, warehousing etc.</p> <p>It is considered that the retention of the Residential R4 zone is appropriate for this location rather than the continued expansion of business uses under the B5 zone.</p>
3.	Submitter	<p>The subject property is at 749 Canterbury Road, Belmore with an existing business 3(f) zone and proposed R4 High Density Residential zone. The property is currently leased to Canterbury Toyota as a car yard. The submitter believes redevelopment of the</p>	<p>This property is in the same street block as that referred to in the above submission. The same comments and assessment is therefore considered to be relevant and that no amendment to the exhibited draft plan should be made</p>

**COUNCIL MEETING**

**26 JULY 2012**

**CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

Number	Submitter & Address	Issues	Comment
4.	Byrnes PDM	<p>property under the R4 zone is not viable but would be under the B5 Business Development zone. With the proposed R4 zone the use will continue to operate as an existing use and not be redeveloped.</p> <p>Submission made on behalf of the owner of 443-457 Canterbury Road, Campsie for the whole street block bound by Canterbury Road, Perry Street, Una Street and Stanley Street, Campsie.</p> <p>Key points:</p> <ul style="list-style-type: none"> <li>- The B6 zoning is incongruent with the Beamish Street Gateway Concept Plan that envisages 3-5 storey mixed use development for the site (with residential above).</li> <li>- There is significant opportunity to increase the height to 27m at the Gateway to the Campsie town centre.</li> <li>- The draft LEP should be amended to identify the block on the key sites map to permit mixed use development.</li> <li>- Increase the height for the block to 21m.</li> </ul>	<p>The block identified was originally considered for residential in the development of the Canterbury Road Masterplan but concern was raised by the Department of Planning and Infrastructure about the loss of employment lands. Since then some significant light industrial redevelopment has also occurred in the area.</p> <p>While there may be some merit to further consideration of the proposition for straight residential redevelopment, it should be considered in the context of the upcoming Residential Development Strategy.</p> <p>It is therefore recommended that the B6 zone be retained for the final draft LEP and that this site and the larger block be considered in the forthcoming residential strategy.</p>
5.	Mr J Maroun	<p>Concerned the proposed B6 Enterprise Corridor Zone on land at 453-459 Canterbury Road, Campsie (known as 445 in Council's records) will limit future uses and have requested a B4 or R4 zone to enliven the area. The site is currently industrial and struggling. The present zone is not working with similar properties also experiencing problems. Believe a more multiple use zone will</p>	<p>This was the former Robbo's spares site in the block discussed in relation to the previous submission. The above comments and position are therefore relevant.</p> <p>It is therefore recommended that the B6 zone be retained for the final draft LEP and that this site and the larger block be considered in the forthcoming residential strategy.</p>

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
6.	ZTA Pyrmont	<p>improve the amenity of the area and will eliminate the numerous vandalism and unnecessary activities currently present. Wish council to reassess the proposed zoning under the draft LEP as the Enterprise Corridor zone will have a detrimental effect.</p> <p>Submission made on behalf of the residents and owners of 591-605 Canterbury Road, Belmore seeking to rezone their property from 2(a) to 3(e) consistent with surrounding properties and to permit multi unit housing. Reasons being: Close proximity to the Belmore town centre, adjoining zone changes, subject sites sit within a medium density streetscape and the consent/agreement of all landowners to the proposed change has been obtained to facilitate the process.</p>	<p>The draft LEP has proposed an R3 Medium Density zone for the land which permits multi dwelling housing but not residential flat buildings.</p> <p>The Canterbury Road Masterplan envisages higher density residential development in this location.</p> <p>While the exhibited Masterplan indicated the subject land as having potential for higher density residential, the draft LEP only implements part but not all of the Masterplan recommendations as a first step.</p>
7.	Olsson & Associates	<p>Submission made on behalf of the owners of Harrison's Timber and Hardware site at 548 Canterbury Road, Belmore.</p> <p>Believe that the Masterplan recommendations have not been adequately translated into the draft LEP controls particularly in regard to height. Building setbacks and through site links impact on development potential and</p>	<p>Given the overall support for a higher density zone by all of the owners and the identification of this land for such a use in the Masterplan it is recommended that it be included in a future amendment to the LEP.</p> <p>Suitable height and FSR would be similar to those for other higher density residential zones along Canterbury Road, i.e 18 metres and 1.6:1.</p> <p>The subject site has a current 4(a) Light Industrial zone and proposed B5 Business Development zone with a proposed maximum building height of 18m. Behind the site is a disused brick pit with a proposed IN2 Light Industrial zone which is unlikely to change given its status as unhealthy building land.</p> <p>Minor variations to building height controls in the LEP</p>

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
		<p>need to be revised. Subject property is required to provide a minimum 3m setback from the property boundary for road widening and the provision of a rear lane has been also been requested by Council. Submitters acknowledge benefit of these public benefits which come at a cost to the development potential of the site constrained by its long narrow shape and could be recognised in the height controls. During the Masterplan development phase the submitters demonstrated that a 7 or 8 storey building at the back of this property would not have any visual or amenity impacts however now request a very reasonable 6 storey height for the rear of the site consistent with the recommended 4-6 storey height for along Canterbury Road. The height placed on the site is an average of 5 and is disappointing.</p>	<p>are able to be considered individually on their respective merits, particularly where high quality urban design and public domain outcomes can be achieved.  While Council will be able to assess minor variations to the controls for development applications there will be a level of expectation that the determined LEP controls will be close to their final intended form, particularly where areas have been master planned.</p>
8.	Planning Ingenuity	<p>Submission made on behalf of 231-233 and 237-239 Canterbury Road, Canterbury supporting the proposed R4 High Density Residential zone and height of 18m, FSR 1:6:1 and minimum lot size of 460 sqm.</p>	<p>The request to increase the height from 18m to 21m (6 storeys) for the rear of the property cannot be made under this final draft LEP given the increase in development potential.  Further, in the absence also of a specific redevelopment proposal for this site, there is no justification to amend the heights proposed under the draft LEP.</p>
9.	MacroPlan Dimasi	<p>Submission on behalf of 677 Canterbury Road, Belmore objecting to the B6 Enterprise Corridor zoning which will limit development potential of this large 7,050 sqm site and sterilise the proposed adjoining local centre with the continuation of limited industrial uses on the site. Primary concern is that the proposed zone reflects the current use of the site and does not maximise the highest and</p>	<p>Support for zone and controls noted.  The subject site is currently zoned 4(a) Light Industrial with a proposed B6 Enterprise Corridor zone which does not permit residential development.  The submission, similar to others along Canterbury Road seeking zoning change, does not address the matter of employment/industrial land provision and the draft South Subregional Strategy.</p>

**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
		<p>best use of the potential of the land.</p> <p>The site is in single ownership and has 3 adjacent streets.</p> <p>Advise that new zonings should have regard for the capacity for intended redevelopment and refrain from simply applying zones to reflect what exists now. The subject site can contribute to the much needed transformation of Canterbury Road.</p> <p>Seek for the site:</p> <ul style="list-style-type: none"> <li>• a B5 Business Development zone in conjunction with the key sites map permitting residential accommodation, or</li> <li>• B2 Local Centre zone or</li> <li>• R4 High Density Residential zone.</li> </ul>	<p>To facilitate a quick turnover of the Masterplan to the standard instrument LEP only the zoning changes necessary in some locations (e.g village nodes) or where direct translation of existing zones would not deliver the sought after outcome were implemented in the draft LEP. This was to allow a straightforward as possible translation of the existing LEPs into the template.</p> <p>While in principle an alternate zone for this location could be considered given the size of the site and its location adjacent to a proposed neighbourhood node, it is recommended that the current zone and controls remain for the final draft LEP.</p> <p>However further detailed work could be undertaken in conjunction with the site owners to consider alternate zone, height and fsr/envelope controls for the site for a future amendment.</p>
<b>10.</b>	<p>Submitter Campsie</p>	<p>Concerned about the proposed rezoning of their land from 2(a) to R4 without an amalgamation clause which could see their small block impacted upon by a 5 storey development next door. Campsie can barely cope with the number of people living here now.</p>	<p>The subject site at 452 Canterbury Road, Campsie is a semi detached dwelling located between existing strata titled residential flat building at 448 Canterbury Road and the Repco site on the corner with Viking Street. Redevelopment of the site, given its small size, for higher density development consistent with its zoning is therefore unlikely and could not occur without the adjoining semi. No changes are recommended for the final draft LEP.</p>
<b>11.</b>	<p>Chapman Planning</p>	<p>Submission on behalf of 878-884 Canterbury Road, Roselands. Subject site is currently zoned 3(f) and has an area of 3202sqm and is in the one ownership. However, 878-882 Canterbury Road is zoned B5 Business</p>	<p>The proposed zones do not split any property creating 2 zones on one parcel of land. Instead, the boundary of the B2 Local Centre zone covers one property and the B5 Business Development zone covers the other properties in the same ownership. It is noted that</p>



**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
		Development while the adjoining property at 884 Canterbury Road is zoned B2 Local Centre creating a split zoning across the land. Support the 18m height but the split zoning across the site is not a sound planning outcome for a consolidated redevelopment.	access to the site can be obtained via a laneway off Flora Street.
		Support the 18m height but the split zoning across the site is not a sound planning outcome for a consolidated redevelopment.	While it is not necessary to rezone all land in the one ownership in the one zone the cohesive development of the larger parcel can be advantageous particularly where it sits at the interface of 2 zones as this site does.
		Seeks a specific planning clause:	However, the submission does not seek a single zone over the site but a Schedule Use to effectively allow residential accommodation with specific uses creating an entirely new land use mix for this site which is neither B2 nor B5.
		- To achieve the redevelopment consistent with the Masterplan.	
		- As the different permissible uses may mean the B2 site is isolated.	
		- The current 3(f) zoning is more flexible than the proposed new zone.	It is considered that further detailed master planning at this location needs to be undertaken before any consideration of a zoning change, if necessary, is made.
		- A site specific clause would encourage community benefit, improve pedestrian access, etc.	
		Requests a clause to Schedule 1: to allow residential accommodation as part of a mixed use development with bulky goods premises, commercial premises, retail premises and shop top housing for the subject land.	It is therefore recommended that the final draft LEP not be altered at this time and proceed as exhibited.
<b>12.</b>	GSA planning	Submission on behalf of the owners of six properties at 844-854 Canterbury Road, Roselands seeking to replace the proposed R4 High Density Residential zone with a B5 Business Development zone consistent with adjoining properties. The subject site comprises single storey dwelling houses with a total area of approximately 3125sqm. Development within the vicinity is primarily commercial with residential to the south. It is the only block zoned residential under LEP	This matter has been previously considered through the exhibition of the Canterbury Road Masterplan and was not supported by Council at that time.  It is considered that the up zoning from low density Residential 2A to high density residential R4 with a 5 storey height provides more than sufficient incentive for redevelopment.  Further, long continuous strips of business zones along Canterbury road are not considered to be sustainable.

**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
		<p>178 with 3(f) the predominant zone in this portion of Canterbury Road and remains an isolate pocket under the draft LEP (being surrounded by the B5 zone). Request a B5 zone to revitalise Canterbury Road and enhance continuity in land use in the precinct consistent with the desired future character and the Urban General classification provided under the Canterbury Road Masterplan. A B5 zone would support the nearby Urban Core and encourage urban consolidation by locating housing near transport and jobs. However, should Council wish to retain the zone, at the least provide the same envelope controls as the B5 zone to achieve consistency in the streetscape, support viable redevelopment and good urban design outcomes.</p>	<p>It is recommended that the final draft LEP proceed as exhibited.</p>



## COUNCIL MEETING

26 JULY 2012

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012  
ATTACHMENT 5

## Residential Submissions

Number	Submitter & Address	Issues	Comment
1	Urbis	<p>Submission prepared on behalf of Payce Communities in relation to the Riverwood North Residential Renewal Project being a Part 3A Concept Plan approval.</p> <p>The Part 3A Approval will continue to override the LEP controls however it is preferable to update the controls consistent with the Concept Plan.</p> <p>Overall Payce is supportive of the controls and the R4 High Density Residential zone applied to the site and adjoining land comprising the senior citizens centre building.</p> <p>Strongly object to the proposed maximum building height of 11.5m when the Concept Plan approval allows for ten storeys. The controls do not reflect the existing or proposed future development on adjoining land such as:</p> <ul style="list-style-type: none"> <li>• Washington Ave is an eight storey residential flat building</li> <li>• The proposed mixed use building on part of Lot 446 &amp; Lot 447 has a maximum building height of five and six storeys substantially exceeding the proposed 11.5m height in the draft LEP.</li> </ul> <p>These heights need to be amended to reflect the existing, approved and future development within Riverwood North.</p> <p>Strongly object to the 0.9:1 FSR noting that the</p>	<p>The submission seeks to amend or delete the height and floor space ratio controls under the draft LEP for the Riverwood North Residential Renewal Project approved under Part 3A by the State government.</p> <p>The proposed changes to the height and floor space ratio controls are substantial and cannot be made under the final draft LEP particularly where they may involve Council owned land. The Concept Plan will continue to override Councils LEP, however to ensure a better fit between the existing, approved and future controls it is recommended that the detail work be undertaken by Housing NSW to prepare site specific height and floor space controls for a future amendment to the LEP so as not to delay the progress of the final draft LEP.</p> <p>This approach has been discussed with the Department of Planning &amp; Infrastructure who advise that only minimum changes should be made to the LEP at this time.</p> <p>They have further advised that the controls applying to both Part 3A sites (see following submission) should remain as exhibited until this detailed work has been completed and it would then be appropriate for a LEP amendment to be undertaken.</p>

**COUNCIL MEETING**

**26 JULY 2012**

**CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

Number	Submitter & Address	Issues	Comment
2	Australand	<p>Concept Plan approval provides for a range of FSRs to be achieved across the area from 2.1:1 to 4:1. The draft LEP also applies a 0.9:1 to the adjoining land owned by NSW Housing and the senior citizens land owned by Council.</p> <p>The draft LEP should be amended to reflect the existing, approved and future development within Riverwood North. Alternatively, the site needs to be left blank similar to other Concept Plan approved sites in other Council areas.</p>	<p>The height and floor space controls proposed in the draft LEP for the site are consistent with those for a B1 Neighbourhood Centre and R4 High Density Residential zone. It is not possible to provide height and floor space controls differently across the site until that level of detail is provided by Australand and is consistent with the Concept Plan Approval.</p>
		<p>The submission seeks changes to the height and floor space ratio controls in the draft LEP for 60 Charlotte Street, Campsie. Notes that the site unlike other Part 3A approvals has nominated height and floor space controls and will take this up separately with the Department as it is noted this was Council's initial response.</p> <p>The additional permitted use Schedule is supported but as the site is successively subdivided it is recommended that the Schedule be reworded with the following details:</p> <ul style="list-style-type: none"> <li>• Being Lot A DP 431356 and Lot 1 DP 721721 and any successor lot.</li> </ul>	<p>The proposed controls have been applied in the absence of appropriate height in metres and site by site floor space controls. Until this level of detail is provided it is recommended that the current controls remain on the land.</p>
		<p>The B1 Neighbourhood zone is too restrictive and prefers a B2 Local Centre zone for Lot 42. The Concept Plan permits a supermarket and commercial floor space and do not wish to be constricted to 100sqm neighbourhood shop controls.</p>	<p>The proposed change to the wording of Schedule 1 clause 6 to reference property details can be accommodated in the final draft LEP.</p> <p>The B1 Neighbourhood Centre zone is the most suitable zone for the site within the hierarchy of centres in the LGA. In this zone, shops (which include supermarkets) are not subject to a 100sqm restriction;</p>

**COUNCIL MEETING**

**26 JULY 2012**

**CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

Number	Submitter & Address	Issues	Comment
3.	NUPD	<p>The Project Application Approval includes subdivision of the site into six lots being the five development site stages and a sixth lot for roads. The total site area would result in a FSR of 1.67:1 under the CPSO. However due to the complexity of mapping individual development parcels and converting the approved GFA's into FSR it is proposed to:</p> <ul style="list-style-type: none"> <li>• Amend the FSR map to be white showing no FSR; or</li> <li>• Increase the FSR from 0.9:1 to 2.1:1 across the whole site.</li> </ul> <p>Request that the heights in the draft LEP be expressed in RLs and or number of storeys. Also request that the heights in the draft LEP be amended as follows:</p> <ul style="list-style-type: none"> <li>• Remove any heights (map as white) or</li> <li>• The heights continue to be determined in accordance with the Concept Plan Approval.</li> </ul>	<p>this applies only to neighbourhood shops. The objectives of the B1 zone complement the uses proposed on the site and the size of similar B1 neighbourhoods. The submission fails to acknowledge that Schedule 1 Additional permitted uses implements the Concept Plan in full and permits commercial premises subject to consent and these do not have floor space restrictions (with the exception of neighbourhood shops with fall under the definition of shops which is itself covered by 'retail premises').</p> <p>It is recommended that the submitter undertake the work to determine accurate FSRs for the five development sites and these be implemented in a future amendment to the LEP.</p> <p>Under the Standard Instrument it is not possible to map RL's or storeys. All maximum building height maps are required to be mapped in metres. The conversion of RLs to metres or the development of comparable storeys in metres can be undertaken and implemented in a future amendment to the LEP.</p> <p>Council has discussed this matter with the Department of Planning &amp; Infrastructure who have given in-principle support to these changes being implemented in a future amendment to the LEP. In this regard, Australand will need to undertake the detailed work to inform the controls.</p> <p>The subject site has a current residential 2(c) zone and a proposed R4 High Density Residential zone. It is similar to several other sites identified through exhibition of the draft Plan with the capacity to contribute to increased housing choice consistent with</p>

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
4.	Omada Property Group	<p>consolidated ownership and located close to the Campsie town centre and railway station. A demographic analysis has been undertaken and an architectural building mass and model analysis as well as a property feasibility and economic report.</p> <p>FSR and height controls need to facilitate Council's desired future development for the site in a sustainable and economic manner. The proposed FSR of 1.8:1 and height of 21m will stall development and sterilise any opportunity for renewal and will not deliver development consistent with the desired future character. A FSR of 2.75:1 and a height of 24m are needed to realise redevelopment. In this regard, the draft LEP is inconsistent with Ministerial Direction 3.1 Residential Zones as it does not increase the density on the land.</p>	<p>the Metropolitan Plan 2036.</p> <p>A FSR of 1.8:1 and a height of 21m (6 storeys) are proposed for the land and are a substantial increase on the current 3 storey height.</p> <p>An analysis provided with the submission claims that the height and floor space controls work best on sites with approximately 1,000-1500sqm and do not achieve the highest and best use of the land given its 2,500sqm area.</p> <p>Council is to commence a Residential Land Strategy in the next 6-8months and it is appropriate that this request be considered further as part of that process.</p> <p>It is therefore recommended that the exhibited controls be retained in the final draft plan.</p>
4.	Omada Property Group	<p>Submission made on behalf of CL &amp; GL P/L regarding 11 Harp Street, Campsie. The land is approximately 3 hectares in size accessed from Harp Street and used for on-site storage. The submission requests Council's support and concurrence to consider a rezoning of the site to allow medium density development or mixed use development. The justifications for the zoning are: the changing nature of employment away from industrial (eg Sunbeam site), the former use of the site as a Quarry, its single ownership hence enabling comprehensive redevelopment, improved amenity and extensive clean up of the site and the opportunity to masterplan the site with social</p>	<p>The site has a current 4(b) Light Industrial zone and proposed IN2 Light Industrial zone under the draft LEP. The site is a former quarry and tip and was identified for retention as industrial land in the draft South Subregional Strategy. For this reason it may be unlikely that the Department would support a residential zone for the land.</p> <p>The submission does not address the substantial environmental and contamination issues which potentially impact the site.</p> <p>Further consideration of a zoning change is appropriately dealt with as part of the upcoming Residential Development Strategy. Further, issues</p>

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
5	Chapman Planning	<p>and economic benefits to the community.</p> <p>Submission on behalf of Fernside Development with reference to land at 2-12 Harp Street and 1-5 &amp; 9 Alfred Street, Campsie. A master plan forms part of the submission. Requests to rezone the eastern portion of the site (cnr of Alfred and Harper) to R4 High Density Residential with a 13.5m height and FSR 1.4:1 and the retention of the IN2 zone to the western portion. These densities and controls are consistent with the Sunbeam site and provide a transition to the R3 zoned land and the industrial land. The subject area is approximately 9082sqm and sits immediately adjacent to the Sunbeam site and its new neighbourhood centre.</p> <p>The draft LEP reduces the FSR of the industrial zoned land from 1.5:1 to 1:1 which an upzoning of the residential component would compensate for. The proposal retains industrial land through the development of small scale industrial units providing an interface with residential land compared with the current industrial uses in the area. The proposed zoning and development controls are consistent with the Metropolitan Plan - South Subregion and the Canterbury Economic Development Strategy and the</p>	<p>surrounding the potential loss of employment also need to be addressed.</p> <p>It is therefore recommended that the proposed IN2 zone remain on the land under the final draft LEP and that the owners consult with Council and the Department regarding the practicality and appropriateness of a rezoning on the land.</p> <p>The draft LEP proposes an IN2 Light Industrial for existing industrial land and along Alfred Street a R3 Medium Density Residential for existing residential land.</p> <p>This represents a translation of existing controls.</p> <p>A submission exploring mixed use and higher density residential development for this land was made in response to the Economic Development and Employment Strategy.</p> <p>Council previously determined that the current Light Industrial zone should remain.</p> <p>Any specific proposition to alter current zoning patterns in this location is appropriately addressed through the upcoming Residential Development Strategy and should also examine issues surrounding the potential loss of employment lands.</p> <p>The drainage channel has not been incorrectly mapped. A direct translation of zones is shown.</p> <p>No changes are recommended to the final draft LEP.</p>



**COUNCIL MEETING**

**26 JULY 2012**

**CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

Number	Submitter & Address	Issues	Comment
6	Byrnes PDM	<p>Employment Lands Development Program and provide suitable separation and buffers to surrounding development.</p> <p>The drainage channel on the southern boundary has a current residential zone but has been given an IN2 Light Industrial zone and is an error which needs to be rectified to match the adjoining zone.</p>	<p>The subject site is used as a building supplies business with an existing and proposed light industrial zone. The site is within a residential precinct.</p> <p>It is recommended given the substantive changes requested that the matter be reviewed as part of the proposed Residential Development Strategy for the LGA being undertaken in the 2012-2013 Operational Plan.</p> <p>In this particular case the issue of loss of employment lands would also need to be addressed.</p>
7	Submitter Kingsgrove	<p>Submission on behalf of the owners of 27-33 Brighton Ave, Croydon Park which is a 6500sqm block identified in the Canterbury Economic Development and Employment Strategy as being a fragmented industrial pocket. The site is well located to the Croydon Park commercial precinct and public transport. Redevelopment of the site to high density residential is sought which will expand housing choice in the locality, reduce amenity impacts on residents from the current operation and improve the streetscape. Request that the street block bound by Georges River Road, Brighton Ave, Croydon Ave and Queensborough Road be rezoned to R4 High Density with a maximum building height of 18m and a floor space ratio of 1.5:1.</p> <p>Object to the proposed R3 Medium Density Residential zone for an area with an existing low residential 2(a) zone. This is not a translation of the controls but an upzoning. The use of this zone will make it easier to argue for flats in this zone.</p> <p>There has been no community consultation on</p>	<p>The proposed R3 Medium Density Residential zone, in the Standard Instrument template has replaced existing 2(a) zone throughout most of the City, except for Earlwood and Ashbury.</p> <p>The same uses are permitted in the R3 zone as the current 2(a) zone in this location and therefore it does not represent an 'upzone'.</p>

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
8	Planning Ingenuity	<p>the matter. The R2 zone could have been used to allow townhouses etc. The upzoning is not needed to meet dwelling targets set by the Department of Planning &amp; Infrastructure.</p> <p>Submission made on behalf of the owners of 26-30 Campsie Street and 1 Assets Street, Campsie and comprises four separate residential single storey lots with a total area of 1,727sqm. It is proposed under the draft LEP to zone the land R4 High Density Residential with an FSR 0.9:1 and a height of 11.5m. These controls result in smaller buildings relative to the site and relative to other flat buildings in the vicinity. The site is unique having 3 street frontages and is well located to the town centre services and transport. A four storey building on the site would be consistent with its four storey neighbour to the west. To encourage redevelopment on the site the draft controls should be revisited and a height of 14m and an FSR 1.5:1 applied to enable redevelopment consistent with the built form in the area.</p>	<p>The submitter has misunderstood the proposed replacement zone for this area.</p> <p>The proposed zone, height and floor space controls represent a transfer across to an equivalent zone.</p> <p>The request for increased height and density are appropriately considered as part of the upcoming Residential Development Strategy.</p> <p>The submission does not contain detailed economic analysis supporting the claims regarding economic viability.</p> <p>It is noted that the adjacent 4 storey building referred to in the submission contains only 3 levels of residential units above at grade parking.</p> <p>It is therefore recommended that the exhibited controls be retained for the final draft LEP.</p>
9	Submitter Punchbowl	<p>The submitters are the owners of land at 131 and 133 Victoria Road, Punchbowl who request an upzoning of their land to match their neighbours at 127-129 which are apartments. The subject land is approximately 1200sqm and will assist in providing land for affordable housing and not put additional pressure on existing public infrastructure.</p>	<p>The property is located in an existing Residential 2(b) zone and directly adjoins a Residential 2(c) zone to the north. Under the draft LEP an equivalent R3 Medium Density zone was proposed which does not permit residential flat buildings.</p> <p>The request for a change in zone to permit residential flat development is appropriately considered as part of the Residential Development Review for the City which has been provided a budget in the 2012-2012 Operational Plan and will commence within the next 6-8 months.</p>



## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
<b>10</b>	Submitter Campsie	Concerned that the zoning of his property at 2 Loch Street, Campsie will significantly affect the land. The proposed R3 zone is a down grade from the existing 2C4 zone and requests Council investigate this anomaly and re-apply the original zone.	<p>No changes are recommended to the final draft LEP. The subject site has an existing 2(c4) zone. Under the draft LEP the equivalent replacement zone is R4 High Density Residential and should have been applied to properties at 2-8 Loch Street, Campsie.</p> <p>This is a drafting error and it is recommended the final draft LEP correct this anomaly as requested and the R4 zone be applied to properties at 2-8 Loch Street.</p>
<b>11</b>	Ada Evans Sydney	Submission made on behalf of the owner of 56 Graham Road, Narwee. The land has a current 2(a) zone. The rest of the street is currently 2(c4) and there is no clear reason as to why this one property does not have the same zone. The draft LEP proposes an R3 Medium Density Residential zone with the rest of the street being given an R4 High Density Residential zone.	<p>The property is located at the western end of Graham Road and directly adjoins a Residential 2(c4) zone to the east and Residential 2(a) zone to the west and south. It is significantly affected by a storm water easement approximately 1.8m wide that runs diagonally through the property.</p>
<b>12</b>	Ada Evans Sydney	<p>Request an R4 zone consistent with the rest of Graham Street which will address the anomaly, provide for uniform zoning, disadvantage no one, and be consistent with the streetscape. The subject property has an area of 630sqm and is larger than some of the R4 zoned land and is suited to multi unit housing.</p> <p>A town house development on the site is feasible (plans attached) and is close to Narwee Station, shops and amenities. The proposed zone is unfairly discriminatory.</p>	<p>It is noted that multi dwelling housing is a permitted use in the R3 zone which includes townhouse development as sought by the submitter however the density controls are lower under the R3 zone compared to the R4 zone.</p> <p>It is recommended that this matter be evaluated as part of the Residential Development Review for the City which is to be undertaken in the upcoming 2012-2013 Operational Plan. Should change be substantiated through this process it can be considered in a future LEP amendment along with other recommendations arising from the Review.</p> <p>No change is recommended to the final draft LEP.</p>

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
		to R4 High Density Residential. Property currently has a 2(a) zone with a proposed R3 Medium Density Residential zone. The land has an area of 700sqm and can support higher density. It is located opposite Windarra Reserve and close to Narwee Station, shops and amenities and complies with State Government directives on housing and transport. There are no impediments to a high zone which has been applied to nearby properties.	development. The size of the block is suitable for multi dwelling housing. While the property is located in a Residential 2(a) zone it adjoins a 2(c) zone in Graham Road to the rear of Windarra Street. It is considered that the wider context of the controls and the area needs to be evaluated and should occur in the forthcoming Residential Development Review which is to commence in 6-8 months.
13	Ada Evans Sydney	The owner/registered proprietor of 20 Kardella Crescent, Narwee requests the rezoning of the property from R3 Medium Density Residential to R4 High Density Residential under the draft LEP.	No change is recommended to the final draft LEP. The property is currently zoned Residential 2(a). The surrounding properties are also 2(a). The consideration of a single property within a larger low density block for a higher density is not accepted town planning practice and will result in amenity impacts on adjoining properties. The proposed R3 zone is the equivalent zone to the 2(a) zone and is consistent with Council's intention to primarily prepare a 'translation' LEP under the Accelerated LEP Program overseen by the Department. However, there may be scope within close proximity to Narwee Station for zoning changes however this needs to be thoroughly assessed.
14	Milestone P/L	Submission on behalf of the owners of 44, 46 & 48 Bayview Ave and 7 Highcliff Road, Earlowood requesting the site be zoned R3 Medium Density Residential in conjunction with adjoining town house sites on either side. The combined area of the lots is 7293sq m	No change is recommended to the final draft LEP. The subject land is currently zoned 2(a) with a with a proposed equivalent R2 Low Density Residential zone. Town houses and villa homes are not permitted in Earlowood under the CPSO nor are they in the new zone. The town house development adjoining is an anomaly that arose when the land was zoned County
			It is recommended that the area be included in the forthcoming Residential Land Review which is due to commence in 6-8 months.

## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
		however a portion at the rear is undevelopable as National Park. Multi dwelling housing adjoins the land on both sides (at 30 Bayview and 9 Highcliff Road).	Road Reserve.  Council has a long history of prohibiting medium density town house and villa development in Earlwood and has reaffirmed that position through the R2 zone in the draft LEP. The merit of zoning these and adjoining sites to an R3 zone could be considered as part of the proposed Residential Land Review and due to commence in the next 6-8 months.
15	Submitter Belmore	Concerned with the apparent reduction in the FSR and Maximum Building Height for 52 Albert Street which would reduce its effective development potential. Seeks clarification on this matter.	No changes are recommended to the final draft LEP.  The current zoning of the site is 2(a) with a proposed R3 Medium Density Residential zone under the draft LEP.  The proposed zone, height and floor space controls represent an equivalent zone.  The zone permits town houses and villa home development through the definition of 'multi dwelling housing'. In this regard, there is no reduction in the proposed development potential for the site. It is also noted that the site is a heritage item, which would have implications for any future development that may be contemplated.
16	Planning Ingenuity	Submission on behalf of the owners of 64-68 Quigg Street, Lakemba supporting the slight increase in density but believe the site is well located to support further increases consistent with development on the western side of Quigg Street. The site has been zoned R4 with an FSR 0.9:1, height of 11.5m and minimum lot size of 460sqm. Believe a four storey height will	Support for the proposed zone and height and floor space controls as a minimum provision is noted.  The proposed zone, height and floor space controls in the exhibited draft LEP represent an equivalent zone.  It is noted that there is no minimum lot size for multi unit dwellings and residential flat buildings in the draft

**COUNCIL MEETING****26 JULY 2012****CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

<b>Number</b>	<b>Submitter &amp; Address</b>	<b>Issues</b>	<b>Comment</b>
		improve the building outcomes consistent with SEPP 65. The DCP will need to be rigorously tested to ensure the density controls under the draft LEP can be achieved.	LEP consistent with the current LEP.  No change is therefore recommended to the proposed zone or height and floor space controls.  The request for additional height is appropriately explored further in the upcoming Residential Development Strategy.
<b>17</b>	Submitter Croydon Park	Submission made on behalf of the Western Suburbs AFC site at 40-44 Hampton St Croydon Park. Requests to be advised of any changes under the draft LEP that may affect the current usage rights and building heights for the property.	Council officers phoned and advised that the proposed R3 Medium Density Residential zone was an equivalent zone to the existing 2(a) and will permit the same land uses and have the same heights as the current LEP.
<b>18</b>	Submitter Hurlstone Park	Objects to her land being upzoned from 2(a) to R3 Medium Density Residential. A low density zone should be applied and the character of the street kept and not compromised by possible flats.  Concerned as to why Council did not consult prior to the exhibition and did not receive prior notice or letters advising of the draft LEP exhibition.	The R3 Medium Density Residential zone is an equivalent replacement zone that does not permit residential flat buildings. It does permit town houses and villa homes (known as multi dwelling housing in the draft LEP) as does the current zone. The new R3 zone therefore provides for the same type of development as the current 2(a) zone and will not change the character of the area. In addition the same height and FSR controls have also been retained.  Where a straight "swap" from current controls to equivalent new controls was made, i.e. essentially a 'no change' situation, individual letters were not sent out to property owners.
<b>19</b>	Submitter Campsie	What is the zone for this address?	Council officers emailed this submitter and advised that the new zone was R4 High Density Residential which is an equivalent zone to the current zone. No further correspondence has been received from the submitter.
<b>20</b>	Submitter	Have received letter from Council advising a	Council officers phoned the submitter to explain the

26 JULY 2012

COUNCIL MEETING

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

Number	Submitter & Address	Issues	Comment
Wiley Park	change in zone or increase in development potential on land at 105 The Boulevard, Wiley Park.	current 2(c) zone is being replaced with an equivalent R4 High Density Residential zone with an increase in floor space from 0.9:1 to 1.6:1.	No further correspondence has been received from the submitter.
21 Submitter Punchbowl	Notes the intended change to the zoning of this address to High Density Residential.	Comment noted. The subject land adjoins the Punchbowl town centre and has a current 2(b) zone which will be replaced by the R4 High Density Residential zone.	Residential flat buildings with a 3 storey height and FSR of 0.9:1 will be permissible.

**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012  
**ATTACHMENT 6 Open Space & Other (Mobile Carriers & Outdoor Media) Submissions**

Number	Submitter & Address	Issues	Comment
1.	Submitter Roselands	Committed to lodging a formal objection to the resumption of 39 Ludgate Street and 1 Westella Ave. While the resumption of land is ostensibly for open space, the 3 vacant blocks could be used to facilitate the extension of the Roselands Mosque with adverse impacts of such development on the environment and lifestyle and amenity of the community.	<p>These sites are currently zoned Residential 2(a). The proposed open space zone for 39 &amp; 43 Ludgate Street and I Westella Avenue was adopted by Council as part of the recently adopted Recreation Strategy</p> <p>It is intended that these sites be acquired for future open space purposes to augment existing open space in this part of the City. It is not intended that the land be used for any other purpose.</p> <p>Council has recently resolved to investigate the potential acquisition of 37 Ludgate Street for open space. These investigations are currently underway and depending on the final outcome, a future amendment to the LEP can be made if necessary.</p>
2.	Submitter Roselands	The Mosque at 37 Ludgate was vacant for 3 years before being purchased by the Lebanese Muslim Association (LMA). They must be held responsible for the situation they have created by ignoring the very definite constraints on places of worship in established residential areas. Council should resume 37 Ludgate, Roselands for open space with funding for its purchase coming from the rezoning and sale of land next to 39 Ludgate Street for town houses or villas.	<p>Council has recently resolved to investigate the potential acquisition of 37 Ludgate Street for open space. These investigations are currently underway and depending on the final outcome, a future amendment to the LEP can be made if necessary.</p>



**COUNCIL MEETING**

**26 JULY 2012**

**CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

Number	Submitter & Address	Issues	Comment
3.	Submitter Chipping Norton	Submission made on behalf of a parent, who received notification of the rezoning of her property in Campsie Street for local open space and future acquisition. The submitter has been unable to access the information on Council's website as the links go to an empty page. The subject property has been in the family for 93 years and the land is better used for residential rather than expanding an underused park. 15 days notice is inadequate to prepare a proper submission and request the removal of the rezoning to enable time to make a submission against the proposal.	The proposed acquisition of this property was identified in Council's recently adopted Recreation Strategy. The draft LEP implements that decision. Further, it is longstanding Council policy to only acquire land upon request from the owner, so the land can continue to be used for residential purposes until such time as the owner approaches Council to sell. The change in zone from residential to open space will/should not affect its purchase value as it will be assessed under the Land Acquisition (Just Terms Compensation Act) 1991 as if it was residentially zoned.
4.	Submitter Ruse	The draft LEP proposes to expand the park at 43 Ludgate by rezoning 39 Ludgate and 1 Westella Ave to RE1 Public Recreation. This location is not the most optimal place for a park. Instead 67 & 69 Ludgate offer superior site dimensions, frontage, outlook, trees and views. However, a park in the Ludgate Street area should be a medium term priority as there is a greater need for open space in the Cornelia St and Shadforth St precinct. Proposes rezoning 17, 19 & 21 Cornelia Street, Wiley Park to RE1 Public Recreation to provide much needed open space in a high density environment.	Sites proposed for public open space were identified in Council's recently adopted Recreation Strategy.  Any consideration of additional land acquisitions, as suggested in Cornelia Street, are appropriately considered as part of any future review of the Recreation Strategy.



## COUNCIL MEETING

26 JULY 2012

## CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

## OTHER INTEREST GROUPS

Number	Submitter	Issues	Comment
1.	Mobile Carriers Forum (MCF)	<p>MCF represents Telstra, Optus and Vodafone Hutchinsonson Australia.</p> <p>Advise that freestanding telecommunication towers are considered buildings under the EP&amp;AAct and are therefore concerned about the height limits set for key development within zones. The Infrastructure SEPP makes freestanding telecommunication facilities permissible with consent in all land use zones. They acknowledge that it is not appropriate to use clause 4.6 as a frequent mechanism to vary the heights. Request an exemption from the height of building controls by including a clause in 4.3 to the general effect that the height of a freestanding ground based telecommunications structure may exceed the maximum height shown on the Height of Buildings Map where it is demonstrated that the proposal complies with the relevant Principles of the <i>NSW Telecommunication Facilities Guideline including Broadband</i>.</p>	<p>The height of building map reflects the existing and desired future character for areas which along with locational factors are assessed when a development application is lodged.</p> <p>Council has not been provided with key data (e.g the likely number or potential height of towers that may be needed in the LGA) to enable it to appropriately consider this request.</p> <p>The inclusion of a blanket exemption to building height for freestanding telecommunication towers needs detailed analysis and is not supported at this stage.</p> <p>The Department of Planning &amp; Infrastructure agrees with this approach and therefore it is recommended no change be made to the exhibited draft LEP.</p>
2	Outdoor Media Association	<p>Supports the introduction of a new comprehensive LEP.</p>	<p>Support for draft LEP noted.</p>

**COUNCIL MEETING**

**26 JULY 2012**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

<p>Concerned that there are inconsistencies within the draft LEP in relation to SEPP 64.</p>	<p>The inconsistency identified by OMA is that 'signage' is not a use identified as being permitted with consent in the SP2 zone. However, this zone is used widely in the LGA (classified roads, rail corridors, Sydney Water infrastructure etc) with land in the M5 or land owned by the RTA or RailCorp being subject to the Minister for Planning's consent. Nevertheless, in the event of an inconsistency between SEPP 64 and another environmental planning instrument, whether made before or after the SEPP, the SEPP prevails to the extent of the inconsistency.</p>
<p>Will be forwarding a copy of this submission to DoPI for its information and consideration.</p>	<p>It is noted that the recently gazetted Marrickville LEP 2011 does not include signage as a permitted use in the SP zone.</p>
<p>Draft LEP as exhibited will affect the outdoor media industry as its conflicts with SEPP 64.</p>	<p>Noted.</p>
<p>Requests the inclusion of signage as a permissible use in SP2, business, industrial and mixed use zones.</p>	<p>Presumably this applies to the lack of signage in the SP2 zones which are not always suitably located for such a use given adjoining residential or open space locations.</p>
<p>Requests the inclusion of signage as a permissible use in SP2, business, industrial and mixed use zones.</p>	<p>Signage is already a permissible use with consent in the business, industrial and mixed use zones in the draft LEP. It is not proposed to introduce this use to SP2 land.</p>

COUNCIL MEETING

26 JULY 2012

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

<ul style="list-style-type: none"> <li>• Certain advertisements and signs as exempt development.</li> </ul> <p>Specific request to allow for occupational health and safety upgrades to existing and approved advertising structures which do not increase the advertising display area of the sign; and the removal of existing signage as exempt development.</p> <ul style="list-style-type: none"> <li>• Certain advertisements and signs as complying development.</li> </ul> <p>Specific request to include the erection of wall and bridge signage where such signage complies with the criteria contained in SEPP 64 and the signage measures less than 20 sqm in area.</p>	<p>An amendment to the NSW Codes SEPP has been foreshadowed for signage. If this is not undertaken prior to gazettal it is suggested that Council’s existing exempt and complying controls for signage be inserted into the LEP.</p> <p>In addition, no objection is made to the inclusion of the suggested exempt items.</p> <p>Note: The SEPP does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it, or that is exempt development under this Policy.</p> <p>It is recommended that Council’s current exempt development provisions for outdoor advertising be inserted into the LEP</p>
<ul style="list-style-type: none"> <li>• To provide for merit based assessment for development applications.</li> <li>• To not regulate signage content.</li> </ul> <p>OMA would like Council to recognise the policy directives and the planning assessment framework under SEPP 64 Schedule 1 in its adopted DCP for advertising and signage.</p>	<p>The draft LEP does provide for merit based assessment and does not regulate signage content.</p> <p>Noted.</p>