

Planning proposal for 197-199 Lyons Road Drummoyne

Proposal Title :	Planning proposal for 197-199 Lyons Road Drummoyne		
Proposal Summary :	The planning proposal seeks to rezone land at 197-199 Lyons Road Drummoyne from R2 Low Density Residential to B1 Neighbourhood Centre, increase the Floor Space Ratio from 0.5:1 (D) to 1.0:1 (N), and to remove the minimum lot size.		
PP Number :	PP_2014_CANAD_001_00	Dop File No :	14/10814

Proposal Details

Date Planning Proposal Received :	02-Jul-2014	LGA covered :	Canada Bay
Region :	Metro(CBD)	RPA :	City of Canada Bay Council
State Electorate :	DRUMMOYNE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	197 Lyons Road		
Suburb :	Drummoyne	City :	Sydney
Land Parcel :	Lot 100 DP 802582	Postcode :	2046
Street :	199 Lyons Road		
Suburb :	Drummoyne	City :	Sydney
Land Parcel :	Lot 18 DP 5229	Postcode :	2046

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department's Code of Conduct has been complied with.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	Metropolitan Delivery (CBD) Branch has not knowingly met with or communicated with any lobbyist in relation to this planning proposal.		

Supporting notes

Internal Supporting Notes :

The planning proposal has been prepared in response to a submission to Council to rezone land at 197-199 Lyons Road, Drummoyne from R2 Low Density Residential and part SP2 Infrastructure – Classified Road to B1 Neighbourhood Centre and part SP2 Infrastructure – Classified Road under the Canada Bay Local Environmental Plan 2013. The planning proposal is to increase the Floor Space Ratio from 0.5:1 (D) to 1.0:1 (N), and to remove the minimum lot size.

The planning proposal aims to create a more homogenous zoning, and increase the active commercial space and housing availability within the existing Byrne Avenue, Russell Lee, Neighbourhood Centre.

The planning proposal seeks to extend the nil setback street frontage, that exists to the south of the subject sites, along the length of the Lyons Road boundary. This will be achieved via the change of zoning from B1 Neighbourhood Centre to R2 Low Density Residential and, therefore, the setback controls within the Development Control Plan (DCP):

- Residential (Part 5). Section 5.3.4, clause C1 requires the front setback of all residential buildings to be a minimum of 4.5 metres or no less than the Prevailing Street Setback, whichever is the greater.
- Mixed Use Areas and Neighbourhood Centres (Part 7). Section 7.2, clauses C1 and C2 require that the building mass should maintain the prevailing vertical character found in Canada Bay's business centres, and disruption of the street wall massing is not permitted.

Half of the Lyons Road frontage is proposed to accommodate active retail space and the other half to accommodate a car park. It is not currently possible to extend the nil setback street frontage to the north of the subject sites as the adjoining northern site currently functions as an open air petrol-station and has no built street frontage.

The current R2 Low Density Residential zoning appears to be a historical anomaly, with the B1 Neighbourhood Centre having grown up around the two existing early twentieth

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century dwellings on the subject sites. The date of the existing dwellings can be inferred from the first subdivision map, the 1914 Parish of Concord Map, accessed via the Land and Property Information Historical Land Records Viewer. 197 Lyons Road appears to be a fine example of Federation architecture in excellent condition and potentially of local historical significance. The dwellings are not heritage listed and are not in a heritage conservation area. Consideration of potential heritage significance was not considered in the planning proposal. But as the latest heritage reviews undertaken by Canada Bay Council were the Drummoyne Heritage Study Review (1996), which was a review of the Drummoyne Heritage Study (September 1989), the planning proposal may not reflect the current heritage values of the area or contemporary best practice approaches to cultural heritage.

It is therefore recommended that the gateway determination include a condition requiring consultation with the Heritage Council prior to the commencement of public exhibition. The Heritage Office is to be provided with a copy of the planning proposal and any relevant supporting material, and given 21 days to comment on the proposal. The planning proposal is to be amended to include the outcome of the consultation. This approach is consistent with the draft Metropolitan Strategy for Sydney, Objective 7, which states that "valuing heritage in the urban renewal process will strengthen Sydney's special brand, benefit tourism and creative industries, provide a marketing edge for developers and pride for the local community. It should be undertaken early in the process".

Council has requested delegation to make the plan and has submitted 'Attachment 4- Evaluation Criteria For Delegation'. Council's request of delegation for making this LEP is supported.

External Supporting
Notes :

Council supports this planning proposal because it is consistent with Council's FuturesPlan20 strategic plan Themes and Local Planning Strategy 2010-2031 Objectives and Actions, which encourage growth in and near established centres, to integrate land use and transport. Rezoning the subject sites to B1 Neighbourhood Centre would create a consistent zoning within the Byrne Avenue, Russell Lee, Neighbourhood Centre and extend the nil setback street frontage that currently exists to the south of the subject sites, at 201 Lyons Road.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the planning proposal is to:**
• enable the subject sites to be developed for the purposes of a mixed use development.
• create a built form that increases the active commercial space and provides a nil setback street frontage.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Council has provided an explanation for the change of land zoning, floor space ratio and the removal of minimum lot size, which are considered adequate.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

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7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SREP (Sydney Harbour Catchment) 2005

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **The planning proposal is not inconsistent with any s117 Directions or SEPPs.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes maps showing the proposed:

- Land Zoning Map;
- Lot Size Map;
- Floor Space Ratio Map.

It is recommended that the gateway determination include a condition requiring the current and proposed new LEP maps to be publically exhibited.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Given the nature of the planning proposal a community consultation period of 14 days is proposed by Council. The proposal seeks a change of land use zones consistent with surrounding land uses (Refer to Attachment A for zoning map).

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : August 2013

Comments in relation to Principal LEP :

Canada Bay LEP 2013 was published on 2 August 2013.

Assessment Criteria

Need for planning proposal :

The planning proposal will provide additional employment opportunities within an existing Neighbourhood Centre. Council also believe that the planning proposal is needed to improve the connectivity of commercial street frontages within the retail precinct. The development proposal will extend the commercial street frontage that currently exists to the south of the subject sites.

The planning proposal intends to replace the existing dwellings with mixed use development. The planning proposal will also permit increased housing supply in an area serviced by existing infrastructure and services. Lyons Road is particularly well serviced by public buses.

Consistency with strategic planning framework :

The planning proposal is consistent with Sydney Metropolitan Plan 2036. Objective B1.3: Aim to locate 80 per cent of all new housing within the walking catchments of existing and proposed centres of all sizes with good public transport.

The planning proposal contributes to the objectives of the draft Metropolitan Strategy for Sydney .

- Objective 2: Strengthen and grow Sydney's centres. It seeks to encourage mixed use development in an established centre where there is market demand and complementary land uses.
- Objective 5: Deliver new housing to meet Sydney's growth. It seeks to provide two levels of shop top housing (approximately 12 units).
- Objective 15: Provide for a good supply of retail space. It seeks to provide 135sqm of ground floor retail space.

The planning proposal contributes to the objectives of the draft Inner West Subregional Strategy.

- Action B2.1: Plan for housing in centres consistent with their employment role.

The planning proposal is consistent with Councils' FuturesPlan20 strategic plan outcomes and City of Canada Bay Local Planning Strategy 2010-2031 objectives:

- OH5: Increase residential densities in centres.
- OT1: Integrate land use and transport.

The planning proposal is not consistent with the draft Metropolitan Strategy for Sydney.

- Objective 7, which states that "the protection and use of heritage assets will be planned for up front in urban renewal" (Policy c.). 197 Lyons Road appears to be a fine example of early twentieth century Federation architecture in excellent condition. But potential heritage significance of the buildings has not been considered in the planning proposal and the latest heritage reviews undertaken by Canada Bay Council were the Drummoyne Heritage Study Review (1996), which was a review of the Drummoyne Heritage Study (September 1989). The planning proposal may therefore not reflect the current heritage values of the area or contemporary best practice approaches to cultural heritage.

Environmental social economic impacts :

The planning proposal seeks to replace two residential dwellings with a mixed use development. This will have economic benefits.

The planning proposal could, however, have detrimental environmental and social impact if there is a loss of cultural heritage significance. It is recommended that the gateway determination include a condition requiring consultation with the Heritage Council prior to the commencement of public exhibition. The Heritage Office is to be provided with a copy of the planning proposal and any relevant supporting material, and given 21 days to comment on the proposal. The planning proposal is to be amended to include the outcome of the consultation.

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Assessment Process

Proposal type : **Consistent** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Transport for NSW - Roads and Maritime Services**
Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Covering letter from Council.pdf	Proposal Covering Letter	Yes
Council Report & Resolution 20 May 2014.pdf	Proposal	Yes
Planning Proposal - 197-199 Lyons Road Drummoyne.pdf	Proposal	Yes
Community Consultation & Project Timeline.pdf	Proposal	Yes
CityscapePlanning and Projects - Urban Renewal Study - 197-199 Lyons Rd Drummoyne - April 2014 (missing from disk).pdf	Proposal	Yes
Attachment_4_-_Evaluation_criteria_for_the_delegation_of_plan_making_functions.pdf	Proposal	No
Maps (LZN, FSR, LSZ).pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**

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- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

It is recommended that the planning proposal proceed subject to the following conditions:

1. Consultation is required with the Heritage Office prior to the commencement of public exhibition. The public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. The planning proposal is to be amended to include the outcome of this consultation.
2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act.
3. The planning proposal is to be placed on public exhibition for a minimum of 14 days.
4. The current maps and the proposed new LEP maps are to be publically exhibited.
5. A timeframe for completing the LEP is 6 months from the week following the date of the gateway determination.
6. A written authorisation to exercise delegation under section 59 of the EP&A Act is issued to Council in relation to the planning proposal.

Supporting Reasons :

The planning proposal is supported for the following reasons:

- it is consistent with the NSW strategic planning framework and Council's strategic plans;
- the provision of mixed use development within an existing Neighbourhood Centre will promote employment and housing in close proximity to public transport;
- it creates a more homogenous zoning and an improved public domain by creating a more continuous active commercial street frontage within a Neighbourhood Centre.

Signature:



Printed Name:

Diane Sarkies

Date:

29/7/14

Attachment A – Site location and zoning (proposed) map

