

To rezone land from RE2 Private Recreation to R3 Medium Density Residential and amend maximum building and floorspace ratio controls at the former Drummoyne Sports Club, 2A Hythe Street, Drummoyne.

Proposal Title : To rezone land from RE2 Private Recreation to R3 Medium Density Residential and amend maximum building and floorspace ratio controls at the former Drummoyne Sports Club, 2A Hythe Street, Drummoyne.

Proposal Summary : The planning proposal seeks to amend the Canada Bay Local Environmental Plan 2013 as follows:
 - rezone the site from RE2 Private Recreation to R3 Medium Density Residential;
 - introduce a maximum building height control of 8.5 metres for the northern portion of the site; and RL 19.9AHD for the remainder of the site; and
 - introduce a maximum floorspace ratio (FSR) control of 1.1:1.

PP Number : PP_2015_CANAD_007_00 **Dop File No :** 15/15659

Proposal Details

Date Planning Proposal Received : 19-Oct-2015 **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 : 2A Hythe Street

Suburb : Drummoyne **City :** **Postcode :**

Land Parcel : Lot 2 DP 861533

DoP Planning Officer Contact Details

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RPA 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 of Planning and Environment's Code of Conduct has been complied with. Metropolitan (CBD) has not met or communicated with any lobbyist in relation to this planning proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **On 17 August 2015, following the independent pre-Gateway review by the Joint Regional Planning Panel (Panel), the Department determined that the proposal should proceed to the Gateway stage on the following basis:**

- **rezone the site from RE2 Private Recreation to R3 Medium Density Residential;**
- **the south-eastern corner of the site to be subject to a maximum building height control of 15 metres (RL 19.9 AHD), with the remainder of the site subject to a maximum building height of 8.5 metres (See Panel's amended master plan drawing at Tab A);**
- **floorspace ratio to be determined by the relevant planning authority, taking into account the setbacks specified in the Panel's advice to the Department and the height controls referred to above (the Panel recommended an FSR between 0.8 and 0.9:1); and**
- **setbacks, deep soil planting between buildings, car parking limitations and public through-site links to be provided by way of a draft DCP to be prepared and exhibited with the planning proposal.**

The current planning proposal is consistent with these requirements in terms of proposed zoning and height controls (RL 19.9 AHD). The surrounding area is predominantly zoned R3 (with the exception of a B4 Mixed Use zoned site on the opposite side of Hythe Street), and is subject to maximum building and FSR controls of, respectively, 8.5 metres and 0.5:1.

The proposed FSR exceeds the range of 0.8:1-0.9:1 recommended by the Panel. The additional 0.2:1 FSR results from the provision of 3 affordable housing units (which was supported by the Department in it's PGR determination) to be dedicated to Council. It is considered that with appropriate DCP controls (to be exhibited with the planning proposal), any potential adverse amenity impacts resulting from this additional FSR can be prevented or satisfactorily minimised.

The planning proposal itself does not specify intended numbers of dwellings, but the submitted traffic and parking review is based on a development of 65-75 dwellings.

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The site was last used as a sports/bowling club, but the club operation has ceased and the site has been sold.

The proposal is supported as it will:

- facilitate the provision of additional housing within an existing urban area, in a medium density location with good access to public transport and Drummoyne village centre, Birkenhead Point Shopping Centre, Parramatta and Sydney CBD; and
- activate a redundant privately owned facility by contributing to Sydney's housing supply in a location with good connectivity to the CBD and in an area that is otherwise constrained by heritage listed properties and conservation areas.

External Supporting
Notes :

Council supports this planning proposal because it considers the proposal is consistent with its Local Planning Strategy 2010-2031, FuturesPlan 20, and is in general accordance with the recommendations of the Panel.

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 site to be developed for the purposes of residential development in general accordance with the recommendations of the Panel.

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

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

Comment : The following provisions are proposed:

- amend Zoning Map (LZN_006) by rezoning the site to R3 Medium Density Residential;
- amend Floor Space Ratio Map (FSR_006) by introducing a maximum FSR of 1.1:1 for the site;
- amend Height of Building Map (HOB_006) by introducing a maximum building height control of 8.5 metres for the northern portion of the site, and RL 19.9 for the remainder of the site.

This explanation is considered adequate, but for clarity and consistency, proposed building height controls should be expressed in both metres and RL AHD.

A DCP is to be prepared in relation to setbacks, deep soil planting between buildings, car parking limitations and public through-site links. Whilst not provided with the planning proposal, it is recommended that a draft DCP be publicly exhibited with the planning proposal.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

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Is the Director General's agreement required? **Yes**

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 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
SEPP (Major Projects) 2005
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?

If No, explain :

Section 117 Direction 4.1 Acid Sulfate Soils:

This Direction seeks to avoid significant adverse environmental impacts from the use of land that has acid sulfate soil. The proposal is inconsistent with this Direction because it proposes to intensify the use of the land, which is categorised as part Class 2 and part Class 5 on the Canada Bay LEP 2013 Acid Sulfate Soils Map, but has not considered the implications of the presence of acid sulphate soils. The planning proposal states that the use of the site is not proposed to be intensified to such an extent that warrants an acid sulphate soils study being undertaken, and that this issue can be addressed through the development application process.

The same preliminary Environmental Assessment submitted with the pre-Gateway Review (PGR) has been provided with the planning proposal. The Assessment provides the results of testing for numerous contaminants, and advises that additional sampling and analysis should be undertaken prior to any excavation work. This assessment does not appear to relate to the presence and implications of acid sulphate soils and therefore the inconsistency with the Direction has not been adequately justified. The planning proposal does state however, that additional sampling and analysis should be undertaken prior to excavation and demolition.

As recommended in the Department's PGR Assessment Report, the inconsistency with this Direction will need to be justified prior to public exhibition of the planning proposal. It is recommended that prior to public exhibition, the planning proposal be updated to consider the Acid Sulfate Soils Planning Guidelines, and an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils, in accordance with this Direction.

State Environmental Planning Policy No. 55 Remediation of Land:

The objective of the SEPP is to provide a State-wide approach to the remediation of land to reduce risk of harm to human health and the environment. The preliminary Environmental Assessment referred to above, addresses the issue of contamination in relation to the presence of numerous contaminants, but not in relation to Acid Sulfate Soils.

The proposal and the Environmental Assessment demonstrate consistency with the SEPP as a preliminary assessment has been carried out, and given the history of the site as a sports/bowling club, it is unlikely that the site is contaminated to such a degree that it is unsuitable for residential development, or unable to be remediated. The preliminary Environmental Assessment does not state that the site is unsuitable for the proposed development, or that it would be unable to be remediated, if required.

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The planning proposal is considered consistent with the remaining applicable section 117 Directions and SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes appropriate proposed LEP Zoning, FSR and Maximum Building Height control maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council intends to publicly exhibit the planning proposal for 28 days, and to notify adjoining landowners in writing. The Department supports this intention.

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 :

Comments in relation to Principal LEP : Canada Bay Local Environmental Plan 2013 was gazetted on 19 July 2013.

Assessment Criteria

Need for planning proposal : The planning proposal follows the pre-Gateway Review for the amendment of the current zoning, FSR and height controls applying to the site, which was determined on 17 August 2015. A planning proposal is the appropriate mechanism by which to implement the proposed LEP amendments.

Consistency with strategic planning framework : The planning proposal is considered consistent with A Plan for Growing Sydney (2014) and Canada Bay Local Planning Strategy 2010-2030, as it will facilitate the activation of a redundant site and the provision of additional housing within an existing urban area, in a medium density location with good access to public transport and Drummoyne village centre, Birkenhead Point Shopping Centre, Parramatta and Sydney CBD.

Environmental social economic impacts : **Environmental:**
The land is not identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats. Given that the site has been previously developed and is located within an urban area, it is highly unlikely that any such habitat, species, populations or communities exist on the site.

The proponent's preliminary Environmental Assessment has found that all soil test results were below the National Environmental Protection Measure (NEPM, 1999) guideline concentration for residential sites, but does not discuss the presence of acid sulfate soils. Whilst the proposal is inconsistent with Section 117 Direction 4.1 Acid Sulfate Soils, and

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requires justification, clause 6.1

Acid Sulfate Soils (Canada Bay LEP 2013) is considered sufficient to ensure that acid sulphate soils are not disturbed or exposed so as to cause environmental damage.

The site is not identified as being flood prone in the LEP and Council has made no comment in relation to stormwater management or flooding, other than to state that Section 117 Direction 4.3 Flood Prone Land is not applicable.

The planning proposal includes a review of "traffic and parking aspects", which calculates that the proposal would generate 30-40 two-way vehicle movements in the weekday afternoon peak hours. This represents an additional 10-20 movements per hour compared to those generated by the former sports club use in the weekday afternoon peak period. The review concludes that the proposal would result in minor increases in traffic generation and no material impact on amenity or operation of the surrounding road network. Notwithstanding, it is recommended that NSW Roads and Maritime Services is consulted on the planning proposal.

The surrounding land (in the R2 and mainly R3 zones) has a maximum FSR of 0.5:1 (with the exception of the service station (zoned B4) subject to an FSR of 1:1). However, the surrounding land (except the service station) is also identified as 'Area 1', and clause 4.4(2A) of the LEP states that the maximum FSR for a building (as indicated on the FSR map) does not apply to multi dwelling housing or a residential flat building. The surrounding R2 and R3-zoned land is subject to maximum height controls of 8.5 metres. Surrounding development in the area consists of mainly one and two-storey dwellings.

In this context, it is considered that an appropriately designed development in accordance with appropriate setbacks required by a DCP (to be exhibited), would be unlikely to result in any significant adverse impact.

Social/Economic:

It is considered that the proposal will facilitate positive social and economic effects by way of its contribution to housing supply and choice, and its contribution to the viability of existing services and public transport in the area and nearby established centres.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Department of Education and Communities
Transport for NSW - Roads and Maritime Services**

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. :

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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

Planning Team Recommendation

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

S.117 directions: **3.2 Caravan Parks and Manufactured Home Estates**
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **It is recommended that the planning proposal is to proceed, subject to the following conditions:**

- 1. Prior to public exhibition, the planning proposal is to be updated as follows:**
 - a) site specific controls relating to building setbacks, deep soil planting between buildings, car parking limitations and public 'through-site' links are to be provided by way of a draft Development Control Plan;**
 - b) a detailed consideration of the Acid Sulfate Soils Planning Guidelines, and an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulphate soils is to be included in the planning proposal; and**
 - c) proposed building height controls should be expressed in both metres and RL AHD.**
- 2. The planning proposal (as updated) is to be publicly exhibited for 28 days.**
- 3. Consultation is required with the following public authorities:**
 - Transport for NSW - Roads and Maritime Services; and**
 - NSW Department of Education and Communities.**
- 4. A public hearing is not required to be held into this matter.**
- 5. The planning proposal is to be completed within 9 months of the Gateway Determination.**

Supporting Reasons : **The planning proposal is supported as it is consistent with strategic planning framework objectives, and will contribute to meeting the need for additional dwellings.**

Signature:



Printed Name:

Diane Sarkies

Date:

18/11/15

