

**ITEM PLANNING PROPOSAL 2A HYTHE STREET
DRUMMOYNE - FORMER DRUMMOYNE SPORTS
CLUB**

Department Planning and Environment

Author Initials: MF

EXECUTIVE SUMMARY

The Planning Proposal for the former Drummoyne Sports Club at 2A Hythe Street was referred to the Department of Planning and Environment for a Pre-Gateway Review through the JRPP. The latter has recommended that an amended Planning Proposal be submitted to the Gateway for a Determination. It also supported the provision of some affordable housing and a public through-site link. Council has been asked by the Department to be the Relevant Planning Authority.

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area:

TC1 We will encourage and support the provision of a diverse range of housing stock which responds to changing needs.

This report also relates to the Canada Bay Local Planning Strategy

REPORT

Background

In May 2014 an application was submitted to Council to rezone land at 2A Hythe Street, Drummoyne from RE2 Private Recreation to R3 Medium Density Residential under the Canada Bay Local Environmental Plan 2013.

The site is identified as Lot 2 DP 861533 and is known as the former Drummoyne Sports Club.

Site Context

The site is approximately 5,497sqm in size and is located approximately 500m from the centre of Drummoyne Village. Bus stops providing access to frequent services to Sydney CBD and Parramatta are located in close proximity to the site. Public open space available within walking distance of the site includes the Five Dock Bay foreshore and Taplin Park.

The surrounding zoning is predominantly R3 Medium Density Residential and the built form ranges from one to two storey detached residential dwellings, two storey town houses and two – three storey unit development. The 7/11 Service Station on the opposite side of Hythe Street is zoned B4 Mixed Use. It is considered a suitable site for rezoning to residential.

Historical/current use

The site was used for many years as a licensed Sports Club, but in recent times has ceased operating. The site has now been sold to private interests and is currently vacant.

Planning Proposal

The submission made by the applicant sought a rezoning of the site from RE2 Private Recreation to R3 Medium Density Residential, with a maximum building height of 18 metres (5 storey height limit) and 1.0:1 Floor Space Ratio (FSR). Potential vehicular access was proposed off Hinkler Court, Hendricks Ave and Hythe Street. The proposal sought to address existing surrounding residential development through the use of transitioning height controls from the proposed maximum height of 5 storeys to the south/east of the site, down to three and two storeys on the northern and western frontages in particular. This proposal is provided as Attachment 1.

A report on the proposed rezoning was considered by Council on 15 July 2014 where the following was resolved:

1. *THAT the rezoning of 2A Hythe Street Drummoyne from RE 2 Private Recreation to R3 Medium Density be deferred for further consultation with the applicants.*
2. *THAT urban design advice be sought on the proposal.*
3. *THAT following an urban design review and further assessment a report will be brought back for Council's consideration.*
4. *THAT the Draft Planning Proposal be immediately notified for 14 days*
5. *THAT the General Manager investigate and report to Council on the history of ownership of the land and whether or not the City of Canada Bay has an interest in the land given its alleged history of being public recreation land.*

In accordance with the above resolution, the application was notified for public comment, an Urban Design review undertaken and investigation undertaken into the history of the site.

Council staff also met with the applicant and discussed the Urban Design Review by Studio GL and the issues raised in submissions.

Urban Design Review

Council commissioned StudioGL to undertake the urban design review. In summary the report recommended that the site was suitable for rezoning but that the proposed development should be amended to lower the heights and FSRs.

In addition StudioGL also recommended an easement for pedestrian access that links Hinkler Court and Hendricks Ave and options to explore the retention of the entry gates and the existing trees.

Notification of the Planning Proposal

In accordance with the Council resolution the Planning Proposal was immediately notified from 17 July to 1 August 2014 to the area surrounding the subject site. Council received thirty-four submissions (34). The main concerns raised were – height and scale, amenity impacts, traffic and parking and loss of open space.

Council interest in the land - Staff have investigated the history of the site and it was revealed that the former Drummoyne Council sold three blocks of land in fee simple between 1952–1965 for the purposes of a community Bowling Club. Council has no ongoing propriety interest in the land.

The outcome of the Urban Design Review and the public notification was considered by Council at a meeting on the 2 September 2014. Council resolved:

1. *THAT Council reject the submission made by the applicant seeking a rezoning of 2A Hythe Street Drummoyne from RE2 Private Recreation to R3 Medium Density Residential, with a maximum building height of 18m (5 storeys height limit) and 1.0:1 floor space ratio.*
2. *THAT a Planning Proposal and associated Development Control Plan provisions be prepared for 2A Hythe Street, Drummoyne based on the recommendations, and not to exceed those recommendations, contained within the Urban Design Review prepared by Studio GL.*
3. *THAT authority be delegated to the General Manager to negotiate the terms of any Voluntary Planning Agreement that the applicant may be willing to enter into subject to the receipt of an offer from the applicant to provide public benefits in association with the Planning Proposal in the nature of:*
 - a. *Through site pedestrian walkways to allow general public access through the site to the water and open space.*
 - b. *Dedication of 3-4 units as affordable housing.*
 - c. *Any other matters proposed by the applicant.*
4. *THAT following the negotiations in Recommendation 3 the Planning Proposal be submitted to the Minister for Planning and Environment with a request for a Gateway Determination.*
5. *THAT Council request delegation to manage the process.*
6. *THAT the revised Planning Proposal and associated draft Development Control Plan be approved for public authority consultation and public exhibition in accordance with the Gateway Determination.*

7. *THAT Council note that following consideration of any submissions, and refinements as necessary, the Planning Proposal and draft Development Control Plan and any Voluntary Planning Agreement offers from the applicant, will be reported back to Council for final determination.*
8. *THAT authority be delegated to the General Manager to make any minor variations to the Planning Proposal and Development Control Plan following receipt of the Gateway Determination.*

Pre-Gateway Review

Negotiations were unsuccessful with the applicant who subsequently referred his application to the Department of Planning and Environment for a pre-Gateway Review. As part of the process the application was considered by the JRPP who determined that the proposal had merit but should be amended. A copy of the JRPP's recommendation is provided as Attachment 2.

The JRPP recommended a five (5) storey height limit (15m/RL 19.9) concentrated on the south western corner of the site (generally near the corner of Marlborough and Hythe Streets) with appropriate transition and modulation in scale. However the northern part of the site has been restricted to 2 storeys (8.5m). The Panel was unable to definitively set an FSR but considered that it may be in a range between 0.8:1 – 0.9:1. Subsequently the JRPP recommended that the amended Planning Proposal be submitted for a Gateway Review.

The JRPP also recommended a publicly accessible pedestrian and cycle link to Hendricks Avenue from Hinkler Court, water sensitive urban design and lower car parking controls. The JRPP also supported the provision of affordable housing on the site noting that this was a matter to be negotiated between Council and the applicant through a VPA.

A comparison is provided below between the applicant's application, StudioGL and the JRPP is provided below.

Issue	Planning Proposal (Applicant)	Recommendation Studio GL	Recommendation of the JRPP
Land use zone	R3 Medium Density	R3 Medium Density	R3 Medium Density
Floor Space Ratio	1:1	0.7:1 - 0.8:1	Estimated 0.9:1
Building height	3 - 5 storeys/18m along Marlborough Street and a section of Hythe Street. 2 – 4 storeys on the northern part of the site	Max 4 storeys (11m) along Westbourne Street and a section of Hythe Street. 2 – 3 storeys on the northern part of the site.	Portion of the site on the corner of Westbourne St & Hythe St 5 storey (15m/RL 19.9) with the northern part of the site restricted to 2 storeys (8.5m)

Discussion

Following the recommendation from the JRPP, the Department of Planning and Environment notified Council on the outcome of the JRPP and asked whether Council would like to be the 'Relevant Planning Authority'. This in effect gives the assessment process back to Council and would allow negotiation for affordable housing.

The applicant, Hythe Street Investments has written to Council (refer to Attachment 3) and offered 1 x 2 bedroom and 2 x 1 bedroom apartments for affordable housing. The FSR will slightly increase, however with a restriction on the heights and urban design controls such as setbacks, landscaping, building modulation and transitions in scale, amenity impacts can be safeguarded. It should be noted that in many other medium density areas in the LGA an FSR is not applied with built form controlled by other measures. State Environmental Planning Policy (SEPP) 65 - Design Quality of Residential Apartment Development will also apply.

It is considered that the site is suitable for rezoning given its proximity to the Drummoyne Centre and in particular to Victoria Road where there is access to good public transport. The recommendation from the JRPP is considered reasonable and not that dissimilar from those recommended by StudioGl with 3 affordable housing apartments dedicated to Council.

Conclusion

It is recommended that Council become the Relevant Planning Authority, prepare the Planning Proposal for a Gateway Review generally in accordance with the JRPP recommendation, along with a draft VPA for the affordable housing units and a public through-site link. A Development Control Plan should also be prepared in parallel with the Planning Proposal.

Following a Gateway Determination the draft Planning Proposal and VPA will be placed on public exhibition subject to the conditions of the Determination.

RECOMMENDATION

1. THAT Council accepts the role of Relevant Planning Authority to manage the draft Planning proposal process.
2. THAT a Planning Proposal and associated Development Control Plan provisions be prepared for 2A Hythe Street, Drummoyne based on the recommendations of the Sydney East Joint Regional Planning Panel.
3. THAT authority be delegated to the General Manager to negotiate the terms of any Voluntary Planning Agreement that the applicant is willing to enter to provide public benefits in association with the Planning Proposal in the nature of:

- Through site pedestrian walkways to allow general public access through the site to the water and open space.
 - Dedication of 3 units as affordable housing.
 - Any other matters proposed by the applicant.
4. THAT following the negotiations in Recommendation 3 the Planning Proposal be submitted to the Minister for Planning and Environment with a request for a Gateway Determination.
 5. THAT Council request delegation to manage the process.
 6. THAT the revised Planning Proposal and associated draft Development Control Plan be approved for public authority consultation and public exhibition in accordance with the Gateway Determination.
 7. THAT following consideration of any submissions, and refinements as necessary, the Planning Proposal and draft Development Control Plan and any Voluntary Planning Agreement, will be reported back to Council for final determination.
 8. THAT authority be delegated to the General Manager to make any minor variations to the Planning Proposal and Development Control Plan following receipt of the Gateway Determination.
 9. THAT Council write to surrounding residents and provide them with the advice of the Sydney East Joint Regional Planning Panel's recommendation to the Department of Planning that an amended Planning Proposal (as detailed in this report) and affordable housing and a public through-site link is supported for this site.

Attachments:

1. Original proposal from applicant
2. JRPP Recommendation
3. Letter from applicant

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RESOLVED

(Crs Kenzler/Megna)

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2. THAT a Planning Proposal and associated Development Control Plan provisions be prepared for 2A Hythe Street, Drummoyne based on the recommendations of the Sydney East Joint Regional Planning Panel.
3. THAT authority be delegated to the General Manager to negotiate the terms of any Voluntary Planning Agreement that the applicant is willing to enter to provide public benefits in association with the Planning Proposal in the nature of:
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4. THAT following the negotiations in Recommendation 3, the Planning Proposal be submitted to the Minister for Planning and Environment with a request for a Gateway Determination.
5. THAT Council request delegation to manage the process.
6. THAT the revised Planning Proposal and associated draft Development Control Plan be approved for public authority consultation and public exhibition in accordance with the Gateway Determination.
7. THAT following consideration of any submissions and refinements, as necessary, the Planning Proposal and draft Development Control Plan and any Voluntary Planning Agreement will be reported back to Council for final determination.
8. THAT authority be delegated to the General Manager to make any minor variations to the Planning Proposal and Development Control Plan following receipt of the Gateway Determination.
9. THAT Council write to surrounding residents and provide them with the advice of the Sydney East Joint Regional Planning Panel's recommendation to the Department of Planning that an amended Planning Proposal (as detailed in the report) and affordable housing and a public through-site link is supported for this site.

(FOR: Crs Ahmed, Cestar, Fasanella, Kenzler, McCaffrey, Megna,
O'Connell, Tsirekas and Tyrrell)
(AGAINST: Nil)