

Proposed rezoning and amendments to existing height and floor space ratio controls at 355 & 357-359 Lyons Road, Five Dock

Proposal Title :	Proposed rezoning and amendments to existing height and floor space ratio controls at 355 & 357-359 Lyons Road, Five Dock		
Proposal Summary :	The planning proposal seeks to amend Canada Bay Local Environmental Plan 2013 in relation to three adjoining properties as follows: Item 1: 355 Lyons Road: • Rezone the property from R2 Low Density Residential to B4 Mixed Use; • Increase FSR from 0.5:1 to 1.3:1; and • Increase maximum building height from 8.5 metres to 11 metres. Item 2: 357-359 Lyons Road: • Rezone the properties, respectively, from R2 Low Density Residential and B1 Neighbourhood Centre, to B4 Mixed Use; • Increase FSR from, respectively, from 0.5:1 and 1:1 to 1.3:1; and • Increase maximum building height from 8.5 metres to 11 metres.		
PP Number :	PP_2015_CANAD_006_00	Dop File No :	15/16195

Proposal Details

Date Planning Proposal Received :	09-Nov-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 :	355 Lyons Road		
Suburb :	Five Dock	City :	Postcode :
Land Parcel :	Lot 1 DP 319424		
Street :	357-359 Lyons Road		
Suburb :	Five Dock	City :	Postcode :
Land Parcel :	Lots 40 & 41 DP 9978		

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DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name : **Diane Sarkies**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Metro Inner West subregion	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment : **The Department of Planning and Environment's Code of Conduct has been complied with. Metropolitan (CBD) has not met with or communicated with any lobbyist in relation to this planning proposal.**

Have there been
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **Two separate planning proposals have been prepared, but submitted under one covering letter from Council. Given that the properties are all adjoining neighbours and seeking the same rezoning and amendments to height and FSR controls, it is appropriate to deal with the proposals as a single planning proposal.**

The planning proposal seeks to achieve an 'integrated design outcome' by the application of consistent zoning, height and FSR controls to all three properties.

The proposed rezonings from R2 Low Density Residential and B1 Neighbourhood Centre to

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B4 Mixed Use will enable an increase in housing provision by way of providing for residential flat buildings, seniors housing and shop top housing. It will also enable the continuation of commercial uses at ground floor level.

In tandem with the proposed rezoning to B4, the proposed increases in FSR and height controls will enable a more intensive use of the land at a location that is well served by public transport (buses). The B4 zone is considered compatible with the surrounding zones, which are R2 Low Density Residential and R3 Medium Density Residential. Much of what is permitted in the R2 and R3 zones is also permitted in the B4 zone, with the exception of:

- (in the R2 zone) boat sheds, dual occupancies, dwelling houses, environmental facilities, jetties, semi-detached dwellings, and water recycling facilities; and
- (in the R3 zone), attached dwellings, boat sheds, exhibition homes, group homes, jetties, multi-dwelling housing and residential accommodation.

On 9 November 2015, Council provided a set of building massing and shadow diagrams to assist in the consideration of this planning proposal.

The proposal is supported as it will:

- satisfy metropolitan and subregional strategy objectives, which encourage developments that will facilitate increased housing provision in locations serviced by good public transport and with access to jobs and services;
- contribute to the provision of dwellings for Sydney's projected increasing population and changing demographics, by increasing development controls; and
- facilitate the optimal development potential of the site, by allowing mixed use development.

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

External Supporting
Notes :

The planning proposal reflects Canada Bay Council's resolution of 4 August 2015 to support the proposed rezoning and amendment to existing height and FSR controls under Canada Bay LEP 2013. Council supports the planning proposal because it is consistent with the objectives of Council's Local Planning Strategy 2010, which encourages growth in and near established centres, and will provide for a variety of compatible uses.

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 amend the zoning, height and FSR controls applicable to the three subject properties so that an integrated urban design outcome can be achieved, and which optimises the site's development potential.

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

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

Comment : To achieve the objectives of the planning proposal, the following amendments to Canada Bay LEP 2013 are sought in relation to all three properties:

- Amend the current zoning map from R2 Low Density and B1 Neighbourhood Centre to B4 Mixed Use;
- Amend the current Height of Building map from 8.5m to 11m; and
- Amend the FSR map from 1:1 and 0.5:1 to 1.3:1.

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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

1.1 Business and Industrial Zones

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

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

SEPP (Affordable Rental Housing) 2009

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The planning proposal is considered consistent with the objectives of the identified and applicable section 117 Directions and SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes map extracts showing the current and proposed zoning, FSR and height control maps. However, in relation to 355 Lyons Road, the proposed maps do not clearly identify the site's intended controls. It is therefore recommended that the Gateway Determination requires the exhibition of complete proposed zoning, height and FSR controls maps as part of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Neither of the two elements of the planning proposal specify the means or duration of community consultation other than that it will be implemented in accordance with s.57 of the EP&A Act.

It is recommended that the planning proposal be exhibited for a minimum of 28 days.

Additional Director General's requirements

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

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment :

The proposal comprises two individual planning proposals submitted to Council by different proponents at different times, and there is very little consideration of the three properties as one site.

Individually, the proposals do not strictly follow the format of the Department's Guide to Preparing Planning Proposals, and some mapping extracts are unclear in terms of indicating what is proposed.

However, this inadequacy need not delay consideration of the planning proposal.

It is recommended that prior to exhibition, the two planning proposals be formally consolidated as a single planning proposal document which follows the format of the Department's Guide to Preparing Planning Proposals, and includes a single set of existing and proposed zoning, maximum building height and FSR maps (including Legends) which clearly indicate what is proposed.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Canada Bay Local Environmental Plan 2013 was gazetted on the 19 July 2013.

Assessment Criteria

Need for planning proposal :

The planning proposal refers to the Canada Bay Local Planning Strategy 2010, which acknowledges opportunities for increased numbers of dwellings (including shop top housing) in and near to 'traditional' local centres including Five Dock, and can be considered a result of the Local Planning Strategy.

The planning proposal seeks to rezone the site and raise the applicable FSR and building height controls to optimise the site's development capacity, and a planning proposal is the appropriate mechanism by which to implement the proposed LEP amendments.

Consistency with strategic planning framework :

Each item of the planning proposal provides limited discussion on its relationship to the strategic planning framework, in particular A Plan for Growing Sydney.

The aims and objectives of A Plan for Growing Sydney are relatively 'high level', but the planning proposal is considered to be consistent with the overall aims of these elements of the strategic planning framework, as it will facilitate a contribution to:

- increased housing supply in close proximity to a transport corridor, services and facilities;
- improved housing choice and affordability; and
- the revitalisation of an existing suburb.

Notwithstanding, the planning proposal itself provides insufficient consideration and explanation of its relationship and consistency with A Plan for Growing Sydney, particularly for the purposes of public exhibition. The planning proposal should therefore be updated to provide more detailed consideration of the proposal's relationship and consistency with A Plan for Growing Sydney.

The planning proposal is considered consistent with Council's Local Planning Strategy 2010 and 'FuturesPlan20' which, in general terms, seek to encourage and achieve a diverse range of housing stock and support and revitalise traditional local centres.

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Environmental social
economic impacts :

The three properties within the site are part of an established and developed urban area, and are not identified as having any ecological communities or habitats. It is therefore unlikely that any critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected by this planning proposal.

The adjoining sites (in the R3 and R2 zones) to the east and south are subject to FSR controls of, respectively 0.7:1 and 0.5:1, and maximum height controls of 15m and 8.5m. Surrounding development in the area consists of a mix of single and two-storey residential dwellings, in addition to the residential apartment complex known as 'Tuscany Court', which comprises elements of 3 - 5 storeys. The massing and shadow diagrams provided by Council indicate a modest degree of variety of building heights (1-3 storeys) in the immediate locality.

In this context, it is considered that an appropriately designed development would be unlikely to result in any significant adverse impact, given that the additional height proposed would in effect only result in a building(s) to a height of 3 storeys.

It is considered that the proposal will facilitate positive social and economic effects by way of its contribution to housing supply and choice, its retention of commercial opportunities, 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 - s56(2)(d) **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. :

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 :

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Documents

Document File Name	DocumentType Name	Is Public
Proposed FSR, HOB and Zoning Maps.pdf	Map	Yes
355 Lyons Road Planning Proposal Submission.pdf	Proposal	Yes
357-359 Lyons Road Planning Proposal Submission.pdf	Proposal	Yes
Lyons Road - Council report and resolution 4 August 2015.pdf	Proposal	Yes
Lyons Road PP - Attachment_1_-_Information_checklist.pdf	Proposal	No
Lyons Road PP - Attachment_4_-_Evaluation_criteria_for_the_delegation_of_plan_making_functions.pdf	Proposal	No
Lyons Road PP - Massing diagram and overshadowing diagrams.pdf	Proposal	Yes
Lyons Road PP - Photograph of the correct subject site - 355 Lyons Road.pdf	Photograph	Yes
Lyons Road PP - Revised Concept Plans for 357 - 359 Lyons Road.pdf	Proposal	Yes
Lyons Road PP - Zoning Map 1520_COM_LZN_005_010_20150929.pdf	Map	Yes
Lyons Road PP - Height map 1520_COM_HOB_005_010_20150930.pdf	Map	Yes
Lyons Road PP - FSR Map 1520_COM_FSR_005_010_20150930.pdf	Map	Yes
Massing diagrams 355 Lyons Road Five Dock.pdf	Drawing	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**
- 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 proceeds, subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated as follows:

a) the two planning proposals are to be formally consolidated as a single planning proposal document consistent with the format of the Department's Guide to Preparing Planning Proposals;

b) a single set of existing and proposed zoning, maximum building height and FSR maps (including Legends) which clearly indicate what is proposed are to be included in the planning proposal;

c) a detailed consideration of the proposal's relationship and consistency with A Plan for Growing Sydney is to be included in the planning proposal.

2. The planning proposal (as updated) is to be publicly exhibited for 28 days.

3. Consultation is required with the following public authority:
- Transport for NSW – Roads and Maritime Services.

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4. A public hearing is not required to be held into the 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;
- will contribute to meeting the need for additional dwellings; and
- will maintain the ability of the site to accommodate employment generating uses.

Signature:



Printed Name:

Diane Sarkies

Date:

13/11/15