

**ITEM-3 357-359 LYONS ROAD, DRUMMOYNE - PLANNING
PROPOSAL - LAND REZONING**

Department Planning and Environment

Author Initials: EM

EXECUTIVE SUMMARY

Council has received a Planning Proposal that seeks to rezone land at 357 – 359 Lyons Road, Five Dock from R2 Low Density Residential and B1 Neighbourhood Centre to B4 Mixed Use under the Canada Bay Local Environmental Plan 2013.

The Planning Proposal is consistent with the objectives of the Local Planning Strategy, which encourages growth in and near established centres. Rezoning the subject sites to B4 Mixed Use would permit a variety of compatible land uses.

No development application has been received for the subject site, however certain elements of any buildings resulting from the rezoning need to be resolved now to avoid future conflicts with neighbours.

This report seeks Council's endorsement to submit the Planning Proposal to the Department of Planning and Environment (DP&E) for a Gateway Determination.

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area:

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 City of Canada Bay Local Planning Strategy 2010 – 2031 and the Canada Bay Local Environmental Plan 2013.

REPORT

The site comprises two lots, 357 and 359 Lyons Road, Five Dock and is located on the corner of Lyons Road and Ingham Avenue. Each of the lots has an individual vehicular entry point, with 357 from Lyons Road and 359 from Ingham Avenue.

The sites are part of a small cluster of shops that are surrounded by a predominantly residential area. To the immediate east of the subject site is a single storey house (355 Lyons Road). Further to the east is the residential complex known Tuscany Court (former Crompton Parkinson site). To the south, along Ingham Avenue, are detached and semi-detached dwelling houses. To the west is a small residential flat building and on the opposite side of Lyons Road are two commercial tenancies surrounded by detached houses.

The map below illustrates the location of the site and the surrounding context.



357 Lyons Road is currently occupied by a single dwelling and 359 Lyons Road comprises 1 and 2 storey “shop top” housing with associated outbuildings. The ground floor of 359 Lyons Road has been used for many years for the retail sale of paint and associated equipment in the corner tenancy, with the second tenancy (facing Ingham Avenue) occupied by an upholstery business. Photographs of the site and immediate surrounding properties are provided as attachment 2.

Planning Proposal

A Planning Proposal was lodged in February 10 and following review the applicant, on the 26 February was requested to submit additional information which included how the subject site could be developed without isolating the property at 355 Lyons Road.

Council received an incomplete response on 5 May but to progress the application, a meeting between the applicant and a representative from 355 Lyons Road was convened on the 11 May to discuss the proposal and seek an appropriate way forward. The outcome of the meeting is discussed further in the report.

The Planning Proposal seeks to rezone 357 Lyons Road, Five Dock from R2 Low Density Residential to B4 Mixed Use and 359 Lyons Road, Five Dock from B1 Neighbourhood Centre to B4 Mixed Use.

A Height of Building of 11.0 metres (generally equivalent to three (3) storeys) and a Floor Space Ratio of 1.3:1 is proposed.

A comparison between the current LEP and the Planning Proposal are provided in the following table:

	LEP13	Planning Proposal
Zoning		
357 Lyons Road	R2 Low Density Residential	B4 Mixed Use
359 Lyons Road	B1 Neighbourhood Centre	B4 Mixed Use
Maximum building height	8.5m	11.0m
Maximum FSR		
357 Lyons Road	0.5:1	1.3:1
359 Lyons Road	1.0:1	

Matters for consideration

Canada Bay Local Planning Strategy

The *Canada Bay Local Planning Strategy (LPS)* provides a framework to inform how and where dwellings will be accommodated throughout Canada Bay. The LPS encourages increased residential development in and around existing centres and seeks to avoid development in locations removed from commercial areas and public transport routes.

The subject site is located in a small neighbourhood centre known as Ingham Avenue, Five Dock and the development of the site is generally consistent with the medium to long term aspirations of the LPS.

Zoning

The Planning Proposal seeks a B4 Mixed Use zone. This zone is necessary for a development with both commercial and residential uses on the ground floor of any future building to be permissible.

The applicant has provided a development concept for the site that illustrates indicative built form on the site. This plan contemplates a development with both

commercial and residential uses on the ground floor, however the built form shown does not align with the “site plan” (dated 5 May 2015) provided to Council. Prior to the Planning Proposal being submitted to Gateway, it is recommended that the document be updated to include a revised development concept that is consistent with the “site plan” provided in support of the application.

The site sits within an existing neighbourhood centre and established residential setting with surrounding buildings having a prevailing height of 1 to 2 storeys. The increase to the permitted height across the site from 8.5m (2 storeys) to 11.0 (3 storeys) is considered to have merit, subject to appropriate design resolution at the development application stage.

It is noted however, that insufficient information has been submitted to demonstrate overshadowing impacts arising from the proposed increase to height and floor space ratio standards. It is recommended that the applicant provide an analysis of overshadowing impacts should the application proceed to Gateway.

Relationship with adjoining property at 355 Lyons Road

The rezoning and future development of the subject site could result in the isolation of the dwelling at 355 Lyons Road between a commercial zone and an existing residential apartment complex. This outcome has the potential to create unacceptable impacts upon 355 Lyons Road and reduce opportunities to achieve an integrated urban design outcome for all properties between 355 and 359 Lyons Road.

In recognition of this a series of meetings have occurred between Council staff and the adjoining property owner, as well as a meeting with planning representatives from both properties. The initial meetings were convened to explain the consequences of the rezoning of the subject site to the owners of 355 Lyons Road and to seek their views on future development of their site.

As a result of the meeting between the planning representatives, the applicant was requested to demonstrate how the subject site and the adjoining property at 355 Lyons Road could be developed together or independently. A “site plan” was submitted that illustrates a building footprint across 355 – 359 Lyons Road and contemplates future development having a nil boundary setback for part of their common boundary (Attachment 1). This building footprint would ensure that development of 357-359 Lyons Road would not preclude a development proceeding on 355 Lyons Road.

The “site plan” however is not consistent with the development concept submitted as part of the Planning Proposal and it is recommended that the applicant amend the Planning Proposal to reflect both prior to seeking a Gateway Determination. As the development concept provided with the application illustrates a different built form to that shown on the “site plan”, it is also recommended that development concept also be updated.

The adoption of the “site plan” would mean that the development on 357-359 Lyons Road would have a zero setback on the boundary and no openings on that boundary. A future development on 355 Lyons Road would also adopt a zero setback with no openings on that boundary.

Council has written to the Planner representing the owner of 355 Lyons Road inviting a Planning Proposal to be submitted for 355 Lyons Road to rezone the site. If the owner of 355 Lyons Road is willing to participate it is proposed to share the Council costs of the Planning Proposals between the two applicants.

Conclusion

The rezoning of the 357 and 359 Lyons Road, Five Dock to B4 Mixed use is considered to have merit and it is recommended that Council endorse the submission of the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

Prior to a Gateway Determination being sought, it is recommended that the Planning Proposal be updated to reflect the “site plan” provided by the applicant and additional information in the form of a revised concept plan and shadow diagrams. This will ensure sufficient information is included in the application to communicate both the impacts of the development and the likely built form on the site should the rezoning proceed.

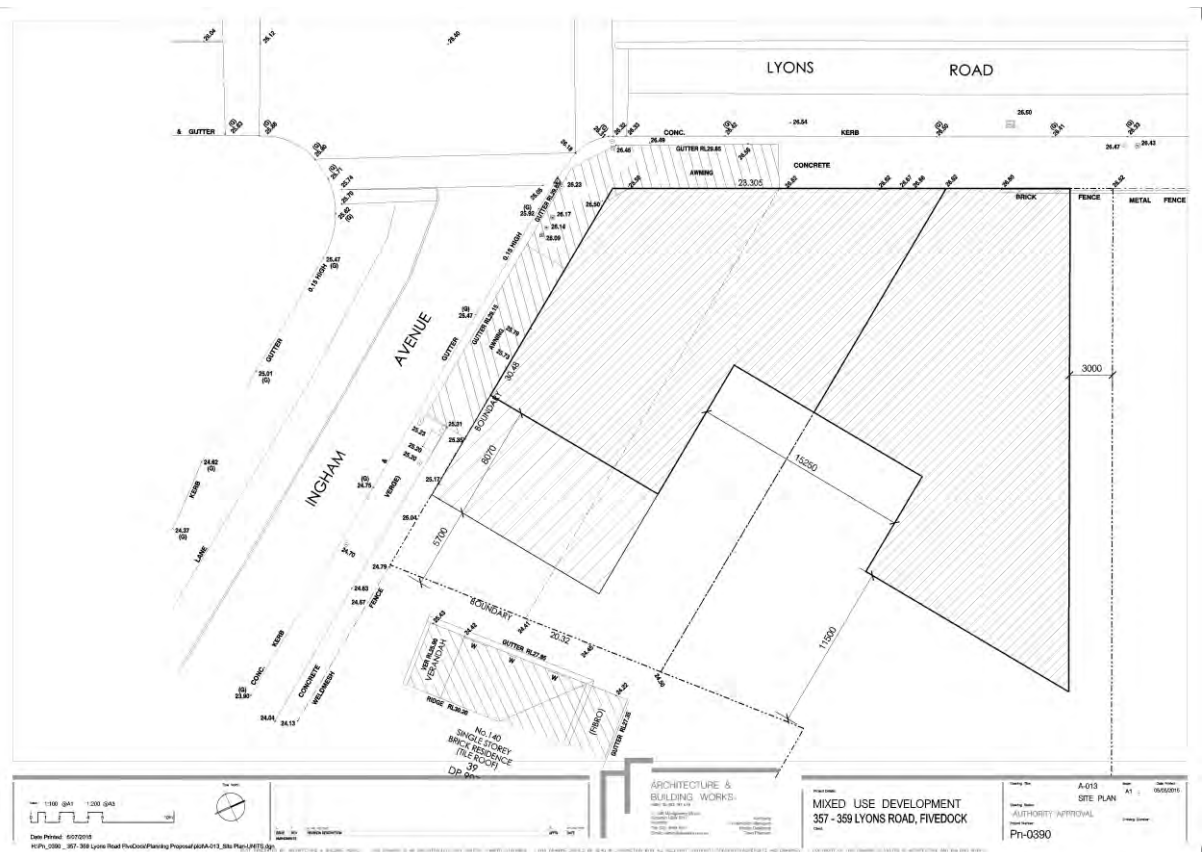
RECOMMENDATION

1. THAT the applicant be requested to update the Planning Proposal to:
 - (a) reference the “site plan” dated 5 May 2015;
 - (b) provide a revised concept plan that generally aligns with the above “site plan” complemented by a massing diagram/building envelopes to communicate how the site may be developed in accordance with the proposed height of building and floor space ratio standards;
 - (c) include shadow diagrams to illustrate the impact of the proposed controls on the north facing windows and open space of the adjoining dwelling to the south demonstrating compliance with the solar access requirements of the Canada Bay Development Control Plan.
2. THAT subject to resolution 1 being satisfied, the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination.
3. THAT Council request delegation from the Department of Planning and Environment to manage the process.

4. THAT provisions be drafted for inclusion within the Canada Bay Development Control Plan generally in accordance with the “site plan” and building envelope prepared for 355 – 359 Lyons Road.
5. THAT following receipt of the Gateway determination, the Planning Proposal and draft Development Control Plan be exhibited for community feedback.
6. THAT following the public exhibition period, a report be provided to Council on the outcome and any further action to be taken.

Attachments:

1. Plan – Site Plan illustrating indicative building footprint
2. Photos – Subject Site and surrounds
3. Plan - Existing & Proposed Zoning
4. Plan - Existing & Proposed Height of Buildings
5. Plan - Existing & Proposed Floor Space Ratio



2. Photos – Subject site and surrounds



Photo 1: Subject site - 359 Lyons Road



Photo 2: Subject site – 357 Lyons Road



Photo 3: 355 Lyons Road



Photo 4: Ingham Avenue



Photo 5: West of Ingham Avenue is a small residential flat building



Photo 6: Two commercial tenancies on the corner of Lyons Road







ITEM LATE ITEM - PLANNING PROPOSAL FOR 355 LYONS ROAD, FIVE DOCK

Department Planning and Environment

Author Initials: EMM

EXECUTIVE SUMMARY

A report has been prepared for a Planning Proposal at 357-359 Lyons Road in Five Dock. Development arising from the rezoning of this land has the potential to isolate the adjoining dwelling at 355 Lyons Road.

Following discussion with the owner of 355 Lyons Road, it is recommended that a Planning Proposal also be prepared for their property which could be exhibited concurrently with the Planning Proposal for 357-359 Lyons Road. This approach would result in a coordinated design outcome for the subject properties.

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area:

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 City of Canada Bay Local Planning Strategy 2010-2031 and the Canada Bay Local Environmental Plan 2013.

REPORT

A Planning Proposal has been lodged to rezone land at 357 – 359 Lyons Road, Five Dock from R2 Low Density Residential and B1 Neighbourhood Centre to B4 Mixed Use under the Canada Bay Local Environmental Plan 2013.

The rezoning and future development of the land at 357-359 Lyons Road could result in the isolation of the dwelling at 355 Lyons Road between a commercial zone and an existing residential apartment complex. This outcome has the potential to create unacceptable impacts upon 355 Lyons Road and reduce opportunities to achieve an integrated urban design outcome for all properties between 355 and 359 Lyons Road.

Council staff have been liaising with the owner of 355 Lyons Road and their planning consultant and it is recommended that a Planning Proposal for the rezoning of their land be exhibited concurrently with the Planning Proposal for 357 - 359 Lyons Road. The land at 355 Lyons Road would also be proposed to be zoned B4 Mixed Use, and if successful, would adopt the same height and floor space ratio standards as that proposed for land at 357-359 Lyons Road.

Given the similarities between the two Planning Proposals and the benefits of undertaking a coordinated process, it is recommended that the council fees associated with the processing of the Planning Proposals be halved for both applicants.

RECOMMENDATION

1. THAT the owner of 355 Lyons Road be invited to prepare a Planning Proposal to rezone the land from R2 Low Density Residential to B4 Mixed Use with a maximum height of building of 11.0 metres and floor space ratio of 1.3:1.
2. THAT the Council halve the fee associated with the processing of the Planning Proposals at 355 and 357-359 Lyons Road, with each of the proponents paying half of the standard fee.
3. THAT an amendment to the Canada Bay Development Control Plan be prepared for land from 355 Lyons Road based generally in accordance with the “site plan” prepared by the applicant of 357 – 359 Lyons Road.
4. THAT the Planning Proposal and associated Development Control Plan amendment be exhibited concurrently with the Planning Proposal for 357-359 Lyons Road.
5. THAT following the public exhibition period, a report be provided to Council on the outcome of the exhibition and any further action to be taken.

Agenda Report

Meeting Date: Tuesday, 4 August 2015

ACTION ITEM-3

ITEM 355-359 LYONS ROAD, DRUMMOYNE - PLANNING PROPOSAL - LAND REZONING

Item 3 was considered in conjunction with Planning Report Item 10.

RESOLVED

(Crs Kenzler/Megna)

1. THAT the owners of 355, 357 and 359 Lyons Road be requested to update the Planning Proposal to:
 - (a) reference the “site plan” dated 5 May 2015;
 - (b) provide a revised concept plan that generally aligns with the above “site plan” complemented by a massing diagram/building envelopes to communicate how the site may be developed in accordance with the proposed height of building and floor space ratio standards;
 - (c) include shadow diagrams to illustrate the impact of the proposed controls on the north facing windows and open space of the adjoining dwelling to the south demonstrating compliance with the solar access requirements of the Canada Bay Development Control Plan.
2. THAT subject to resolution 1 being satisfied, the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination.
3. THAT Council request delegation from the Department of Planning and Environment to manage the process.
4. THAT provisions be drafted for inclusion within the Canada Bay Development Control Plan generally in accordance with the “site plan” and building envelope prepared for 355 – 359 Lyons Road.
5. THAT following receipt of the Gateway determination, the Planning Proposal and draft Development Control Plan be exhibited for community feedback.
6. THAT following the public exhibition period, a report be provided to Council on the outcome and any further action to be taken.

7. THAT the Council halve the fee associated with the processing of the Planning proposals at 355 and 357-359 Lyons Road, with each of the proponents paying half of the standard fee.

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

(AGAINST: Nil)