



CANADA BAY LOCAL ENVIRONMENTAL PLAN

2013

PLANNING PROPOSAL

357 - 359 Lyons Road, Drummoyne

28 January, 2015

TABLE OF CONTENTS

1. INTRODUCTION	1
2. SITE LOCATION & HISTORY	1
3. CURRENT PLANNING CONTROLS	4
4. PROPOSED AMENDMENTS	7
5. PLANNING JUSTIFICATION	11
6. CONCLUSION	26

APPENXIX A – CONCEPT PLANS & MASSING DIAGRAM

LIST OF ILLUSTRATIONS

Figure 1 – Site Survey

Figure 2 – Location Map

Figure 3 – Aerial Photo

Figure 4 – Current Zoning Map

Figure 5 –Proposed Zoning Map

Figure 6 – Current Height Map

Figure 7 – Current FSR Map

Figure 8 – Proposed height Map

Figure 9 – Proposed FSR Map

1. INTRODUCTION

This report has been prepared on behalf of the owners of 357 - 359 Lyons Road, Five Dock in conjunction with the submission of a Planning Proposal seeking to rezone those sites under the *Canada Bay Local Environmental Plan (LEP) 2013*. The owners of the land are concerned that the present zoning no longer provides for the highest and best use of the combined parcel. Accordingly, this proposal seeks to re zone both properties *B4 Mixed Use*.

The purpose of this submission is to review the current zoning and to propose an appropriate zoning and associated development controls for the site. The rezoning of the site is necessary to ensure that it is capable of redevelopment to its highest and best yield, within the relevant opportunities and constraints available to it.

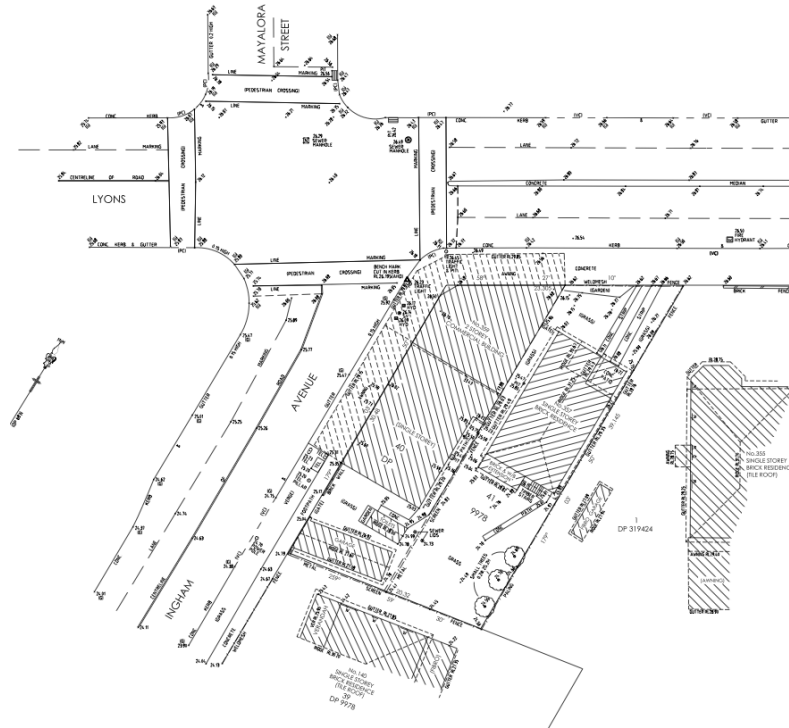
2. SITE LOCATION & HISTORY

The site that is the subject of this report comprises Lots 40 and 41 in DP 9978. It is known as 357 - 359 Lyons Road, Five Dock and has an area of 698.4m (by Title dimensions).

The site is shaped as a parallelogram, fronting Lyons Road and Ingham Avenue. Each of the lots has an individual vehicular entry point, with 357 off Lyons Road and 359 from Ingham Avenue. The property generally has an north / south orientation, with a frontage to Lyons Road of 23.305 metres (m) and Ingham Avenue of 30.48m. On its eastern boundary the site has a length of 39.145m, while the southern boundary length is 20.32m.

The site falls from north (Lyons Road) to south by approximately 2m and is occupied by a single dwelling (357) and 1 & 2 “shop top” housing style building (359) with associated landscaping and 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. *Figure 1* on the following page provides a copy of the site survey.

Figure 1 – Site Survey

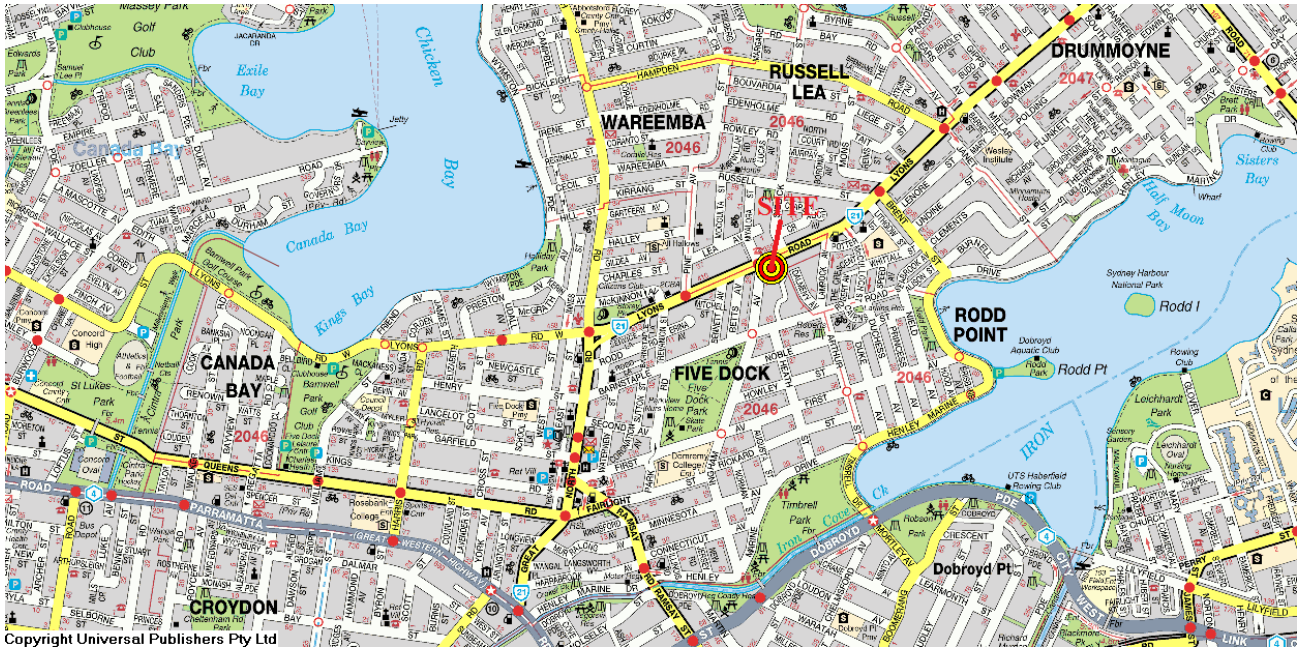


The area around the site is predominantly residential with a mix of style, size, age and density. Immediately opposite in Lyons Road are 2 shop top buildings used as a restaurant and first floor commercial activities. On the opposite side of Ingham Avenue is an existing residential building divided into three flats. In the past this property also incorporated a Doctor's surgery. One and two storey dwellings occupy the remaining properties in Ingham Avenue

The subject site is neither an Item of Environmental Heritage (IEH) or located within a Heritage Conservation Area under the Canada Bay Local Environmental Plan (LEP) 2013. However the street trees within the Lyons Road reservation are nominated under the LEP as IEH's (no.1310). The subject proposal will have no impact on that listing.

Strong bus services to the City and the nearby centres of Five Dock and Burwood are available on Lyons Road. Substantial retail facilities are available within the Drummoyne and Five Dock commercial centres. The general location of the site and the surrounding built form are shown on [figures 2 and 3](#) on the following page.

Figure 2 – Location Map



Map reproduced with permission of UBD. Copyright Universal Publishers Pty Ltd. DG 05/05

Figure 3 – Aerial Photo

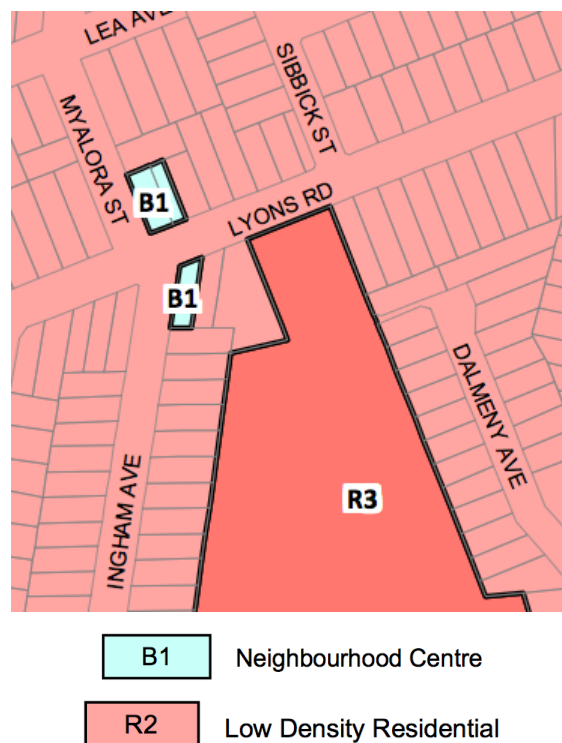


Source: © DEPARTMENT OF LANDS SIX Portal www.lands.nsw.gov.au

3. CURRENT PLANNING CONTROLS

The site is subject to the provisions of *Canada Bay Local Environmental Plan (LEP) 201*. The two properties are separately zoned under the LEP with 357 Lyons Road zoned **R2 Low Density Residential** and 359 zoned **B1 Neighbourhood Centre**. The relevant zoning is shown in *figure 4* below.

Figure 4 – Current Zoning Map



Source: Canada Bay LEP 2013 – Zoning Map

The relevant zone objectives and permissible development within the LEP are as follows:

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Group homes; Health consulting rooms; Jetties; Places of public worship; Recreation areas; Respite day care centres; Roads; Schools; Semi-detached dwellings; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Hotel or motel accommodation; Light industries; Medical centres; Neighbourhood shops; Respite day care centres; Roads; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating

works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hospitals; Industrial training facilities; Industries; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Rural supplies; Sewage treatment plants; Sex services premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; Wholesale supplies

The objectives of the **R2** zoning are founded on an expectation that the land is primarily used for lower density residential activities with other more commercial uses serving the local community also permissible. The **B1** zoning permits a wider range of development including “*Shop top housing*”, which effectively permits ground floor retail / commercial and upper floor residential units.

However, due to the constraints of the site at 359 insufficient development outcome is achievable under the current controls to make it economical to improve both the current retail / commercial space and generate sufficient residential floor space.

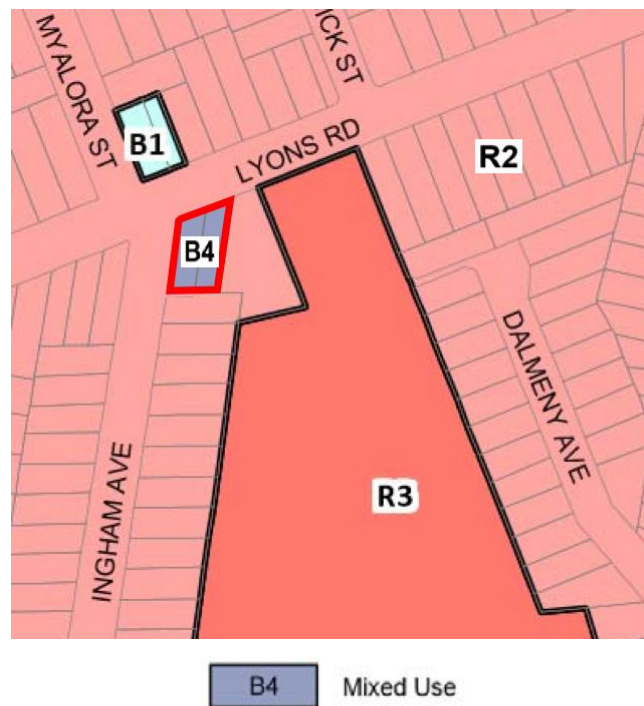
Re zoning number 357 will not materially impact on the land use relationship currently between the two properties greatly, but would permit a greater integration of them, increasing both the available commercial space and the opportunity a medium density “*shop top*” style outcome.

Number 355 immediately to the east is also zoned **R2**, however the property immediately to its east (the former Crompton Parkinson factory site) was re zoned in the 1990’s and re developed for higher density multi level residential use. In this context it may also be prudent to consider re zoning number 355 to **B4**, so as not to isolate it between two higher order zones.

4 PROPOSED AMENDMENTS

Under this Planning Proposal it is intended to seek the re zoning of number 357 Lyons Road to **B4 Mixed Use** to match the adjoining 359 as shown in *figure 5* below.

Figure 5 – Proposed Zoning



Canada Bay LEP 2013 – Zoning Map as proposed to be changed

The **B4** and **R2** zone objectives although different both provide the opportunity for commercial / retail uses that serve the local community and for non - residential activities. If re zoned, the owner's intention would be to re develop the site to retain the small scale retail facilities and two levels of residential above, which is similar to that currently on the land.

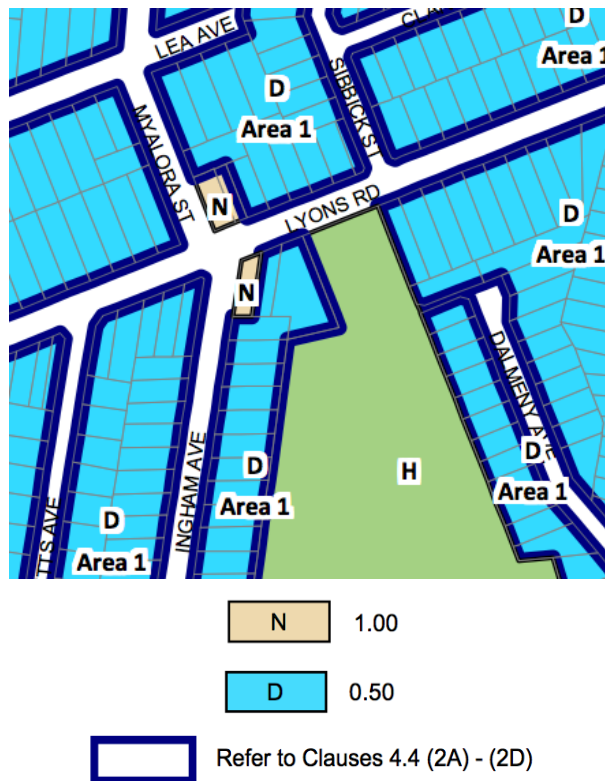
The LEP also sets maximum heights for buildings and floor space ratios (FSR) for development throughout the Council area. As part of this planning proposal the applicant will also seek to amend the permissible maximum building height and FSR for any future development on 357 Lyons Road, Five Dock. The relevant extracts from the current LEP **Height of Buildings** and **FSR** maps are reproduced in *figures 6 and 7* below.

Figure 6 – Current Height Map



Source: Canada Bay LEP 2013 – Height of Buildings Map

Figure 7 – Current FSR Map



Source: Canada Bay LEP 2013 – FSR Map

The maps confirm the position in terms of building height and FSR. However, in a context of a re zoning that permits a much wider range of land uses, such an approach is not considered to be appropriate.

It is also interesting to note that while the surrounding area is predominantly limited to a maximum building height of 8.5m, there are a number of buildings that exceed that height. The FSR control “D” is primarily for single dwellings with the reference to “Area 1” relating to variable FSR limits based on a sliding scale of lot size. However, *Clause 4.4(2A)* states as follows:

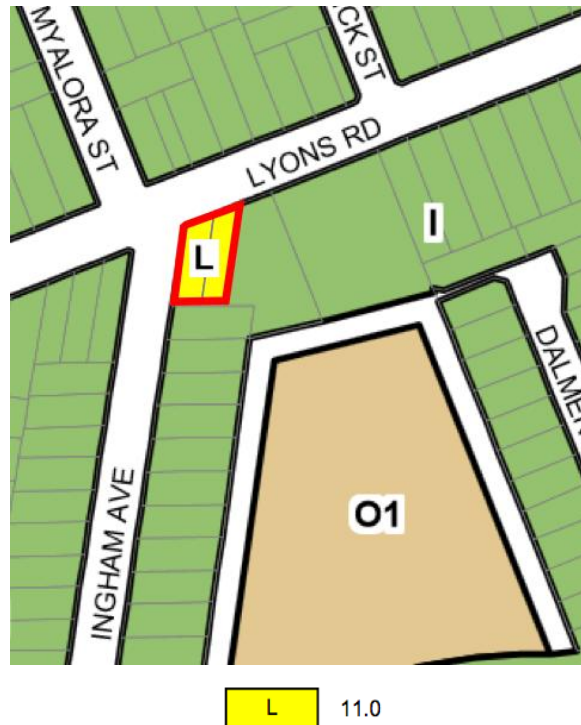
(2A) Despite subclause (2), the maximum floor space ratio for a building does not apply to multi dwelling housing or a residential flat building on land identified as “Area 1” on the Floor Space Ratio Map.

In reviewing the potential development scenarios as part of preparing the Planning Proposal, it was determined that a built form outcome of ground floor retail / commercial and two upper levels was a reasonable envelope. Depending whether or not the neighbouring No. 355 is included, any building would have to be reasonably setback from the common boundary with that site, although this would be more of a matter for any future Development Application (DA).

A **concept** design for a potential re development of the subject sites has been prepared with the plans and associated massing diagram included in *Appendix A* of this report. The aims of this work were to determine a reasonable development yield, without creating negative impacts on adjoining lands to the east and south, while allowing for the SEPP 65 rules of thumb to be considered. The scheme has not been developed in finality, nor has an assessment of compliance with Council’s development standards been undertaken

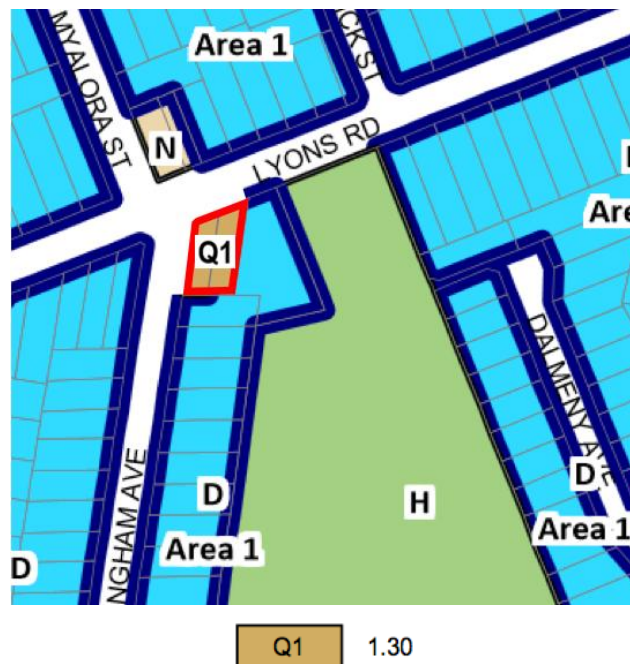
In terms of density, the concept design achieves a FSR of approximately 1.3:1, which equates to an existing FSR within the LEP. *Figures 8* and *9* on the following page show the proposed amended LEP height and FSR maps. The overall height of the building would be restricted to 11m, thereby permitting the three levels plus a small amount for lift overruns and the like.

Figure 8 – Proposed Height Map



Canada Bay LEP 2013 – Height of Buildings Map as proposed to be changed

Figure 9 – Proposed FSR Map



Canada Bay LEP 2013 – FSR Map as proposed to be changed

5. PLANNING JUSTIFICATION

5.1 - Strategic Planning Assessment

This section provides clarification of the proposal's consistency with a number of Strategic planning requirements including Section 117 Directions and State Environmental Planning Policies etc. These matters are discussed further in the *Tables 1 - 2* below.

Table 1. State Environmental Planning Policies		
SEPP	CONSISTENT	COMMENT
SEPP No. 1- Development Standards	Consistent	
SEPP No. 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Not Applicable	The Canada Bay LEP is a standard Instrument LEP & incorporates the provisions of Clause 4.6
SEPP No. 6 – Number of Storeys in a Building	Consistent	
SEPP No. 14 – Coastal Wetlands	Not Applicable	
SEPP No. 15 – Rural Land sharing Communities	Not Applicable	
SEPP No. 19 – Bushland in Urban Areas	Not Applicable	
SEPP No 21 – Caravan Parks	Not Applicable	
SEPP No. 26 – Littoral Rainforests	Not Applicable	
SEPP No. 29 – Western Sydney Recreation Area	Not Applicable	
SEPP No. 30 – Intensive Agriculture	Not Applicable	

SEPP	CONSISTENT	COMMENT
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	Consistent	The current and proposed land use of the site incorporates residential activities in an increased density. The proposed mixed use of the site will be compatible with surrounding land uses and meets the aims and objectives of the SEPP
SEPP No. 33 – Hazardous and Offensive Development	Not Applicable	
SEPP No. 36 – Manufactured Home Estates	Not Applicable	
SEPP No. 39 – Spit Island Bird Habitat	Not Applicable	
SEPP No. 41 – Casino Entertainment Complex	Not Applicable	
SEPP No. 44 – Koala Habitat Protection	Not Applicable	
SEPP no. 50 – Canal Estate Development	Not Applicable	
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable	
SEPP No. 55 – Remediation of Land	Consistent	It is unlikely that previous uses of the land, would have rendered it contaminated, however appropriate testing could be undertaken as part of a future development application process if required, should the site be re zoned.
SEPP No. 59 – Central Western Sydney Regional Open Space and Residential	Not Applicable	

SEPP	CONSISTENT	COMMENT
SEPP No. 60 – Exempt and Complying Development	Consistent	The proposed use of the land for mixed use purposes would require the consideration / assessment of a Development Application
SEPP No. 62 – Sustainable Aquaculture	Not Applicable	
SEPP No. 64 – Advertising and Signage	Not Applicable	The proposed use of the land is for mixed use, with any signage related to the use and occupation of the ground floor only.
SEPP NO. 65 – Design Quality of Residential Flat Development	Consistent	Any future residential flat component would be subject to the provisions of SEPP 65. The initial concept envelopes achieve SEPP 65 separations.
SEPP No. 70 – Affordable Housing (Revised Schemes)	Not Applicable	
SEPP No. 71 – Coastal Protection	Not Applicable	
SEPP (Affordable Rental Housing) 2009	Consistent	Affordable housing could form part of a future development.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent	
SEPP (Exempt and Complying Development Codes 2008	Consistent	
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent	
SEPP (Infrastructure) 2007	Not Applicable	
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable	

SEPP	CONSISTENT	COMMENT
SEPP (Kurnell Peninsula) 1989	Not Applicable	
SEPP (Major Development) 2005	Not Applicable	
SEPP (Rural Lands) 2008	Not Applicable	
SEPP (Sydney Region Growth Centres) 2006	Not Applicable	
SEPP (Western Sydney Employment Area) 2009	Not Applicable	
SREP No. 5 – Chatswood Town Centre)	Not Applicable	
SREP No. 8 – Central Coast Plateau Areas	Not Applicable	
SREP No. 9 – Extractive Industry (No 2 – 1995)	Not Applicable	
SREP No. 16 – Walsh Bay	Not Applicable	
SREP No. 18 – Public Transport Corridors	Not Applicable	
SREPP No. 19 – Rouse Hill Development Area	Not Applicable	
SREP No. 20 – Hawksebury – Nepean River (No 2 – 1997)	Not Applicable	
SREP No. 24 – Homebush Bay Area	Not Applicable	
SREP No. 25 – Orchard Hills	Not Applicable	
SREP No. 26 – City West	Not Applicable	
SREP No. 28 – Parramatta	Not Applicable	

SEPP	CONSISTENT	COMMENT
SREP No. 30 – St Marys	Not Applicable	
SREP No. 33 – Cooks Cove	Not Applicable	
SREP (Sydney Harbour Catchment) 2005	Not Applicable	

TABLE 2. Section 117 Ministerial Directions			
Clause	Direction	Consistent	Comments
1 Employment and Resources			
1.1	Business and Industrial Zones	Not Applicable	The proposal seeks to re zone the sites to B4 – Mixed Use, maintaining the potential for commercial / retail uses on site.
1.2	Rural Zones	Not Applicable	
1.3	Mining, Petroleum Production and Extractive Industries	Not Applicable	
1.4	Oyster Aquaculture	Not Applicable	
1.5	Rural Lands	Not Applicable	
2 Environment and Heritage			
2.1	Environment Protection Zones	Not Applicable	
2.2	Coastal Protection	Not Applicable	
2.3	Heritage Conservation	Not Applicable	The site is not listed as an Item of Environmental heritage, nor is it located within a Heritage Conservation Area

Clause	Direction	Consistent	Comments
3 Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Consistent	The proposed rezoning is consistent with the objectives of the Section 117 Direction, as it will retain the opportunity for residential uses on the site in an increased density. This will assist in the provision for identified housing needs within the draft Inner West Sub Region.
3.2	Caravan Parks and Manufactured Home Estates	Not Applicable	
3.3	Home Occupations	Consistent	
3.4	Integrating Land Use and Transport	Consistent	The site is located on Lyons Road which carries a number of bus routes.
3.5	Development near Licensed Aerodromes	Not Applicable	
3.6	Development near Shooting Ranges	Not Applicable	
4 Hazard and Risk			
4.1	Acid Sulfate Soils	Consistent	The site is shown as not nominated as containing Acid Sulfate Soils on the relevant map under the Canada Bay LEP 2013.
4.2	Mine Subsidence and Unstable Land	Not Applicable	
4.3	Flood Prone Land	Not Applicable	
4.4	Planning for Bushfire Protection	Not Applicable	
5 Regional Planning			
5.1	Implementation of Regional Strategies	Consistent	See Section 5 of this report

Clause	Direction	Consistent	Comments
5.2	Sydney Drinking Water Catchments	Not Applicable	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not Applicable	
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See Amended Directions 5.1)	Not Applicable	
5.7	Central Coast (Revoked 10 July 2008. See amended Directions 5.1)	Not Applicable	
5.8	Second Sydney Airport: Badgerys Creek	Not Applicable	
6 Local Plan Making			
6.1	Approval and Referral Requirements	Consistent	This is an administrative matter for the relevant Planning Authority
6.2	Reserving Land for Public Purposes	Not Applicable	
6.3	Site Specific Provisions	Consistent	
7. Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	Consistent	See Section 3.4 of this report

5.3 – Draft Inner West Sub Regional Strategy

The draft Inner West Sub Regional Strategy sets out the aims and objectives for the sub region noting that the area in which the site is located currently has a housing density of greater than 25 dwellings per hectare. This outcome is a result of the precinct's predominant zoning permitting residential flat development and the take up of medium density housing over many years.

The Strategy is seeking an additional 30,000 dwellings by 2031 within the sub region and notes that as there are no new release areas the growth will need to be accommodated within existing residential areas. It is anticipated that 10,000 of those new dwellings will be located within the City of Canada Bay Council area. While a large number will be built at Rhodes, there is ample opportunity for infill sites such as the subject land.

It is considered that the rezoning of the subject site from *B1 Neighbourhood Centre and R2 Low Density Residential* to *B4 Mixed Use* is consistent with the aims of the Inner West Sub Regional Strategy as it maintains commercial / retail opportunities and potentially increases residential outcomes.

5.4 – Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 ("Metro Plan") aims to provide a framework in which the key challenges facing Sydney such as a population growth, the need to locate more jobs closer to home, the provision of more efficient transport, and the like can be addressed to achieve a more sustainable city. A pivotal focus is to develop a "*City of Cities*" structure enabling people to spend less time travelling to access work, services, markets or regional facilities.

The Plan includes the following objectives designed to ensure the viability of its subregions.

- *The attainment of specific regional subregional housing targets*
- *The efficient utilisation of existing / new infrastructure*
- *The concentration of housing density in and around corridors and centres, particularly railway stations*

- *The creation of vibrant mixed use centres that accommodate both working and living.*

The Plan encourages higher density development close to existing public transport infrastructure, services and facilities and picks up on the Sub Regional strategy in that it includes directions for increased housing as follows:

- *Increase housing choice as part of the housing target.*
- *Concentrate development and strengthen major centres, towns, villages, small villages and neighbourhoods.*
- *Enable communities to “age in place.”*

The Plan and draft strategy envisage that the majority of new housing will be located in existing urban areas, focused around centres, to take advantage of existing services such including shops and public transport. In that context the development of land for good quality medium density housing close to both Five Dock and Drummoyne centres such as the subject land is consistent with the intent of the plan.

5.5 – Draft Metropolitan Strategy for Sydney to 2031

The draft metropolitan Strategy indicates the Government’s preferred approach to achieving a balanced and changing City while managing its growth up until the year 2031. The vision is for Sydney *“as a strong global city, connected to opportunities around the world while also building great local places no matter where in Sydney people live.”*

To achieve the desired outcomes the Metropolitan Area has been divided into a number of Sub Regions, with the subject land located within the *Central Sub Region*. The Strategy forecasts a population within the Sub Region of 1,385,000 people by 2031, which is an increase from the current of 242,000. In meeting this target it is estimated that an additional 138,000 dwellings will be required.

The intent of the strategy is to create a liveable city where infill housing can occur close to transport and commercial centres and whilst it promotes strong growth in certain locations, it

notes the value of locations such as the subject site, through its priorities including the following:

- *enable housing intensification throughout the subregion, particularly around established and new centres,*

5.6 – A Plan for Growing Sydney (2014)

The Department of Planning & Environment released *A Plan for Growing Sydney (the Sydney Metropolitan Strategy)* in December 2014. It is the State Government's 20 year plan for the growth of the Sydney Metropolitan Area. The Plan provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

Within the Plan a vision for Sydney to be *a strong global city, a great place to live* is espoused, with this vision to be supported by the following 4 goals:

Goal 1: A competitive economy with world-class services and transport;

Goal 2: A city of housing choice with homes that meet our needs and lifestyles;

Goal 3: A great place to live with communities that are strong, healthy and well connected; and

Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The Plan sets out the following three planning principles to guide how Sydney grows:

Principle 1: Increasing housing choice around all centres through urban renewal in established areas

Principle 2: Stronger economic development in strategic centres and transport gateways

Principle 3: Connecting centres with a networked transport system

Under the Plan the Metropolitan area is divided into six subregions, being - *Central; West Central; West; North; South West; and South*. The Plan contains priorities for each subregion with the City of Canada Bay being located within the *Central Sub region*.

In housing terms the Plan seeks to provide a broader range of housing types closer to workplaces and schools, public transport, shops and services to improve liveability of Sydney's residents. Differing options for varied housing styles relative to different stages of people's lives will be promoted as will a strong focus on affordability.

Under the Plan it is envisaged that an additional 664,000 dwellings will be built within the Central sub region.

A Plan for Growing Sydney seeks to provide greater opportunities for people to work closer to home, with job creation development being fostered in local centres and communities.

The current Planning Proposal conforms with these stated intents of the Plan as it will facilitate additional local housing on a major road close to two commercial centres. The zoning will also facilitate the continuation of the commercial use of the ground floor, providing local retail / business and employment opportunities.

5.7 – Canada Bay Local Planning Strategy 2010

Council prepared its local Planning Strategy for exhibition with its draft LEP in 2010, with Part 3 dealing with Housing

In the main the Strategy discusses the opportunities for increased dwelling numbers within some established locations including Breakfast Point, Rhodes and the Strathfield Triangle. However it also acknowledges the opportunities available in and nearby to the Council's traditional centres including Drummoyne and Five dock.

The Strategy sets out the following broad housing objectives:

- *Provide a broad mix of new housing.*
- *Facilitate the provision of a greater share of low cost or affordable housing.*
- *Support and revitalise traditional local centres.*

To achieve these objectives, the Strategy includes a series of strategies and associated actions. Objective H5 is the most relevant to the subject proposal and is set out below.

Objective H5

Increase Residential Densities in Centres

Canada Bay's existing local centres that are served by good public transport and offer a range of retail and other services are a valuable attribute of the LGA. Maintaining the viability and vitality of these centres should be part of a strategy to ensure better liveability and sustainability into the future. Support and revitalisation of these local centres can be assisted by zoning for residential intensification.

Maximum allowable densities in appropriate village and neighbourhood centres should be increased to stimulate growth required to ensure vibrant and viable mixed use centres that are well serviced by public transport.

Action H12

Increase residential densities in, and in the immediate vicinity of, the existing centres of Drummoyne, Five Dock, Concord, Concord West and North Strathfield.

These existing centres all include good services and access to transport access and yet they contain a significant proportion of low density housing. It is recognised that the low density and village feel in Canada Bay is valued by residents and businesses alike, however a balance must be struck between retaining the existing character, and ensuring densities support the public transport patronage. Suitable density increases should be determined consistent with village feel and transport accessibility, and desire to promote housing choice and affordability. This will require an adjustment to local zoning controls, shop-top provisions (to encourage residential), parking controls, and pedestrian and cycling facilities. Design guidelines should be prepared to protect amenity.

Particular emphasis should be placed on achieving higher densities at close range, such as with 200 metres of existing retail areas and centres serviced by public transport.

Action H13

Test new planning controls and conduct feasibility testing

Any changes to planning controls should be based on rigorous testing of proposed controls and potential built outcomes that take specific account of the particular lot and block characteristics of each centre. This work should be accompanied with feasibility testing to ensure that the development of new controls is informed by and understanding of the development viability.

The proposal performs well in relation to this objective and its specific actions. The site has been reviewed in terms of its proximity to the Drummoyne and Five Dock centres and the Bus Corridor, with the proposed building height and density unlikely to be detrimental to the amenity of the surrounding residential area.

5.7 – Council’s Draft Rezoning Discussion Paper

In undertaking the strategic studies required to prepare the exhibited draft of **LEP 2013**, Council looked at a number of specific sites and small precincts in terms of re zonings and / or alterations to the applicable development controls. These considerations are documented within the **Draft Re Zoning Discussion Paper**, exhibited with the draft LEP.

The assessment undertaken by Council was based on the criteria contained within the Department of Planning & Infrastructure Circular for Spot Re zonings (**PS 06-015**). **These remain** appropriate for application to the subject Planning Proposal. The eight criteria and comment thereon relative to this submission are as follows.

- 1. Will the LEP be compatible with agreed State and Regional strategic direction for development in the area (e.g., land release, strategic corridors, development within 800m of a transit node)**

Comment:

This matter was discussed in the relevant sections above, with the proposal considered to be compatible with agreed State and Regional strategic directions for the area.

2. Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions

Comment:

The proposal is consistent with the Sydney Metro Strategy, the Inner West Sub regional Strategy; and the Ministerial (s.117) directions as indicated above.

3. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

Comment:

The subject site is located between the Drummoyne and Five Dock Centres and its proximity to them justifies its medium density zoning. The capacity of the surrounding area for this form and intensity of development has been acknowledged over many years, particularly in consideration of the existing zoning of number 359 Lyons Road, which permits similar land uses to the proposed zoning.

4. Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

Comment:

The proposal will retain the opportunity for ground floor commercial / retail space within the site and may provide for an increase in floor space.

5. Will the LEP be compatible/complementary with surrounding land uses?

Comment:

The surrounding area is one of predominantly residential land use including some local sized commercial / retail uses. The proposed re zoning and development controls will be compatible in that land use context.

6. Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?

Comment:

The proposal will not create a precedent, nor will it alter the expectation of the site's owner or other landowners as to the site's likely re development for mixed - use purposes.

7. Will the LEP deal with a deferred matter in an existing LEP?

Comment:

The land is not deferred under the current Canada Bay LEP being zoned *B1 Neighbourhood Centre and R2 Low Density Residential*.

8. Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

Comment:

LEP 2013 has only recently been adopted and there are no similar Planning Proposals in the nearby area.

There are no other criteria under which site - specific re zonings need to be considered

6. CONCLUSION

This submission is provided to Council to assist in its consideration of the re zoning of the site, to ensure its future use in both an economically viable manner and within the land's environmental capacity. The assessment undertaken has highlighted issues of bulk and scale, view loss and amenity, with the suggested zoning and planning controls working to ensure that there will be no unreasonable impacts from the site's redevelopment.

At this stage the land owner is seeking support in principle to the proposition, with a view to moving forward and entering the costly stage of design development as part of a subsequent Development Application. The concept building footprints and envelopes provide a built form outline capable of further refinement and incorporation of detailed consideration of traffic and other servicing requirements.

The information provided in this report confirms that the proposal is **consistent** with the relevant *S117 Directions, State Environmental Planning Policies*, the *draft Inner West Sub Regional Strategy*, the *Metropolitan Plan for Sydney 2036* and the *draft Metropolitan Strategy for Sydney 2031*. All of these plans and strategies note the value of increasing residential development close to existing centres and transport nodes, both of which the current proposal is consistent with.

It is considered that the Planning Proposal as outlined in this submission provides the basis for an appropriate vehicle for the variation to the relevant Planning Framework. Such a change will facilitate a viable mixed use redevelopment of the land, to assist in the achievement of the sub regional housing targets and providing additional housing choice and a retention of commercial / retail service opportunities in the area. In this context, the rezoning as proposed will provide benefit to both the owners of the land and the wider community.

David Furlong – BTP, MPIA

Director

APPENDIX A

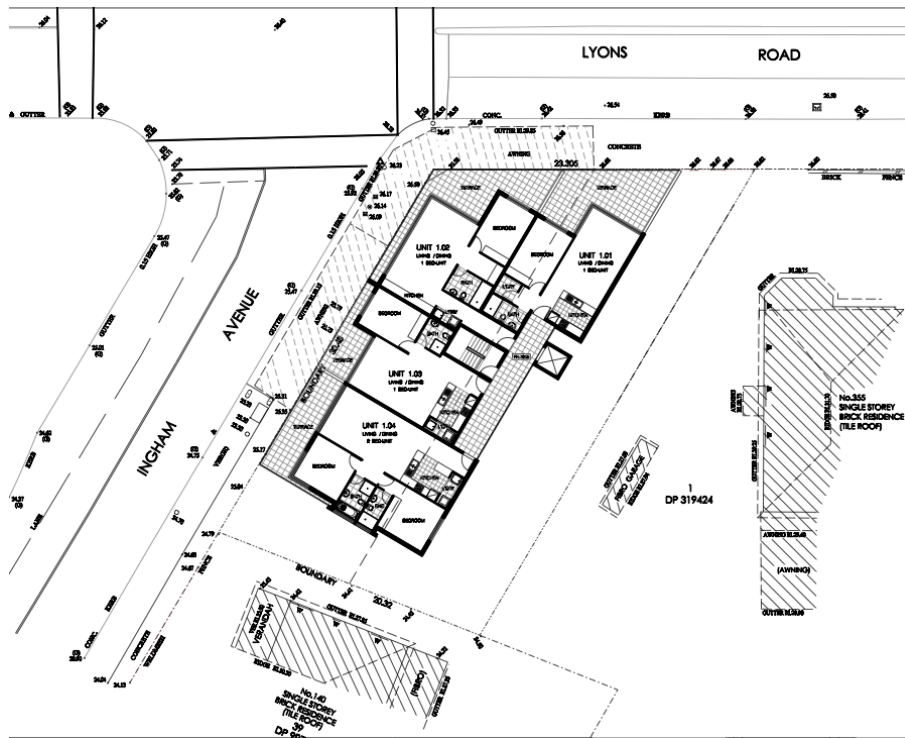
CONCEPT PLANS & MASSING DIAGRAM



Basement



Ground Floor



First Floor



Second Floor



Massing Diagram