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Urban Planning Unit

**Planning Proposal
LEP (Housekeeping
Amendment) 2013**

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1.0 Introduction

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. This planning proposal has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (in particular section 55) and relevant guidelines produced by the Department of Planning and Infrastructure.

The Department of Planning and Infrastructure requires a Planning Proposal to cover six main parts which form the basis of this document, these are as follows:

- Part 1 – Statement of Objectives and Intended Outcomes of the proposed LEP (refer 2.0)
- Part 2 – Explanation of the Provisions to be included in the LEP (refer 3.0)
- Part 3 – Justification of objectives, outcomes and process for implementation (refer 4.0)
- Part 4 – Maps to identify intent and applicable area (refer 5.0)
- Part 5 – Community Consultation proposed to be undertaken on the Draft LEP (refer 6.0)
- Part 6 – Project timeline - anticipated timeframe for the making of the LEP (refer 7.0)

1.1 Background

At its meeting on the 12 March 2013 Council resolved to:-

- Forward draft LEP 2013 (previously known as LEP 2011) to the Department of Planning and Infrastructure (DoPI) with a Section 68 report and a request that the Minister make the Plan and
- Undertake a “Housekeeping” Planning Proposal to amend LEP 2013 in accordance with a table of approximately 30 amendments.

A “Housekeeping” Planning Proposal to amend LEP 2013 was considered necessary in light of a recent court decision where the limits of a planning authority’s power to amend a draft local environmental plan after public notification were contested. In light of this the Department of Planning and Infrastructure staff also supported a “Housekeeping” PP as the most appropriate and safest way to amend LEP 2013.

Council submitted LEP 2013 to the Department in March 2013 and has been working the DoPI toward bringing the LEP into effect.

A community workshop was held on the 31 July 2013 addressing the proposed amendments to be undertaken within the “Housekeeping” PP. After consideration of a report on the outcomes of that workshop Council again on the 8 October 2013 resolved to endorse the preparation of a PP to amend LEP 2013 in line with a table of amendments. (See Attachment XX - Report to Council – Planning Proposal – Amendments to LEP 2013)

The planning proposal is a request to:-

- Bring into effect amendments identified within submissions received to LEP 2013 and supported by Council from Government agencies and the community
- Correct omissions and anomalies to LEP 2013
- Bring into effect amendments associated with Council resolutions related to LEP 2013 and the updating of the LEP based on recent studies.

It should be noted that the Council report – Planning Proposal – Amendment to LEP 2013 identifies a number of amendments to be incorporated in this Planning Proposal which have not been included such as:-

- *Amending the Land Use Table to make Home based child care centres permitted with consent*
- *Amending Clause 4.5B(1)(c) Macquarie Park Corridor to read “To encourage greater public transport and active transport options.”*
- *Amending Schedule 2 Exempt development controls for Signage (real estate sign for a residential site)*

This is a result of DoPI having already made those changes to LEP 2013 in their review of the Plan prior to it coming into effect (the majority related to amendments to bring the Plan in line with State Government Planning Policies.)

1.2 Request for proposed Clause 4.1A Dual Occupancy (attached) subdivision as it applies to the Torrens titling of Dual occupancy (attached) developments being exempt from Clause 4.6 Exemptions to development standards.

This PP includes an amendment to LEP 2013 to permit the Torrens titling of Dual occupancy (attached) developments.

Council on the 8 October 2013 resolved to request DoPI’s support to the inclusion of *Clause 4.1A Dual occupancy (attached) subdivision*, as it applies to the Torrens titling of dual occupancy developments and as amended within this PP, in *Clause 4.6(8) Exemptions to development standards*.

The following is provided as background information with respect to Dual Occupancy development in the City of Ryde and a rationale as to why the ability to vary controls relating to the Torrens titling of such developments should not be able to occur.

Background to Dual Occupancy (attached) development in the City of Ryde

- A minimum lot size of 580sqm for the erection of a dual occupancy development was introduced by Ryde Local Environmental Plan 72 on 17 March 1995. The area of 580sqm was specified because it was in keeping with the existing subdivision pattern in the City.

- The subdivision of dual occupancy developments was prohibited under LEP 74 in March 1996. (It should be noted that LEP 74 made provision for those developments approved under Sydney Regional Environmental Plan No.12 and those approved within 14 days of LEP 74 having been first exhibited to be able to be subdivided.)
- Under Ryde LEP 2010 the minimum lot size of 580sqm for a dual occupancy development and the prohibition on the subdivision of such developments was maintained.
- Under Ryde LEP 2013 a dual occupancy development:-
 - is permitted on a residential lot with a minimum area of 580sqm and a minimum road frontage of 20m. The introduction of a 20m road frontage has been based on the need to deliver better design outcomes, particularly with regard to compatibility with existing streetscapes.
 - can be strata subdivided subject to the development being located on a lot of 580sqm or greater

In response to submissions to LEP 2013 Council resolved on the 8 October 2013 to:-

- permit the Torrens titling of dual occupancy developments subject to each lot created containing one dwelling and having a minimum area of 290sqm and road frontage of 10m.
- to include the amendment in the “Housekeeping” PP.
- to seek the DoPIs support to the inclusion of the new clause, permitting the Torrens titling of dual occupancy developments, in Clause 4.6(8) so prohibiting any variation to the minimum subdivision requirements.

In summary:-

1. Since 1996 Council has prohibited the subdivision, both strata and Torrens titling of dual occupancy development
2. LEP 2013 will permit the strata subdivision of dual occupancy developments.
3. based on an area of 580sqm and 20m road frontage there is a maximum number of allotments (approximately 3000) that can be developed for dual occupancy in the City of Ryde and subdivided to required standards of 290sqm and 10m road frontage per lot.
4. A review of the dual occupancy controls of adjoining Councils found that a number:-
 - require a larger allotment of land to erect a dual occupancy than to carry out a residential subdivision
 - permit Torrens title subdivision however the subdivision requirements must be in accordance with the Lot Size Map
5. If requests to vary the Torrens title subdivision standards for dual occupancy (attached) developments were supported it will substantially undermine not only the minimum standards required for the erection of a dual occupancy development which have been based on detailed design analysis but more importantly will impact

upon the integrity of the Lot Size Map requirement of a minimum of 580sqm for residential subdivisions. (See Attachment **XX** - Report to Council – Planning Proposal – Amendments to LEP 2013 for detailed information on all of the above)

As such this PP includes the following new subclause *to Clause 4.6 Exemptions to development standards:-*

Clause 4.6(8)(cb) Clause 4.1A Dual occupancy (attached) subdivision to the extent that it applies to the Torrens title subdivision of a dual occupancy (attached) development.

2.0 Objectives or Intended Outcomes

This part of the planning proposal responds to Section 55(1) of the Environmental Planning and Assessment Act 1979 which requires an explanation of what is planned to be achieved by the proposed amendments to Ryde LEP 2013.

This planning proposal aims to make a number of amendments to Ryde Local Environmental Plan (RLEP) 2013 that impact upon both specific properties and the whole of the City of Ryde local government area. The intended outcome of the amendments is to:-

- Incorporate changes to LEP 2013, identified in submissions and subsequently supported by Council during the development of LEP 2013, so as to better reflect community expectations.
- Improve the operation of the LEP through the correction of errors and omissions
- Incorporate Council-initiated resolutions made with respect to LEP 2013 so as to reflect the strategic direction Council has taken for the future development and growth of the City of Ryde and update the LEP with respect to the recent studies.

3.0 Explanation of Provisions

List of Abbreviations

PP – Planning Proposal

DoPI – Department of Planning and Infrastructure

RLEP 2010 – Ryde Local Environmental Plan 2010

RLEP 2013 – Ryde Local Environmental Plan 2013

FSR – Floor Space Ratio

HoB – Height of Buildings

RTC – Ryde Town Centre

LRA – Land Reservation Acquisition

HER – Heritage Map

LZN – Land Zoning Map

CEN – Centres Map

FLD – Flood Plan Map

LS – Lot Size

The proposed outcomes identified in the previous part of the Planning Proposal of reflecting community expectation, correcting omissions and anomalies and updating LEP 2013 to reflect recent Council resolutions will be achieved through the schedule of amendments to both LEP 2013 written document and maps that are listed below.

A total of 23 proposed amendments to LEP 2013 are identified in the below schedule. The amendments have been organised into two sections;-

Section 1 - LEP 2013 Map Changes

Section 2 - LEP 2013 Written Document Changes

Each Section is then divided into the following three subsections based on the reason why the amendment to LEP 2013 is to occur.

- ❖ Changes resulting from a submission/submissions to LEP 2013
- ❖ Changes resulting from the correction of omissions and anomalies
- ❖ Changes to bring LEP 2013 up to date on current studies and resolutions of Council.

It should be noted that in some instances a map amendment results in a consequential written document amendment being necessary and similarly some written document amendments also require consequential map changes to occur. These are dealt with as one change in the Schedule below.

Schedule of amendments to LEP 2013.

Section 1 – LEP 2013 Map Changes

Map changes resulting from submissions to LEP 2013

- 1. 11-15 Farm Street Gladesville:** (Lots 34, 35 & 36 DP11022)
 - Amendment of RLEP 2013 Land Zoning Map in accordance with the proposed zoning map shown at Attachment 1A, which amends the zoning of 11 – 15 Farm Street Gladesville from R2 Low Density Residential to B4 Mixed Use
 - Amendment of RLEP 2013 Floor Space Ratio Map in accordance with the proposed FSR map shown at Attachment 1B, which amends the FSR of 11 – 15 Farm Street Gladesville from FSR 0.5:1 to 1.15:1 and
 - Amendment of RLEP 2013 Height of Building Map in accordance with the proposed HoB map shown at Attachment 1C, which amends the height of 11 – 15 Farm Street Gladesville from a maximum height of 9.5m to 12m for that portion of the land situated more than 19m from the front property boundary.
- 2. Ryde Civic Precinct** - 1 and 1A Devlin Street, 150–156 Blaxland Road and Blaxland Road (Lots 10, 11 and 12 DP 1110978; Lots 50 and 53 DP 1157410, Lots Q, R, S, T DP 443304, Lots 1 and 2 DP1170801)
 - Amendment of RLEP 2013 Land Zoning Map in accordance with the proposed zoning map shown at Attachment 2A, which amends the zoning of Ryde Civic Precinct from B4 Mixed Use to SP2 Infrastructure (Community Facility and Public Administration Building)
 - Amendment of RLEP 2013 Height of Building Map in accordance with the proposed HoB map shown at Attachment 2B, which amends the height of 1 and 1A Devlin Street from a maximum height of 75m to RL91 AHD.
 - Amendment of RLEP 2013 Floor Space Ratio Map in accordance with the proposed FSR map shown at Attachment 2C, which amends the FSR of Ryde Civic Precinct from no FSR to a FSR of 2.2:1, 4.37:1 and no floor space.
 - Amendment of RLEP 2013 Ryde Town Centres Precinct Map in accordance with the proposed RTCP map shown at Attachment 2D, which amends the Precinct Map by changing the name of Precinct 1 from Civic Mixed Use to Ryde Civic.

It should be noted that a Gateway Determination was issued by the DoPI on the 2 November 2013 which allowed a PP to proceed to amend RLEP 2010 with respect to the above amendments. The PP is currently on exhibition and is attached. (ATTACHMENT YY)

- 3. 391 Blaxland Road Ryde** (Lot B DP323335)
 - Amendment of RLEP 2013 Land Zoning Map in accordance with the proposed zoning map shown at Attachment 3A, which amends the zoning of 391 Blaxland Rd from B1 Neighbourhood Centre to R2 Low Density Residential
 - Amendment of RLEP 2013 Floor Space Ratio Map in accordance with the proposed FSR map shown at Attachment 3B, which amends the FSR of 391 Blaxland Rd from 0.8:1 to 0.5:1.

4. 2 Hughes Street West Ryde (Lot 101 DP1137635)

- Amendment of RLEP 2013 Land Zoning Map in accordance with the proposed zoning map shown at Attachment 4A, which amends the zoning of 2 Hughes Street from R2 Low Density Residential and SP2 Infrastructure (Educational Establishment) to SP2 Infrastructure (Educational Establishment and Place of Public Worship).

As a consequence of the above zoning change the following maps area also required to be amended:-

- Amendment of RLEP 2013 Floor Space Ratio Map in accordance with the proposed FSR map shown at Attachment 4B, which amends the FSR for 2 Hughes Street from 0.5:1 to no FSR.
- Amendment of RLEP 2013 Height of Building Map in accordance with the proposed HoB map shown at Attachment 4C, which amends the height of part of 2 Hughes Street from a maximum height of 9.5m to no height.

5. North Ryde Common (Lot 10 DP 1000078)

- Amendment of RLEP 2013 Land Zoning Map in accordance with the proposed zoning map shown at Attachment 5A, which amends the zoning of North Ryde Common from SP2 Infrastructure (Health Services Facility) to RE1 Public Recreation.

6. LEP 2013 Land Reservation Acquisition Map

- Amendment of RLEP 2013 Land Zoning Map in accordance with the proposed LZ maps shown at Attachment 6A to 6I which amends the zoning of land in accordance with Roads and Maritime Services (RMS) directions.
- Amendment of the RLEP Land Reservation Acquisition Map in accordance with the proposed LRA maps shown at Attachment 6J and 6K which deletes land from the LRZ map in accordance with RMS directions.
- Amendment of RLEP 2013 Land Zoning Map and Land Reservation Acquisition Map in accordance with the proposed LZ map and LRA map shown at Attachment 6L which adds land required for classified road to the LRA map and amends the LZ map in accordance with RMS directions.

Note: Details of the RMS submissions requesting the above amendments are contained in Attachment WW.

Map changes to correct omissions or anomalies**7. 1 Monash Road Gladesville (Part Lot 123 DP1185524)**

- Amendment of RLEP 2013 Floor Space Ratio Map in accordance with the proposed FSR map shown at Attachment 7A, which amends the FSR for part of 1 Monash Road from 2.3:1 to no FSR.

8. LEP 2013 Centres Map

- Amendment of RLEP 2013 Centres Map in accordance with the proposed CEN map shown at Attachment 8A, 8B and 8C which amends the CEN map with respect to the areas identified as Ryde CEN , West Ryde CEN and Gladesville CEN to incorporate new areas.

9. Ryde Town Centre Precincts Map

- Amendment of RLEP 2013 Ryde Town Centres Precinct Map in accordance with the proposed RTCP Map shown at Attachment 9A, which amends the RTCP Map by the addition of new precincts and the extension of existing precincts.

10. Lot Size Map

- Amend LEP 2013 Lot Size Map in accordance with the proposed LS Map shown at Attachment 10A , 10B, 10C, 11D and 10E which amends the LS Map by deleting all areas from the map which are not zoned residential on the RLEP 2013 Land Zoning Map.

Map changes to bring LEP 2013 up to date on current studies and resolutions.**11. Macquarie Park Catchment Area**

- Amendment of RLEP 2013 Flood Planning Map Area in accordance with the proposed FP maps shown at Attachment 11A, 11B, 11C, 11D, 11E and 11F which amends the area indicated as affected by flooding by the addition of the Macquarie Park Catchment Area.

Section 2 - LEP 2013 Written Document Changes***Written Document changes resulting from submissions:-***

- 12. Amendment of Ryde LEP 2013 Clause 4.1 Dual occupancy (attached) strata subdivision** as follows and shown in Attachment 12A

4.1A Dual occupancy (attached) subdivision – amended Clause

- (1) Despite Clause 4.1, development consent may be granted for the Torrens title subdivision of a lot where:-
 - (a) a dual occupancy (attached) development has been constructed or an Occupation Certificate has been issued prior to the notification of this Local Environment Plan; and
 - (i) the land has an area of at least 580 square metres; and

- (ii) one dwelling will be situated on each lot which has an area of not less than 290 square metres.
- (b) a dual occupancy (attached) development has been constructed; and
 - (i) the land has an area of at least 580 square metres and a road frontage of 20 metres; and
 - (ii) one dwelling will be situated on each lot which has an area of not less than 290 square metres and a road frontage of not less than 10m; and
 - (iii) an Occupation Certificate has been issued for the Dual Occupancy Development.
- (2) Development consent may only be granted to the strata subdivision of a dual occupancy (attached) development on land in Zone R2 Low Density Residential if the land has an area of 580sqm or greater.

13. Amendment of Ryde LEP 2013 *Schedule 1 Additional permitted uses* for 131 & 133 Herring Rd and 208 Epping Road Marsfield as follows and shown in Attachment 13A

8A Use of certain land at 131 & 133 Herring Rd and 208 Epping Road, Marsfield

- (1) *This clause applies to land at 131 & 133 Herring Rd and 208 Epping Road, Marsfield being Lot 20 and part Lots 21 and 22, DP 36459.*
- (2) *Development for the purposes of a medical centre is permitted with consent.*

14. Amendment of Ryde LEP 2013 *Land Use Table* for the IN2 Industrial Light zone as follows and shown in Attachment 14A

Uses Permitted with Consent expanded to include:-

- *Wholesale supplies,*
- *Building identification signs and*
- *Recreation facility (indoor)*

15. Amendment of Ryde LEP 2013 *Land Use Table* for the R2 Low Density Residential Zone, R3 Medium Density Residential Zone and R4 High Density Residential as follows and shown in Attachment 15A.

Uses Permitted with Consent expanded to include:-

- *Home business and*
- *Home industries*

16. Amendment of Ryde LEP 2013 *Land Use Table* for the R1 General Residential, R2 Low Density Residential Zone, R3 Medium Density Residential Zone and R4 High Density Residential as follows and shown in Attachment 16A.

Uses Permitted with Consent expanded to include:-

- *Secondary dwellings*

- 17.** Amendment of Ryde LEP 2013 Clause **1.2 Aims of Plan subclause (2)(e)** as follows and shown in Attachment 17A.

- *Clause 1.2(2)(e) to read:-*

“to improve access to the city, minimise vehicle kilometres travelled, facilitate the maximum use of public transport and encourage walking and cycling”

- 18.** Amendment of Ryde LEP 2013 **Clause 6.6 Environmental Sustainability** subclause (f) as follows and shown in Attachment 18A

- *Clause 6.6(f) to read:-*

“Transport initiative to reduce car dependence such as providing bicycle and pedestrian facilities, car share /carpool/small vehicle parking spaces and public transport information and the development of a workplace travel plan.”

- 19.** Amendment of Ryde LEP 2013 to **Clause 4.3A Exceptions to height of buildings** subclause (2) as follows and shown in Attachment 19A.

- *Clause 4.3A(2) to read:-*

“Despite clause 4.3, the maximum height of dual occupancy (attached) development and multi dwelling housing in Zone R2 Low Density Residential is 5 metres for the dwellings in the development that do not have a street frontage”

- 20.** Amendment of Ryde LEP 2013 **Clause 4.5A Density Controls for Zone R2 Low Density Residential** subclause (b) as follows and shown in Attachment 20A.

- *Clause 4.5A(b) to read:-*

“(b) each dwelling will have its own contiguous private open space”

Written document changes to correct omissions or anomalies

- 21.** Amendment of Ryde LEP 2013 **Schedule 5 Environmental Heritage** as follows and shown in Attachment 21A.

- a. *Amend the Suburb name for the following Heritage Items:- Attachment 21A*

- *Item 125 - Denistone Park – to suburb Denistone*
- *Item 219 - 22 Miriam Rd – to suburb Denistone*
- *Item 220 - 38 Miriam Rd – to suburb Denistone*
- *Item 78 – 312 Morrison Rd – to suburb Putney*

- b. *Amend Item name for the following Heritage Items - Attachment 21A*

- Item 130 – 2 Tucker St – to read Ryde Public School Buildings followed by building identification number
- Item 39 – 154 Cox's Rd – to read North Ryde Public School Buildings followed by building identification number
- c. *Amend Item address and property description for the following Heritage Item - Attachment 21A*
 - Item 204 to read 32 – 36 Hillview Rd Eastwood Lots Lot 4 in DP546071 and Lots 46 and 47 in DP 8043

As a consequence of the above Schedule 5 change the following LEP 2013 Heritage Map change is also required:-

- Amend LEP 2013 Heritage Map in accordance with the proposed HER map shown at Attachment 21B which amends the HER map by indicating 32 – 36 Hillview Road Eastwood as a Heritage Item.
- d. *Delete all reference to the following Heritage Item from Schedule 5 – Attachment 21A*
 - Item 11 – Bedlam Point Wharf to be deleted (Note:- the site is not within the City of Ryde LGA)

As a consequence of the above Schedule 5 change the following LEP 2013 Heritage Map change is also required:-

- Amend LEP 2013 Heritage Map in accordance with the proposed HER map shown at Attachment 21C which amends the HER map by deleting Item 11 as a Heritage Item.
- e. *Add new archaeological site to Schedule 5 Part 3 Archaeological sites – Attachment 21A*
 - Item A221 Bennelong's potential grave site

As a consequence of the above Schedule 5 change the following LEP 2013 Heritage Map change is also required:-

- Amend LEP 2013 Heritage Map in accordance with the proposed HER map shown at Attachment 21D which amends the HER map by added Item A221 as a Archaeological site.

Written document changes to bring LEP 2013 up to date on current studies and resolutions:-

22. Amendment of Ryde LEP 2013 **Clause 4.5B Macquarie Park Corridor** as follows and shown in Attachment 22A.

- *Clauses 4.5B Macquarie Park Corridor to read:-*
(5) Serviced apartments in Zone B3 Commercial Core
 Despite any other provision of this Plan, the consent authority must not consent to the carrying out of development on land in Zone B3 Commercial Core in the Macquarie Park Corridor for the purpose of serviced apartments unless:

(a) the development comprises at least 2 serviced apartments, and all serviced apartments are on the same lot (that is, not on separate strata or other titles),

23. Amendment to Ryde LEP 2013 Clause 4.6 Exemptions to development standards sub clause (8) as follows and shown in Attachment 23A

- The addition of Clause 4.6(8)(cb) reading:-

(cb) clause 4.1A Dual occupancy (attached) subdivision, to the extent that it applies to the Torrens title subdivision of a dual occupancy (attached) development

4.0 Justification

Section 55 (3) of the Environmental Planning and Assessment Act 1979 enables the Director-General to issue requirements with respect to the preparation of a planning proposal. This section responds to all matters to be addressed in a planning proposal – including Director-General’s requirements for the justification of all planning proposals (other than those that solely reclassify public land).

4.1 Need for the Planning Proposal

4.1.1 Is the planning proposal a result of any strategic study or report?

At the advice of the Department of Planning and Infrastructure and based on legal concerns related to amendments being made to an LEP after exhibition of the Plan, LEP 2013 was submitted to DoPI for finalisation with only minor amendment. The LEP as submitted did not take into account amendments to LEP 2013 that were supported by Council and in response to:-

- Submissions received from Government agencies and the community
- Identification of omissions and anomalies
- Recent studies (Macquarie Park Catchment Area) and resolutions of Council.

This planning proposal is a result of the need for those amendments to be incorporated into LEP 2013. It deals with operational and some policy matters which have been identified as requiring amendment during the exhibition of RLEP 2013. Additionally there are several site specific amendments which have resulted from submissions received and ongoing consultation with landowners since the exhibition of the RLEP 2013. These site specific amendments have been considered by Council and are considered to be in line with the overriding strategic studies that guided the development of LEP 2013.

With respect to the amendments to the Ryde Civic Precinct addressed in Attachment 2A it should be noted that a Gateway Determination was issued by the DoPI on the 2 November 2013 to allow a PP to proceed which amends RLEP 2010 with respect to the subject site by:-

- Rezoning the Ryde Civic Precinct from B4 Business Mixed Use to SP2 Infrastructure Community Facility and Public Administration Building)
- Amending the Height of Buildings Map to re – instate the maximum building height on 1 and 1A Devlin Street Ryde to RL 91AHD –the height of the current civic building and
- Amending the Ryde Town Centres Precincts Map to re-name the precinct from Civic/Mixed Use to Ryde Civic. (See Attachment YY)

The amendments identified in Attachment 2A of this PP are the same as those proposed under the Gateway determination issued by DoPI on the 2 November 2013.

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?

The Planning Proposal represents the only means of ensuring that the objectives of the PP are achieved which are to reflect community expectations, correcting omissions and anomalies and the updating of LEP 2013 to reflect recent studies and resolutions.

4.2 Relationship to strategic planning framework

4.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The strategic planning context for the consideration of this Planning Proposal includes:

- Sydney Metropolitan Strategy released by the State Government in 2005, *Metropolitan Plan for Sydney 2036* released December 2010 and the Draft Metropolitan Strategy for Sydney 2031, released in 2013.
- the draft Inner North Draft Subregional Strategy (draft Subregional Strategy) exhibited between 18 July to 17 September 2007.

The Planning Proposal is consistent with the objectives and strategies of the *Metropolitan Strategy and draft Subregional Strategy* in that they were consistently used in both the preparation of the Ryde LEP 2013 and the support study Ryde Local Planning Study that was undertaken to assist in the development of the LEP. It is considered that the aims and objectives expressed within LEP 2013 for the growth and future direction of Ryde is consistent with the focus of the *Draft Metropolitan strategy for Sydney 2031* on ensuring the sustainable growth of Sydney based on

- ❖ balanced growth
- ❖ creating a liveable City of Ryde
- ❖ healthy and resilient environments
- ❖ accessibility and connectivity
- ❖ productivity and prosperity

The amendments in the Planning Proposal are considered to be necessary in achieving the intended outcomes of the RLEP 2013 and thus the PP is consistent in achieving the objectives contained in the above mentioned strategies.

4.2.2 Is the planning proposal consistent with the local council's local strategy, or other local strategic plan?

City of Ryde Strategic Plans:

1. The City of Ryde 2021 Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plans set the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved. The seven outcomes for the City of Ryde are:

A City of Liveable Neighbourhoods

A City of Wellbeing
A City of Prosperity
A City of Environmental Sensitivity
A City of Connections
A City of Harmony and Culture
A City of Progressive Leadership

The Planning Proposal is in line with goals and strategies of the Community Strategic Plan in that it is responding to the community's active engagement in shaping their City.

2. Local Planning Study (LPS)

Council adopted *Local Planning Study (December 2010)* in response to the NSW Government's *Metropolitan Strategy* and draft *Inner North Draft Subregional Strategy* to outline a vision for development of Ryde over the next 20 years.

In this regard, Council on December 2010 resolved to adopt the Ryde Local Planning Study which comprises a series of individual studies including Centres and Corridors, Employment and Housing .

The LPS complements and supports the following strategies:

Ryde 2021 Community Strategic Plan;

The Metropolitan Plan for Sydney 2036;

Draft Metropolitan Strategy for Sydney 2031 and

Inner North Draft Subregional Strategy.

The Ryde Local Planning Study was the basis of the development of a comprehensive City wide LEP being LEP 2013. The amendments contained within this Planning Proposal include site specific and policy matters that are considered to be necessary in achieving the intended outcome of RLEP 2013. As such the PP is consistent in achieving the vision of the both the community and Ryde Local Planning study as it aims to rectify existing anomalies, improve overall performance and reflect strategic direction for the future growth and development of the City.

4.2.4 Is the planning proposal consistent with applicable state environmental planning policies?

A summary assessment of the Planning Proposal in terms of State Environmental Planning Policies is contained in the table below (Table 1).

This assessment indicates that the draft LEP contained in this Planning Proposal is consistent with all relevant State environmental planning policies.

Table 1 – Consistency with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 1 Development Standards			✓	Not applicable – Clause 1.9 LEP 2013
SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development	✓			Applies to the whole of the State.
SEPP No 6 Number of Storeys	✓			Applies to the whole of the State
EPP No 19 Bushland in Urban Areas	✓			Applies to the whole of the State.
SEPP No 21 Caravan Parks	✓			Applies to the whole of the State
SEPP No 22 Shops and Commercial Premises	✓			Applies to the whole of the State.
SEPP No 30 Intensive Agriculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	✓			Applies to all urban land.
SEPP No 33 Hazardous and Offensive Development	✓			Applies to the whole of the State. .
SEPP No 50 Canal			✓	Applies to the whole of

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
Estate Development				the State. Not relevant to proposed amendment. .
SEPP No 55 Remediation of Land	✓			Applies to the whole of the State.
SEPP No 60 Exempt and Complying Development			✓	Not applicable – Clause 1.9 LEP 2010
SEPP No.62 Sustainable Aquaculture			✓	Applies to the whole of the State. Not relevant to proposed amendment .
SEPP No 64 Advertising and signage	✓			Applies to the whole of the State. .
SEPP No 65 Design Quality of Residential Flat Development	✓			Applies to the whole of the State
SEPP No.70 Affordable Housing (Revised Schemes)	✓			Applies to the Greater Metropolitan Area
SEPP (Affordable Rental Housing) 2009	✓			Applies to the whole of the State.
SEPP(BASIX) 2004	✓			Applies to the whole of the State.
SEPP (Exempt and Complying Development Codes) 2008	✓			Applies to the whole of the State.
SEPP(Housing for Seniors or People with a Disability) 2004	✓			Applies to the whole of the State.
SEPP (Infrastructure) 2007	✓			Applies to the whole of the State.
SEPP (Major Development) 2005	✓			Applies to the whole of the State.
SEPP (Temporary Structures) 2007	✓			Applies to the whole of the State.
SEPP (Mining, Petroleum Production)			✓	Applies to the whole of the State. Not relevant

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
and Extractive Industries) 2007				to proposed
SEPP (State and Regional Development) 2011	✓			
Deemed SEPPs				
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	✓			The Planning Proposal is not inconsistent with the relevant planning principles for the Sydney Harbour Catchment.
Draft State Environmental Planning Policies				
SEPP No 66 - Integration of Land Use and Transport 2001	✓			
SEPP (Competition) 2010	✓			Applies to the whole of the State

(With respect to the amendments to the Ryde Civic Precinct see ATTACHMENT YY)

4.2.5 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

A summary assessment of the Planning Proposal in terms of the Directions issued by the Minister for Planning under Section 117 of the *EP&A Act* (last update 1 February 2011) is contained in the Table 2).

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning and Infrastructure on or after the date the particular direction was issued:

Consideration of Relevant Section 117 Directions applying to planning proposals

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
1. Employment and Resources				
1.1 Business and Industrial Zones Objectives are:- ○ Encourage employment growth in suitable locations ○ Protect employment land in business and industrial zones and ○ Support the viability of identified strategic centres.				
Comment 1. For all matters (excluding Ryde Civic Centre) 2. Ryde Civic Precinct The subject land although presently zoned business under LEP 2010 has for the last 50 plus years been used for community, civic and government purposes. At no time has the land been uses for commercial activity. Although the LEP will result in a reduction of the physical area of land zoned business it does not reduce the existing area presently being used for such purposes. In accordance with the direction the total potential floor space area for employment uses (being civic and government) and related public services is not	X	X		See ATTACHMENT YY)

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
proposed to be changed. (The existing permitted nett usable floor space of 60 000sqm is not proposed to be amended). While the PP outcomes are inconsistent with this direction it is considered that the objectives of the direction, of ensuring sufficient employment land is available, are still being adequately met within the City of Ryde through planning measures in LEP 2010 which focus on encouraging development in suitable transit orientate centres. It is considered that the inconsistency with the direction is of minor significance.				
1.2 Rural Zones Objective: To protect the agricultural production value of rural land.			x	
1.3 Mining, Petroleum Production and Extractive Industries Objective: To ensure that the future extraction of significant materials is not compromised by inappropriate development.			x	
1.4 Oyster Aquaculture Objective: To protect oyster aquaculture from development that may result in adverse impact on water quality.			x	
1.5 Rural Lands Objective: To protect and facilitate economic development of rural lands.			x	
2. Environment and Heritage				
2.1 Environment Protection Zones Objective: To protect and conserve environmentally sensitive areas.	x			
2.2 Coastal Protection Objective: To implement the principles in the NSW Coastal Policy.			x	Ryde is not a coastal zone under the Coastal Protection Act 1979.
2.3 Heritage Conservation	x			See adjacent

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
Objective: To conserve items ,areas, objects and places of environmental heritage significance and indigenous heritage significance. Comment The Planning Proposal:- - Corrects the following anomalies in Schedule 5 Environmental heritage - Item 125 - Denistone Park – change of suburb name to Denistone - Item 219 - 22 Miriam Rd – change of suburb name to Denistone - Item 220 - 38 Miriam Rd – change of suburb name to Denistone - Item 78 – 312 Morrison Rd – change of suburb name to Putney - Item 130 – 2 Tucker St – change of order of description - Item 39 – 154 Cox's Rd - change of order of description - Item 204 - 36 Hillview Rd Eastwood – change of address and description to 32 – 36 Hillview Rd. - Deletes the following item from <i>Schedule 5 Environmental heritage</i> as a result of it not being within the Ryde Local Government Area - Item 11 – Bedlam Point Wharf - Adds the following item to <i>Schedule 5 Environmental heritage Part 3 Archaeological sites</i> - Bennelong's potential grave The proposed amendments identify a new heritage item and will improve the operation of the LEP in protecting heritage items listed in <i>Schedule 5 Environmental heritage</i>.				comment
2.4 Recreation Vehicle Areas Objective: To protect sensitive land from adverse impacts from recreation vehicles.			x	Not relevant to PP
3. Housing, Infrastructure and Urban				

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
Development				
3.1 Residential Zones Objectives are: ○ To encourage a variety and choice of housing types to provide for existing and future housing needs ○ To make efficient use of existing infrastructure and services and endure that new housing has appropriate access to infrastructure and services and ○ To minimise the impact of residential development on the environment and resource lands. Comment 1. For all matters (excluding Ryde Civic Centre) • The PP proposes to rezone 11 – 15 Farm Street from R2 Low Density Residential to B4 Mixed Use which will result in an expansion of housing types and increased density of dwellings on the site • The PP proposes to permit the Torrens titling of dual occupancy (attached) developments so enhancing the variety of housing options within the R2 Low Density Residential zone 2. Ryde Civic Precinct The subject land is currently zoned <i>B4 – Mixed use</i> , under LEP 2010 and residential development is permitted in the zone with Council consent. The land subject of the PP is however presently used for community, civic and government purposes. The intent of the PP is to amend the zoning of the land to indicate its existing function as the Civic centre of the City of Ryde. While the PP is inconsistent with this direction, to	X			See adjacent comment See Attachment YY

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
provide a variety and choice of housing types it is considered that the objectives of the direction are still being adequately met within the City of Ryde through other planning measures in LEP 2010 which focus on:- - o encouraging a variety and choice of housing types, - o the efficient use of existing infrastructure and - o minimising the impact of development on the environment. It is considered that the inconsistency with the direction is of minor significance.				
3.2 Caravan Parks and Manufactured Home Estates Objective: To provide a variety of housing types.	x		x	
3.3 Home Occupations Objective: To encourage the carrying out of low impact small businesses in dwelling houses. The PP proposes to permit both Home businesses and Home industries within all residential zones in addition to Home occupations which are already permitted.	x		x	
3.4 Integrating Land Use and Transport Objectives are: - o Improving access to housing , jobs and services by walking, cycling and public transport - o Support of public transport services and reduce travel demand.	x			
3.5 Development Near Licensed Aerodromes Objective: To ensure safe and effective operation of aerodromes.			x	
3.6 Shooting Ranges Objective: To reduce land use conflict, maintain appropriate levels of public safety and amenity.			x	
4. Hazard and Risk				
4.1 Acid Sulfate Soils Objective: To avoid significant adverse impacts from use of land that contains acid sulfate soils.	x			

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
4.2 Mine Subsidence and Unstable Land Objective: To prevent damage to life, property and the environment on land identified as subject to mine subsidence.			x	
4.3 Flood Prone Land Objective: To ensure an LEP includes consideration of appropriate flood impacts. The PP proposes to expand the Flood Planning Maps to include the Macquarie Park Catchment Area.	x			
4.4 Planning for Bushfire Protection Objective: To encourage sound management of bush fire prone areas.	x			
5. Regional Planning				
5.1 Implementation of Regional Strategies Objective: To give legal affect to the regional strategies.			x	Direction does not apply
5.2 Sydney Drinking Water Catchments Objective: To protect water quality in the Sydney drinking water catchment.			x	Direction does not apply
5.3 Farmland of State and Regional Significance on the NSW Far North Coast Objective: To ensure the best agricultural land will be available for current and future generations.			x	Direction does not apply
5.4 Commercial and Retail Development along the Pacific Highway, North Coast Objective: To manage commercial and retail development along the Pacific Hwy.			x	Direction does not apply
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)				
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)				
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)				
5.8 Second Sydney Airport: Badgerys Creek Objective: To avoid incompatible development in the vicinity of any future second Sydney airport.			x	Direction does not apply

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
5.9 Norht West Rail Link Corridor Strategy			X	Direction does not apply
6. Local Plan Making				
6.1 Approval and Referral Requirements Objective: To ensure that LEP provisions encourage the efficient and appropriate assessment of development.	x			
6.2 Reserving Land for Public Purposes Objective: To facilitate the provision of public services and facilities. The PP proposes to reserve land at the request of the Roads and Maritime Services for classified road. The approval of the Director General of the Department of Planning will be obtained upon a Gateway determination being issued.	x			
6.3 Site Specific Provisions Objective: To discourage unnecessary restrictive site specific planning controls.	x			
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Plan for Sydney 2036. Objective: To give legal affect to the vision contained in the Metropolitan Plan for Sydney 2036. Comment The Planning Proposal is consistent with the objectives and strategies of the <i>Metropolitan Strategy and draft Subregional Strategy</i> in that they were consistently used in both the preparation of the Ryde LEP 2013 and the support study Ryde Planning Study that was undertaken to assist in the development of the LEP. It is considered that the aims and objectives expressed within LEP 2013 for the growth and future direction of Ryde is consistent with the focus of the <i>Draft Metropolitan strategy f or Sydney 2031</i> on ensuring the sustainable growth of Sydney based on	x			See adjacent comment

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
❖ balanced growth ❖ creating a liveable City of Ryde ❖ healthy and resilient environments ❖ accessibility and connectivity ❖ productivity and prosperity				

4.3 – Environment , social and economic impact

4.3.1 Impact on Critical Habitat, Threatened Species and Ecological Communities

The Planning Proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats nor is it expected to have any adverse environmental effects.

4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Environmental effects

The Planning Proposal will not affect any nor is it expected to have any adverse environmental effects. The site specific amendments and policy amendments will be managed through the general planning controls contained in RLEP 2013.

Traffic

Based on traffic studies carried out it is not considered that the site specific amendments to 11 – 15 Farm Street Gladesville and the Ryde Civic Precinct will result in detrimental impacts on the surrounding road network.

Heritage

As noted in Section 2.0, the PP plans to make a number of amendments to Schedule 5 Environmental heritage of LEP 2013.

As the Planning Proposal corrects anomalies in the existing Schedule and introduces a new heritage item it is considered that there are no heritage impacts.

(For more detail on the amendments to the Ryde Civic Precinct see ATTACHMENT YY)

4.3.3 Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is considered to positively address the social and economic effects that may result from the existing issues identified within the RLEP 2013. The site specific and policy amendments will assist in achieving additional housing and employment targets by improving the operation of the RLEP 2013 and will allow Council to manage its assets in line with community expectations

(For more detail on the amendments to the Ryde Civic Precinct see ATTACHMENT YY)

4.4 State and Commonwealth interests

4.4.1 Is there adequate public infrastructure for the planning proposal?

There is extensive public utility service infrastructure available within the City of Ryde which supports existing development.

The available infrastructure is expected to be more than adequate to support the proposed amendments to LEP 2013.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

A number of amendments are proposed in the Planning Proposal to the Land Zoning Map and the Land Reservation Acquisition Map in response to submissions received from Roads and Maritime Services (see Attachment WW). The RMS will be consulted with as part of the consultation process associated with the exhibition of the Planning Proposal.

The Planning Proposal does not raise any issues that are expected to be of concern to any other State or Commonwealth public authority.

Any State or Commonwealth authority that are identified in the gateway determination as needing to be consulted, will be consulted following that determination.

5.0 Mapping

Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies current maps and proposed map amendments are provided as Attachments to this proposal.

6.0 Council owned land

The PP includes changes to some land which is under Councils ownership or care, control and management including:-

- Ryde Civic Precinct – rezoning the land to SP2 Infrastructure (Community Facility and Public Administration Building) and reducing the height of 1 and 1A Devlin Street to RL 91
- North Ryde Common – rezoning the land from SP2 Infrastructure (Health Services Facility) to RE1 Public Recreation
- 3 , 5 and 5A Anthony Rd – amending the Centres Map for West Ryde Town Centre to include the three properties

The principle amendment within this PP affecting Council owned land is to the Ryde Civic Precinct. The consequences to Council of the rezoning and height amendments to the Ryde Civic Precinct are contained in attachment YY-1.

7.0 Community Consultation

This section provides details of the community consultation that is to be undertaken on the planning proposal:

A communications and consultation program has been prepared by Council's Communication and Media (C&M) Unit with respect to the exhibition of a draft LEP should Gateway approval be given and is **ATTACHED** (Attachment ZZ).

The community consultation process to be undertaken for this Planning Proposal is expected to be undertaken in the following manner for a 28 day period :-

- written notice given
 - in the local newspaper circulating in the area,
 - on Council's webpage and
 - to adjoining landowners (as identified in Attachment ZZ)
 - to local state government representatives
 - consultations considered necessary by the Department of Planning and Infrastructure with relevant State and Commonwealth authorities
- the written notice will
 - provide a brief description of the objectives and intended outcomes,
 - indicate the land affected,
 - state where the planning proposal can be inspected,
 - indicate the last date for submissions and
 - confirm whether the Minister has chosen to delegate the making of the LEP.
- The following materials will be placed on exhibition: -
 - the planning proposal
 - the gateway determination

The Proposal will be exhibited in accordance with the Best Practice Guideline for LEPs and Council Owned Land.

8.0 Project Timeline

1. Planning Proposal submitted to Gateway	6 January 2014
2. Gateway determination received by Council	14 March 2014
3. Community consultation (28days)	2 April 2014 – 1 May 2014
4. Outcomes of Community consultation Presented to Council	24 June 2014
6. Planning Proposal submitted to DoPI requesting notification on Government website	11 July 2014.